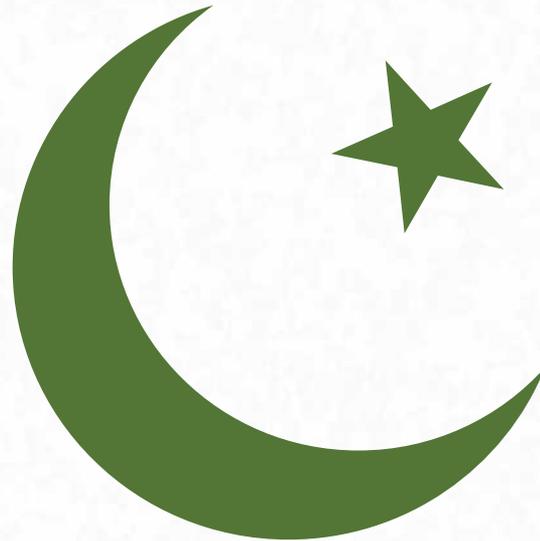


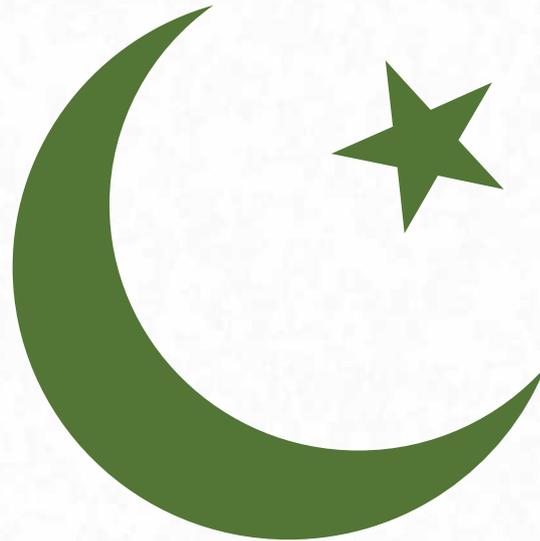
# ASSESSMENT OF THE QUALITY OF DEMOCRACY IN PAKISTAN

2015



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2015



PILDAT is an independent, non-partisan and not-for-profit indigenous research and training institution with the mission to strengthen democracy and democratic institutions in Pakistan.

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# PREFACE

The Assessment of the Quality of Democracy in Pakistan 2015 is a report prepared by PILDAT to evaluate the quality of democracy in Pakistan during 2015.

The report is based on data analysis and scores compiled by the PILDAT Team in addition to invaluable guidance provided by the members of the PILDAT Democracy Assessment Group – DAG. The report also benefits from a national consultation held on the subject.

In order to facilitate this research, PILDAT has made use of the following three methodologies:

- i. A close monitoring of the developments relating to democracy throughout the period and preparing a qualitative assessment report listing and analysing the developments which impacted democracy one way or the other.
- ii. A quantitative assessment of the quality of democracy based on scores by PILDAT's Democracy Assessment Group (DAG) which consists of eminent personalities representing different walks of life.
- iii. Findings of the PILDAT Public Opinion Poll on the Quality of Democracy in Pakistan conducted in June 2015.

The report has been prepared based on the Pakistan-Specific Framework and the scores assigned by PILDAT's Democracy Assessment Group on it. Although the main analysis of the Report does not include scores assigned by the Democracy Assessment Group on the International Institute for Democracy and Electoral Assistance (IIDEA) Democracy Assessment Framework, these are included in the appendix of the Report.

## Acknowledgments

Primary data collection and writing for the report has been carried out by Mr. Muhammad Saad, Projects Manager, with review by Ms. Aasiya Riaz, Joint Director, under the overall guidance and supervision of Mr. Ahmed Bilal Mehboob, President.

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## Disclaimer

PILDAT team has made every effort to ensure accuracy of the publicly available data and analyses based on it. Any omission, or error, therefore, is not deliberate. The views, analyses and scores in this report do not necessarily represent the views of DANIDA, the Government of Denmark, and the Royal Danish Embassy, Islamabad.

Islamabad  
May 2016



**Abbreviations and Acronyms**

ANP	Awami National Party
CM	Chief Minister
COAS	Chief of Army Staff
ECP	Election Commission of Pakistan
JI	Jamaat-e-Islami
JUI-F	Jamiat Ulema-e-Islam – Fazl (JUI-F)
KP	Khyber Pakhtunkhwa
MQM	Muttahida Quami Movement
NA	National Assembly of Pakistan
NAB	National Accountability Bureau
NSC	National Security Committee
OGRA	National Oil and Gas Regulatory Authority
PAT	Pakistan Awami Tehreek
PBA	Pakistan Broadcasters Association
PEMRA	Pakistan Electronic Media Regulatory Authority
PILDAT	Pakistan Institute of Legislative Development and Transparency
PM	Prime Minister
PMAP	Pashtoonkhwa Milli Awami Party
PML	Pakistan Muslim League
PML-N	Pakistan Muslim League - Nawaz
PPPP	Pakistan Peoples Party Parliamentarians
PTI	Pakistan Tehreek-e-Insaf
SC	Supreme Court of Pakistan



For the quality of democracy in 2015, it emerged that except for Local Government elections held across all provinces of Pakistan, Cantonment Boards and the Islamabad Capital Territory, Pakistan's democracy still appeared to be battling its way out after the turbulence of 2014.

The period under consideration saw the weakening of the writ of the civilian Government as its authority was eclipsed by that of the Military leadership in formulating policies and taking decisions, especially in relation to critical domains of our foreign policy and the internal security policy. This can also be considered a fallout of the *dharna*, which saw humiliation of the elected Government at the hands of the protestors and the subsequent ascendancy of the Military leadership. Therefore, it does not come as a surprise that the lowest scoring parameter in 2015 was of Democratic Oversight of the Security Sector and Rule of Law, which received a score of 29.2%, decreasing by 4.7 percentage points from 33.9% in 2014.

Although sparks of improvements were witnessed, especially in the Pakistan Senate, no substantial improvement was witnessed in the performance of legislatures during 2015. It still remains the case that the elected representatives do not consider the Parliament to be main arena of their duties; they spend most of their time and energy on attending to the personal issues like dealings with local administration, police, employment, postings, transfers etc. of their constituents rather than in the legislatures on their responsibilities relating to legislation, oversight and representation. The Parliament also continues to be side-lined by informal and ad-hoc avenues of consultation, such as the All Parties Conferences. Both the Prime Minister and Mr. Imran Khan, leader of PTI - the third largest parliamentary party in the National Assembly – seldom attend an Assembly Session indicating the low priority they assign to the Parliament.

With regards to the performance of the Judiciary, it emerged that speedy and economical access to justice remains a major problem, as evinced by the increasing and huge pendency of cases across most of the District Judiciary of Pakistan. A clear manifestation of the near-dysfunctional status of the courts was the formation of the Military Courts after the passage of the 21st Constitutional Amendment on January 06, 2015. It is widely apprehended that the elected Government may be seeking an extension in the Military Courts after the end of the two years sunset clause under which the law authorising the military courts expires at the end of 2016. No concrete action has been undertaken to reform Pakistan's judicial system by now when more than half the time allowed to reform the judicial system has already lapsed.

These developments are accompanied by the fact that the people of Pakistan are increasingly seeking out informal and alternative methods of dispute resolution and justice. Consider the example of the so-called Sharia Courts set up by the Jamat-ud-Dawa. The parallel judicial system, which has been operative at least in the Federal Capital since 1990, has now been expanded so that 7 'Sharia courts' are now functional, one each in Lahore, Gujranwala, Bahawalpur, Multan, Karachi, Quetta and Islamabad. In the case of Lahore's Sharia Court only, at least 5,529 cases of criminal nature including murder, property and monetary disputes have been decided till November 10, 2015. It remains unthinkable in

developed democracies that a parallel judicial system, run by a proscribed religious organisation, continues to issue summons to people and adjudicate upon cases that should ideally be taken to the official courts.

However, Pakistan's Superior Judiciary must be commended for pushing the Federal and Provincial Governments to hold Local Government elections. Had it not been for the persistence of the Supreme and High Courts, the Federal and Provincial Governments would have continued to drag their feet. Therefore, the greatest improvement in the quality of democracy was witnessed in the parameter of the Institution of Local Governments, for which the score increased to 31.8% in 2015 from 19.3% in 2014 by almost 12.5 percentage points.

With regards to Electoral Process and Management, although the recurrent theme remained the inability of the Election Commission of Pakistan to exert its Constitutional authority during 2015, the clean-chit granted by the General Election 2013 Inquiry Commission finally laid to rest the controversy surrounding General Election 2013. While the Commission did not find any evidence of organized and systemic rigging, it did find a long list of management issues with the ECP whose resolution should have been accorded a higher degree of priority by the ECP than is apparent. The Election Commission of Pakistan however, must be commended for holding one of the largest electoral exercises in the history of the country, i.e. the Local Government elections. Although initial incidents of violence, especially in the Local Government elections of Khyber Pakhtunkhwa and the Punjab were observed, indicating the administrative weakness of the ECP and the provincial governments, with every successive round of elections, improvement was witnessed.

2015 also brought to notice an apparent aversion on the part of the Federal Government to revert to Constitutionally prescribed institutional avenues for decision-making such as the Federal Cabinet. The Federal Cabinet met only 4 times in 2015 whereas it should have met 52 times (*'Meeting of the Cabinet shall normally be held once a week on a day and time to be specified by the Prime Minister'*) according to the Rule 20 (1) of the Rules of Business of the Federal Government. In other words, the Federal Cabinet was able to meet only for 7.69% of the times it was originally supposed to meet in 2015 with the last meeting for the period under consideration held on September 16, 2015. Given that security remained one of the biggest challenges being faced by our country in 2015, not even a single meeting of the National Security Committee *'the principal decision-making body on national security'*, was held during the year. Instead, the Prime Minister chose to carry out one-on-one interactions with the Chief of Army Staff. The Federal Minister of Defence was present in only 21% of these meetings.

Rule of Law continued to be problematic in the case of Pakistan's democracy during 2015. Incidents such as the case files of the SGS and Cotecna corruption cases of Mr. Asif Ali Zardari going missing, the constant and flagrant disregard shown by Gen. (Retd.) Pervez Musharraf for court proceedings, a dubious confession-video of Mr. Saulat Mirza emerging from his death-cell underlined the fact that the rule of law only seemed to be applicable in the case of the weak in Pakistan, while those with clout continued to flout it.

Both the electronic and print media continued to expand, not only in terms of the outlets, but also in reach during 2015. However, 2015 showed that the freedom of media is not only restricted to the control and coercion, or the lack of it, exercised by the Government over it. Instead, a new form of media control is evinced by the almost one-sided criticism directed at politicians and elected leadership at the behest of the establishment. On the other hand, the Military leadership, which has firmly established itself as major player in Pakistan's politics, remains safe from any form of criticism. While the Government control on the media is not so much of an issue now as a large number of privately-owned media channels have come on stream, the control of media by various business interests has introduced a new dimension of

the constraints on the freedom of expression .

The year 2015 also saw regression with regards to the accountability structures in place in Pakistan. The National Accountability Bureau continues what can be described as hedging, and at worst as abdication of its responsibility, exemplified by the list of 150 mega-corruption cases, which the organisation has yet to conclude. The list includes cases against high profile figures, including the Prime Minister, Chief Minister of the Punjab, former premiers, ministers and bureaucrats. It is heartening that NAB has now fixed deadlines for various stages of processing of the cases and we hope that these deadlines will be equally applicable on the pending cases. PPP-led Sindh Government also criticized the NAB in the harshest terms along with introducing a Private Members Bill in the Senate during 2015 to clip the NAB Powers.

Therefore, although the overall quality of democracy in Pakistan during 2015 has received a score of 50%, an increase by almost 6 percentage points in comparison to 44.3% in 2014, it still remains well below 54% score of 2013. This depicts that the shine of Pakistan's democracy, and the optimism surrounding it during 2013, has still not been able to recover and is floundering after the blow dealt to it in the form of *dharna* in 2014 and its subsequent fallout.

For the 12 parameters for democracy assessment, in addition to the overall quality of democracy and effectiveness of democratic institutions, only two saw an improvement in scores in 2015, as compared to 2014. These included Performance of the Parliament and Provincial Legislatures (44.8% in 2014 vs. 45.1% in 2015) and Institution of Local Governments. (19.3% in 2014 vs. 31.8% in 2015).

Four parameters received a score of either 50% or more in 2015. These included the Performance of the Media (50%), Constitutional Framework (50.7%), Electoral Process and Management (51%) and Civil Society (51.4%). For 2014, these parameters included Performance of the Judiciary and Access to Justice (54.9%), Performance of the Media (53.1%), Constitutional Framework (57.2%), Electoral Process and Management (53.9%) and Civil Society (56.7%). For 2013, these included Constitutional Framework (55.2%) and Electoral Process and Management (53.8%).

It is worth highlighting that Performance of the Media, Constitutional Framework and Electoral Process and Management are three parameters that have consistently received high scores for the past three years in the context of quality of democracy.

4 parameters have scored less than 40% for the democracy assessment of 2015 signifying that these areas remain a cause of concern. These include Performance of the National and Provincial Governments (34.9%), Institution of Local Governments (31.8%), Democratic Oversight of the Security Sector and Rule of Law (29.2%) and Human Rights (38.2%). In 2014, the parameters scoring less than 40% included Performance of National and Provincial Governments (38.3%), Institution of Local Governments (19.3%), Democratic Oversight of the Security Sector and Rule of Law (33.9%). In 2013, these low scoring parameters included Performance of the Unelected Executive/Bureaucracy (36.9%), Institution of Local Governments (16.5%), Democratic Oversight of the Security Sector and Rule of Law (31.3%) and Human Rights (25.8%).

Therefore, Performance of the National and Provincial Governments, Institution of Local Governments, Democratic Oversight of the Security Sector and Rule of Law, and Human Rights remain repeated areas of concern for the past three years in the context of Pakistan's democracy.

A comparison of the highest and lowest scoring democracy-assessment parameters in 2013, 2014 and 2015 is given in Table 1.

**Table 1: Highest and Lowest Scoring Indicators: 2013-2015**

No.	Year	Highest Scoring Indicator	Lowest Scoring Indicator
1.	2015	Civil Society (51.4%)	Democratic Oversight of the Sector and Rule of Law (29.2%)
2.	2014	Constitutional Framework (57.2%)	Institution of Local Governments (19.3%)
3.	2013	Constitutional Framework (55.2%)	Institution of Local Governments (16.5%)

**Table 2: Quality of Democracy in Pakistan: Comparative Scores 2014-2015**

No.	Parameter	2014	2015	% Age Increase or Decrease by Percentage Points	Rank of the Parameter (For 2015)
1.	Overall Quality of Democracy	44.3%	50%	+5.7	4
2.	Effectiveness of Democratic Institutions and Following of Democratic Processes	45.2%	46.8%	+1.6	7
3.	Performance of Parliament and Provincial Legislatures	44.8%	45.1%	+0.3	8
4.	Performance of National and Provincial Governments	38.3%	34.9%	-3.4	11
5.	Performance of the Unelected Executive	48.3%	42%	-6.3	10
6.	Performance of the Judiciary and Access to Justice	54.9%	49.1%	-5.8	6
7.	Performance of the Media	53.1%	50%	-3.1	4
8.	Institution of Local Governments	19.3%	31.8%	+12.5	12
9.	Constitutional Framework	57.2%	50.7%	-6.5	3
10.	Democratic Oversight of the Security Sector and Rule of Law	33.9%	29.2%	-4.7	13
11.	Electoral Process and Management	53.9%	51%	-2.9	2
12.	Performance of Political Parties vis-à-vis Democracy Within as well as Outside	45.7%	44.3%	-1.4	9
13.	Civil Society	56.7%	51.4%	-5.3	1

Some of the major positive and negative developments recorded under the main parameters of the Pakistan-Specific Democracy assessment framework for 2015 are as follows:

### Positive Developments Affecting the Quality of Pakistan's Democracy, 2015

#### Overall Quality of Pakistan's Democracy

A 10-percentage point increase has been seen in public's view of the quality of democracy in Pakistan in 2015, compared to 2014. In PILDAT's nation-wide Public Opinion Poll 2015, 66% of respondents looked favourably on the quality of democracy in Pakistan, compared to 56% in 2014. Similarly, 58% of the

respondents stated that they were satisfied with the type of democracy in Pakistan in 2015, in comparison to 55% in 2014.

The increase in the Public Approval Ratings of the overall quality of democracy coincides with the increase in the DAG scores allotted for the same parameter, which was 50% in 2015, in comparison to 44.3% in 2014.

### **Performance of Parliament and Provincial Legislatures**

Pakistan's Legislatures presented a mixed picture with regards to their contribution to the quality of democracy.

Some positive movement was observed with regards to increased transparency in Pakistan's Legislatures. Provincial Assembly of the Punjab became Pakistan's first Legislature to release the attendance of its members online,<sup>1</sup> followed by the National Assembly and the Senate. However, the Provincial Assembly of Khyber Pakhtunkhwa, which took the lead in enacting its progressive right to information law in 2014, has still not made the attendance of KP MPAs available online. Similarly, the websites of the Provincial Assembly of Balochistan and Sindh have also not yet started uploading Members' attendance.

For transparency and accessibility, the National Assembly received the highest score of 49% for 2015, followed by both the Provincial Assembly of the Punjab and Khyber Pakhtunkhwa at 48%. The Provincial Assembly of Sindh received a score of 40% followed by Provincial Assembly of Balochistan at 38%. The Pakistan Senate was not included in this study.

A positive development with regards to the Provincial Assemblies of Khyber Pakhtunkhwa and Balochistan was the appointment of females as the Deputy Speaker for the former, and as the Speaker for the latter. However, the post of the Deputy Speaker of the Provincial Assembly of Balochistan still lies vacant.

The reform driven agenda set by the Pakistan Senate was another positive contribution towards Pakistan's democracy in 2015. This included change in Senate's Rules of Business instituting greater powers of oversight and increase in the Question Hour.<sup>2</sup>

The Pakistan Senate also launched its Public Petition Portal in 2015.<sup>3</sup> Till February 04, 2016, the total petitions filed stood at 1112. All of these have been referred to the relevant Standing Committees of the Senate. 6 petitions of urgent public importance were admitted for thirty minutes discussion each in the House during 2015.

In another welcome development, a total of 41 meetings were held by the Standing Committees of the National Assembly during 2015 on the PSDP by the Federal Ministries. Considering there are 30 Standing Committees of the National Assembly related to the Ministries, this averaged out to 1.4 meetings per Committee. All of the meetings were held before the deadline of March 31, 2015 to forward recommendations to the relevant Ministries.

Given that equitable development under the Pakistan-China Economic Corridor was a major concern for various political parties, the formation of the Parliamentary Committee on the CPEC under the leadership

1. The attendance record can be accessed at the Provincial Assembly of the Punjab website at: <http://www.pap.gov.pk/ext/attendance.php>
2. For exact text of the changes made, please refer to the Orders of the Day for April 16, 2015, issued by the Senate Secretariat, which can be accessed at: [http://senate.gov.pk/uploads/documents/1429159110\\_528.htm](http://senate.gov.pk/uploads/documents/1429159110_528.htm)
3. The Public Petition Portal may be accessed at: <http://www.asianparliament.org.pk/Petitions/index.php>

of Senator Mushahid Hussain Sayed, and the proactive work it has done, was also a positive development for Pakistan's Legislatures in 2015.

The amicable signing of the Memorandum of Understanding (MoU) between the PTI and PML-N for the formation of the Inquiry Commission on alleged rigging in General Election 2013 on April 02, 2015 signified another positive development for the country's democracy. PTI finally returned to the Assemblies after signing the MoU. MQM submitted resignations from the Legislatures in July 2015 due to the contention that the Karachi Operation was exclusively aimed against the party, and their grievances were not being addressed. However, with the formation of the Grievance Redressal Committee on October 16, 2016 the MQM took back its resignations and returned to the Legislatures.

#### **Performance of National and Provincial Governments**

With regards to National and Provincial Governments, another smooth transition of power was observed in Balochistan when Sardar Sanaullah Zehri, MPA (PML-N) replaced Dr. Abdul Malik Baloch, MPA (NP) as the Chief Minister of Balochistan on December 23, 2015.

This was done under the Murree Accord, 2013, under which the Chief Minister of Balochistan's five-year term was to be shared between the National Party and the PML-N. After Dr. Baloch completed his two-and-a-half-year term as Chief Minister on December 4, 2015, the National Party handed the slot over to the PML-N's Sardar Sanaullah Zehri. The new Chief Minister has mostly retained the same Cabinet appointed by Dr. Abdul Malik Baloch when he appointed his Cabinet on January 12, 2016<sup>4</sup>.

#### **Performance of Judiciary and Access to Justice**

Pakistan's Superior Judiciary must be credited with exerting pressure on the Federal and Provincial Governments for the holding of Local Government elections, which would have otherwise languished with regards to this duty.

A series of seminal judgments emanated from Pakistan's Judiciary during 2015, which strengthened the quality of the country's democracy. Apart from the Inquiry Commission's Report, the Supreme Court on August 05, 2015 also dismissed all petitions against the 18th and 21st Constitutional Amendment. In May 2015, the Lahore High Court gave a stay-order, stopping the Lahore Development Authority (LDA) from carrying out any projects, specially the Signal Free Corridor, till the Local Government elections in Punjab had taken place. Although the Supreme Court later vacated the stay order, the LHC's judgment must be commended for asserting the elected Local Governments' authority vis-à-vis institutions such as the Lahore Development Authority (LDA).

Two positive developments have been recorded, for the period under consideration, marking somewhat encouraging movement towards reforming Pakistan's judicial system. Senate's Committee as a Whole has prepared a Report titled 'Provision of Inexpensive and Speedy Justice in the Country' on December 31, 2015,<sup>5</sup> to provide inexpensive speedy, justice to Pakistan's citizens. Similarly, the Prime Minister's Legal and Judicial Reforms Committee has also submitted a Report to the Premier on the topic, focusing on early dispensation of justice to an ordinary citizen of Pakistan.<sup>6</sup> It remains to be seen how efficiently the Prime Minister and his team converts these recommendations into laws and executable rules.

4. For details, please see Complying with Murree Accord: 12-Ministers Take Oath in Balochistan, Dawn, January 13, 2016, as accessed on February 28, 2016 at: <http://www.dawn.com/news/1232489>
5. The complete report can be accessed at: <http://senate.gov.pk/uploads/documents/whole/cw1-2015.pdf>
6. For details, please see PM Legal and Judicial Reforms Committee Chairman Submits Recommendations, Pakistan Observer, August 05, 2015, as accessed on January 29, 2016 at: <http://pakobserver.net/detailnews.asp?id=269790>

### Performance of the Media

A unified Code of Conduct for the electronic media was notified by the Federal Ministry of Information, Heritage and Broadcasting on August 20, 2015. However, both PEMRA and the PBA were far from reaching a consensus on the Code of Conduct, and were forced to do so by the Supreme Court of Pakistan. A full-time Chairman of the Pakistan Electronic Media Regulatory Authority, (PEMRA), Mr. Absar Alam, was also finally appointed on November 11, 2015.<sup>7</sup>

Both the Government and media's performance in ensuring the independence of the media received high Public Approval Ratings of 64% each in 2015. Comparatively, for 2014, the Government's performance in ensuring independence of the media was rated at 56% according to the Public Opinion Poll.

### Institution of Local Governments

An overwhelming 80% of the respondents in the nationwide survey termed holding of Local Government Elections to be very important in 2015. Finally in 2015, establishments of local governments across major parts of Pakistan became a reality. With Local Government elections taking place in Khyber Pakhtunkhwa, Punjab, Sindh, Islamabad Capital Territory and the Cantonment Boards and Balochistan forming the Local Governments, the National and Provincial Governments finally discharged their constitutional responsibilities. Perhaps it is because of the very same reason that the parameter of Institution of Local Governments registered the highest increase of 12.5 percentage point from 19.3% in 2014 to 31.8% in 2015.

It must be noted that Local Government elections have not been held in the Federal Administered Tribal Areas (FATA) and Gilgit-Baltistan. The Local Government laws across the country largely remain weak in terms of granting powers to elected Local Governments and must be improved and strengthened.

### Electoral Process and Management

With regards to electoral process and management, perhaps the most significant development was the findings of the General Election 2013 Inquiry Commission 2015. The Commission laid to rest the claims of the Pakistan Tehreek-e-Insaf (PTI) with regards to alleged massive rigging observed in General Election 2013. However, the Report was a critical indictment of the role that the ECP had played in managing the General Election 2013. The acceptance of the Inquiry Commission's decision on part of the PTI was another positive development in this regard.

The nation-wide pulse also seemed to improve on the quality of General Election 2013, as according to PILDAT's Public Opinion Poll, 59% of the respondents believed that the General Election 2013 was somewhat to completely transparent and fair. In comparison, for the democracy survey conducted in 2014 53% of the respondents believed that General Election 2013 were completely to somewhat transparent and fair.

### Performance of Civil Society

2015 saw various sparks of activism by the civil society of Pakistan on issues of public interest. These related to the hanging of Shafqat Hussain,<sup>8</sup> the resistance to some of the controversial provisions of the Prevention of Electronic Crimes Bill, 2015, the resistance to the blocking of popular streaming website, YouTube, and to the development plans of the Government of the Punjab, such as the signal free corridor in Punjab.

7. For details, please see Appointment of Absar Alam as PEMRA Chairman notified, Daily Times, November 12, 2015, as accessed on January 29, 2016 at: <http://www.dailytimes.com.pk/national/12-Nov-2015/appointment-of-absar-alam-as-pemra-chairman-notified>
8. Allegedly a juvenile at the time of his trial, Shafqat was convicted of murder by the police. He was sentenced to death for murder and kidnapping under the Anti-Terrorism Act in 2004,

In October 2015, the Federal Ministry on Interior announced a new policy for the registration and functioning of International Non-Government Organizations (INGOs) working in Pakistan. All INGOs were advised to apply for online registration with the Interior Ministry. Additionally, Federal Minister for Interior, Chaudhary Nisar Ali Khan, MNA has also stated that foreign NGOs will not be allowed to financially support other organizations without the permission of the Interior Ministry.

The performance of the civil society in the context of Pakistan's democracy was rated the highest amongst all the parameters of the Democracy Assessment framework at 51.4% for 2015. However, this also saw a decrease by 5.3 percentage points from the score of 56.7% received in 2014.

### Human Rights

In a welcome development for the country's democracy, the National Commission for Human Rights (NCHR), whose requisite legislation was passed in 2012, has finally been activated. Justice (Retd.) Nawaz Ali Chohan was appointed as the Chairman of the Commission along with the members being notified on May 20, 2015. However, according to media reports, the Commission's effectiveness has been compromised due to shortage of funds, office space and manpower.

## Negative Developments Affecting the Quality of Pakistan's Democracy, 2015

### Performance of Parliament and Provincial Legislatures

The year of 2015 saw the political leadership of the country steer away from the Parliamentary proceedings, in comparison to 2014, when the Parliament was the centre of the drama unfolding due to the sit-ins by the PTI and the Pakistan Awami Tehreek (PAT) in Islamabad.

This was clearly highlighted by the scant attendance of the Premier of parliamentary proceedings in 2015. In comparison to the 27% of the sittings of the National Assembly attended by the Prime Minister of Pakistan, Mr. Muhammad Nawaz Sharif, MNA, in 2014, he only attended 20% of the National Assembly sittings in 2015. The sub-parameter of the extent to which the Prime Minister has maintained a constructive and dedicated relationship with the Parliament received a low score of 27.2% for 2015, further decreasing from 33.9% in 2014. In comparison, the Prime Minister's attendance and involvement in the National Assembly also received a low Public Approval Rating of 39% in 2015. This rating stood at 42% in 2014.

Mr. Imran Khan, Chairman of the PTI attended only 2% of the total setting National Assembly in 2015. Amongst the Parliamentary Leaders, the highest attendance has been of the Leader of the Opposition, Syed Khursheed Shah, MNA, who attended 86% of the sittings of the National Assembly during 2015.

With regards to the Provincial Assemblies, the highest attendance was of the Chief Minister of Sindh, Syed Qaim Ali Shah, MPA, who attended 71% of the sittings of the Sindh Assembly, followed by the former Chief Minister, Dr. Abdul Malik Baloch, MPA who attended 63% of the sittings. The Chief Minister of Khyber Pakhtunkhwa, Mr. Pervaiz Khattak, MPA attended 34% of the sittings of the Provincial Assembly of Khyber Pakhtunkhwa. Chief Minister of the Punjab, Mr. Muhammad Shahbaz Sharif, MPA, attended least number of sittings amongst all of the Chief Ministers, as he managed to attend only 2 sittings of the Provincial Assembly of the Punjab in 2015.

The period also saw the Government bulldozing its legislative agenda in the National Assembly, simply based on its strength in the National Assembly and without forging any consensus on national issues. Various instances of this were the passage of the 21st Constitutional Amendment in the Parliament without a thorough debate, the Ordinance issued by the President of Pakistan just a few hours before the Senate Election on March 05, 2015, the promulgation of the Pakistan International Airlines Corporation

(Conversion) Ordinance on December 07, 2015 merely 48 hours before the National Assembly was to begin its session, etc.

The year of 2015 also saw an increasing culture of All Parties Conference (APC) to the detriment of the sovereignty of the Parliament. From January 01, 2015–December 31, 2015, a total of 5 APCs were held on issues ranging from the Pakistan China Economic Corridor, National Action Plan, and the alleged rigging in Khyber Pakhtunkhwa Local Government elections. Three of these APCs (related to CPEC and NAP) were held while the Parliament was in session. As a result, the Public Approval Ratings for trust in the National Assembly as an institution also fell from 60% in 2014 to 49% in 2015.

In a disappointing development for 2015, it was observed that the Budget Sessions of all the Legislatures were hardly commensurate with those observed in developed Legislatures and democracies across the world.

### **Performance of National and Provincial Governments**

The parameter registered an overall decrease from 38.3% in 2014 to 34.9% in 2015. A worrying trend for 2015 in this regard was the emerging discord between the Federal Government and the Provincial Governments of Sindh and Khyber Pakhtunkhwa. With regards to the former, this was related to the various operational modalities of the Karachi Operation, including the special policing powers granted to Pakistan Rangers (Sindh). With regards to the latter, this was related to the China-Pakistan Economic Corridor, and the fears of the Khyber Pakhtunkhwa Government that it was not getting its due share in this regard.

Constitutionally designated fora for decision-making, the Federal and Provincial Cabinets, failed to meet as regularly as stipulated. It was perhaps because of the very same reason that the sub-parameter of how strong is the concept of collective responsibility of the Federal Cabinet received a low score of 29.2% in 2015. The sub-parameter of collective responsibility of the Provincial Cabinets received a score of 39.1% for 2015.

During 2015, it also emerged that critical decisions related to important policy formulations were taken in ad-hoc forums such as the Provincial Apex Committees, rather than the Constitutionally mandated Cabinets. Table 3 shows the number of meetings of the Provincial Apex Committees in comparison to those of the Provincial Cabinets in 2015:

Similarly, the National Security Committee (NSC) '*the principal decision-making body on national security*', did not meet even once during 2015 even though Pakistan has faced its fair share of security challenges since then. In the context of democracy, the decision-making powers of the NSC and the permanent membership of the Services Chiefs in it, remains a cause of concern, as well as an anomaly, internationally.

It is interesting to note that for the 78 times that the Prime Minister and COAS have met till now, the Federal Minister for Defence has only been present in 21% of these meetings.

### **Performance of Judiciary and Access to Justice**

The beginning of 2015 saw the country's judiciary under significant scrutiny for allegedly slow progress on terrorism related cases. A debate, re-energized in the aftermath of the Peshawar Tragedy of December 16, 2014, saw culmination in the formation of the Military Courts on January 06, 2015.

Considered to be the creation of a parallel system of justice, the establishment of Military Courts signified a negative development not only for Pakistan's civilian judicial system, but also its nascent democracy. Given that the 21st Constitutional Amendment has a sunset clause of two years, no major initiative has

**Table 3: Comparison of Meetings of the Provincial Cabinets and the Provincial Apex Committees**

No.	Government	Meetings of the Apex Committee (2015)	Meetings of the Provincial Cabinet (2015)
1.	Punjab	7	3
2.	Sindh	11	6
3.	Balochistan	8	5
4.	Khyber Pakhtunkhwa	9	5

been recorded by the Government to reform Pakistan's judicial system till now. It is hoped that military courts remain a temporary measure in response to extra-ordinary circumstances and these are not resorted to for a longer period of time.

It remains undeniable that pendency of cases remains a major cause of concern with regards to Pakistan's judiciary. This pendency of cases has increased across all tiers of the Superior Judiciary over 2014-2015, except for the Lahore High Court, High Court of Balochistan, and the Federal Shariat Court. For the lower judiciary, the pendency of cases again has increased across all the provincial district judiciaries, except for in Punjab.

The debate about the overreach of the role of Judiciary in Executive affairs has continued in 2015 as well and raises critical questions on the role each State institution has to play in keeping with its Constitutional remit. This primarily relates to stay-orders being granted to allegedly aggrieved parties on actions taken by the Government. An illustration was the petition filed in front of the Supreme Court against privatization of the Pakistan Steel Mills, a case the Supreme Court decided upon after 7 years in 2013. Many observers believe that especially in property related and land occupation cases, the lower judiciary is more prone to granting stay-orders against Government's directives, which continue for years on end.

It is also believed that these delays also arise from the bar trying to disrupt the proceedings of the court intentionally, rather than facilitating it. For the purpose, there is a need to create a symbiosis between the bar and the bench so that the cases under consideration are dealt with swiftly. Judiciary's involvement in the election-related matters during the election process has also been questioned by many including the Chief Election Commissioner.

#### **Democratic Oversight of the Security Sector and Rule of Law**

The parameter of the Democratic Oversight of the Security Sector and Rule of Law was rated the lowest amongst all parameters of the Pakistan-Specific Democracy Assessment Framework at 29.7% for 2015. The parameter has been rated low throughout the past three years, garnering a score of 33.9% in 2014 and 31.3% in 2013.

Three cases/incidents particularly highlighted the state of rule of law in Pakistan. These include:

- i. The Treason Trial of Gen. (Retd.) Pervez Musharraf for his imposition of emergency in November 2007 as the President of Pakistan in which a flagrant disregard was shown by Gen. (Retd.) Pervez Musharraf for Court proceedings.
- ii. The trial of Ms. Ayyan Ali, for money laundering. The judicial remand of Ms. Ayyan Ali was extended at least 16 times, before she was released on bail. Additionally, the matter became even more controversial after a customs official involved in investigating the case was killed on June 04, 2015.<sup>9</sup>
- iii. When a 'confession video', with professional editing, of Mr. Saulat Mirza emerged from his death-row cell on March 18, 2015, just hours before his execution.

With regards to civil-military relations, and the quality of Pakistan's democracy, 2015 saw, for the greater part, the narrative of the elected leadership and the military command of '*being on the same page*' taking root. This apparently originated from the increased coordination seen between the civil-military leadership in the form of the Apex Committees, implementation of the National Action Plan, etc. However, the Press Release issued by the ISPR on November 10, 2015 regarding implementation of the National Action Plan and the Government's rejoinder of November 11, 2015, perhaps best define the state of civil-military relations towards the end of 2015.

As far as the bigger picture is concerned, the period under consideration has seen considerable increase of the military leadership both in matters of security policy, and critical domains of our foreign policy. However, this overreach is also accompanied by co-habitation of the civil and the military, at least as far as the optics are concerned.

Apart from that, the Chief of Army Staff, Gen. Raheel Sharif, has also emerged during 2015 as a 'savior', with various constituencies across Pakistan, including that of traders, appealing for his leadership on various issues.<sup>10</sup> It however remains unclear whether this is a case of the military leadership's overreach into civilian affairs or the civilian elected leadership abdicating its roles and responsibilities.

An interesting anomaly with regards to this parameter is the fact that the Public Approval Rating of the Government's performance in ensuring oversight of the security sector has actually increased from 45% in 2014 to 51% in 2015.

#### Performance of the Media

2015 saw Pakistan's media being subjected to scrutiny soon after the Peshawar Tragedy with the National Assembly's Standing Committee on Information, Broadcasting and National Heritage issuing guidelines for the media's code of conduct to ensure responsible coverage during 'war-time'<sup>11</sup>. This was in the form of a Special Report compiled by the Committee, which itself claims that the recommendations were finalized over the span of two meetings and that too, in the absence of Federal Minister for Information, Broadcasting and Heritage, Senator Pervaiz Rashid.<sup>12</sup>

Another cause of concern for the social media landscape of Pakistan was the Prevention of Electronic Crimes Bill, 2015, that was drafted to '*effectively prevent cyber crimes and contribute to the national security of the Nation whilst providing and enabling a secure environment for investment in IT, e-commerce and e-payments systems*'<sup>13</sup>. Fears have been expressed about various provisions of the Bill, which may or could be abused by the PTA (Pakistan Telecommunication Association) and the FIA (Federal Investigation Agency). A legitimate apprehension related to the power given to the PTA to remove and block websites. Section 34 of the Bill, for example, gives the Pakistan Telecommunication Authority (PTA) powers to block objectionable content and websites, with very vague, unclear ideas as to what constitutes 'objectionable'.

Media management was rife with scandals in 2015 from *Bol Network*-Axact scandal to the Express Media Group allegedly involved in 'malpractices' to increase television ratings for its TV channels.<sup>14</sup> It is perhaps, owing to this, that in the Public Opinion Poll, electronic media's popularity has shrunk by 10 percentage points – from 64% in May 2014, to 54% in June 2015. Additionally, the score for the sub-parameter of the extent to which the country's population considers the media's coverage of national issues to be

9. For details, please see Customs official shot dead by unknown assailants, Dawn, June 04, 2015, as accessed on January 22, 2016 at: <http://www.dawn.com/news/1186107>

10. For details, please see PILDAT's Monitor on Civil-Military Relations, published on June 2015, which can be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_Jun012015\\_Jun302015.pdf](http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Jun012015_Jun302015.pdf)

trustworthy fell from 60.9% in 2014 to 49.2% in 2015. The score for the overall parameter of the Performance of Media also fell from 53.1% in 2014 to 50.4% in 2015.

Unfortunately, only negative developments are there to be reported with regards to the Government's implementation of the recommendations of the Media Commission appointed by the Supreme Court. The Media Commission made a total of about 35 recommendations. In its first statement to the court on July 26, 2013, the Ministry of Information endorsed about 30 out of these 35 recommendations. However, the Federal Ministry of Information has actually refused to implement 7 of the recommendations of the Media Commission.<sup>15</sup> These also include increasing the autonomy of PEMRA to make it accountable to the Parliament.

### Electoral Process and Management

Year 2015, should have, logically, been the year that the ECP indulged in organisational soul-searching and constituting effective reforms within itself to turn around both its shortcomings as well as enhance its public image and build public trust. While the ECP reports a few administrative measures to address the issues raised through the General Election 2013 Inquiry Commission report, no ruthless internal accountability and concrete reforms have come about. The Election Tribunals' verdict for NA-122, NA-125, and NA-154 showed that the most sticking issue of the ECP has been its inability to exercise its constitutional and legal powers effectively and assert its constitutional authority. Perhaps it is because of the very same reason that the score for the sub-parameter of how far the ECP is powerful, effective and able to enforce its writ fell from 51.7% in 2014 to 46% in 2015.

Another negative development that affected the performance of the ECP is of its directives being challenged and declared void by the country's judiciary.<sup>16</sup> The issue found further credence in the words by the Honourable Chief Election Commissioner who was quoted as saying that the "*High Courts should avoid interfering in the matters of the Election Commission of Pakistan and lawyers should come to the ECP, instead of relying on verdicts from the High Courts.*"

The period under consideration also saw the ECP quietly change its code of conduct for by-elections in three national and provincial assembly constituencies by amending its earlier notifications and barring MNAs and MPAs from taking part in the election campaign.<sup>17</sup> Although the Lahore High Court eventually suspended the Code of Conduct, it goes on to show the ECP's inability to carry out wide-ranging consultations while formulating election-related stipulations and lack of ownership on part of various stakeholders.

It therefore does not come as a surprise that the ECP's Approval Rating has seen a significant slide in PILDAT's Public Opinion Poll, falling from 43% in 2014 to 37% in 2015. Additionally, an overwhelming 70% of the respondents believed that there is a critical need for reforms for the ECP.

It also remains disappointing that the 33-member Parliamentary Committee on Electoral Reforms, formed on July 25, 2014, which was originally supposed to wrap up its work in four months, has still not been able to do so even a year and a half after its formation.<sup>18</sup>

11. The report titled 'Proposals to Strengthen Media's Role in Combating Terrorism', which was prepared by the Committee headed by PML-N MNA, Ms. Marvi Memon, already became controversial even before it was taken up by Parliament for discussion.
12. The complete text of the Report can be accessed at: [http://www.na.gov.pk/uploads/documents/1420803034\\_453.pdf](http://www.na.gov.pk/uploads/documents/1420803034_453.pdf)
13. The complete text of the Bill can be accessed at: [http://www.na.gov.pk/uploads/documents/1421399434\\_340.pdf](http://www.na.gov.pk/uploads/documents/1421399434_340.pdf)
14. For details, please see Medialogic CEO alleges Express Media Group manipulated TV ratings system, The Express Tribune, September 21, 2015, as accessed on November 18, 2015 at: <http://www.dawn.com/news/1205692>
15. For details, please see U-Turn on Media Reforms, Dawn, February 08, 2016, as accessed on February 18, 2016 at: <http://www.dawn.com/news/1238053/u-turn-on-media-reforms>

### Performance of Political Parties

For 2015, the parameter for the Performance of Political Parties was allotted a score by the DAG of 44.3%, falling from 45.7% in 2014 and 45.4% in 2013. The lowest rated sub-parameter was how democratic are political parties, receiving a score of 28.3% in 2015, as compared to 28.4% in 2014 and 35% in 2013. According to a separate assessment by PILDAT of specifically the internal democracy in political parties, the overall internal democracy of political parties has fallen from 43% in 2014 to 40% in 2015.

As has been observed, the most well-established political parties of the country, with the fairest electoral prospects (such as PML-N, PPP and PTI) continue to be mere lengthened shadow of their leaders. Additionally, political parties' funding remains shrouded in ambiguity with the ECP's capacity to check compliance with law in this regard seriously under doubt.

Only negative developments could be recorded for the internal democracy of political parties, for the period under consideration. These include:

- i. The elected office bearers of the PTI being replaced with nominated office bearers who serve at the pleasure of the Chairman. The party's much touted intra-party elections during 2016 may perhaps be a landmark event for internal democracy in Pakistan's political parties.
- ii. For the past many months, Mr. Asif Ali Zardari, former President of Pakistan and Co-chairman PPP, has continued to remain absent from the country and summons his party's leadership off and on in Dubai to hold meetings relating to party affairs.
- iii. PML-N's intraparty polls in the centre have not taken place since July 2011. According to the party constitution, elections are to be held every four years, meaning hereby that the PML-N's latest intraparty polls should have been held by July 2015.
- iv. Dissolution of the MQM's Rabita Committee, at least on two occasions, in 2015.

This goes on to show that political parties in Pakistan, which are considered to be integral building blocks of a democracy, have not been able to perpetuate a culture of democracy within the parties, with the leadership concentrated in a few hands.

### Constitutional Framework

Only one Constitutional Amendment was made during 2015, i.e. the 21st Constitutional Amendment, paving the way for the formation of the Military Courts which, as has already been said, signified a negative development not only for Pakistan's civilian judicial system, but also its nascent democracy.

The parameter for Constitutional Framework received a score of 50.7% in 2015, falling by 6.5-percentage points comparison to the score of 57.2% in 2014. The lowest scoring sub-parameter was that of how far are the provisions of the Constitution followed in letter and spirit, which received a score of 35.4% in 2015, in comparison to 43.2% in 2014.

It remains unfortunate that one of the biggest concerns regarding Pakistan's constitutional framework, that is on granting a Provincial Status to Azad Jammu and Kashmir, Gilgit Baltistan and the Federally Administrated Tribal Areas (FATA) persists even during 2015. Additionally, people of Gilgit Baltistan and

16. This was observed in the case of the Rs. 341 billion-relief package for farmers on announced by the Prime Minister on September 15, 2015. The ECP partially suspended the scheme on September 29, 2015 positing that its announcement ahead of the scheduled local government (LG) elections in Punjab and Sindh amounted to a violation in the code of conduct for the polls. The Federal Government challenged the ECP's decision in the Islamabad High Court that declared the ECP's directives in this regard to be 'null and void'.
17. For details, please see Arbitrary changes, Dawn, May 18, 2015, as accessed on November 18, 2015 at: <http://www.dawn.com/news/1182561/arbitrary-changes>
18. For details, please see NA Speaker constitutes committee on electoral reforms, Dawn, July 26, 2015, as accessed on November 18, 2015 at: <http://www.dawn.com/news/1121556>

## EXECUTIVE SUMMARY

Azad Jammu and Kashmir are even deprived of representation in the National Assembly and the Senate. Many jurists believe that these territories can be given provisional representation and provincial status without compromising the legal stand of Pakistan on the issue of Jammu and Kashmir.

The issue has certainly grown more complex for the period under consideration. With regards to the FATA, there are possibly two proposals under consideration. This includes whether FATA should be made a separate province, or should it be integrated with Khyber Pakhtunkhwa. Although the political leadership of KP has shown fierce resistance to the latter, it needs to be noted that the Prime Minister has formed a Committee for FATA-related reforms on November 23, 2015 led by the Advisor to the Prime Minister on Foreign Affairs, Mr. Sartaj Aziz.

With regards to granting of a Provincial Status to Gilgit Baltistan and Azad Jammu and Kashmir, it appears that the political leadership of AJK remains bent upon convincing the Federal Government to not consider the two regions separately. Therefore, AJK Assembly has passed a resolution to dissuade the Federal Government from making Gilgit-Baltistan a separate province. A reform proposal that has emanated from the AJK Legislative Assembly in this regard includes a constitutional package granting maximum powers to locally elected representatives and ensuring their presence in Parliament.

# METHODOLOGY





## Methodology

PILDAT, a non-partisan Pakistani think-tank, has been undertaking regular assessments of the quality of democracy in Pakistan since 2002. PILDAT had earlier been using a democracy assessment framework developed by the Sweden-based International Institute for Democracy and Electoral Assistance (IIDEA).

In 2012, PILDAT developed a Pakistan-specific framework that better reflected the situation in Pakistan based on internal deliberations and feedback from external stakeholders.

The IIDEA framework is now used to develop an international comparison with other countries using the same framework while the Pakistan-specific framework deals with indigenous parameters.

The 2012 framework focused on two main dimensions: processes and performance (of democracy) with multiple sub-dimensions. During 2013-2014, PILDAT introduced a separate governance assessment exercise which focuses on the performance dimensions of the previous consolidated democracy framework. The governance exercise focuses on the quality of public services delivered by State Institutions while the democracy exercise focuses on the extent to which State and other democratic institutions are inclusive, participatory and accountable. Thus, the revised Pakistan-Specific democracy assessment framework now focuses only on “processes”.

This report provides the results of the assessment undertaken for the period from January 01, 2015 to December 31, 2015. PILDAT assessed the quality of democracy along these dimensions by using four main tools:

- i. A review by PILDAT of the main positive and negative events and trends related to the different dimensions of democracy during 2015.
- ii. Ratings (out of 100) provided for 2015 by a Democracy Assessment Group (DAG) consisting of around 18 eminent Pakistanis drawn from different walks of life.
- iii. Two Public Opinion Survey based on a nationwide sample of 3065 people conducted in June 2014 and June 2015 which included five-point Likert-scale responses ranging from highly satisfied to highly dissatisfied to different questions related to different 17 democracy dimensions.
- iv. A 50 member National Workshop held in January 2015 for wider consultation on major developments affecting the quality of democracy in Pakistan during 2015.

## Timeline

## Timeline: Major Developments Affecting the Quality of Pakistan's Democracy during 2015

No.	Date	Event
1.	January 02, 2015	All Parties Conference called by the Government and chaired by the Prime Minister of Pakistan, Mr. Muhammad Nawaz Sharif, MNA for the approval of the National Action Plan and formation of Military Courts
2.	January 03, 2015	Press Release regarding formation of four Apex Committee, one for each province, issued by the ISPR; no circular or notification issued either by the Provincial Governments or by the Federal Government
3.	January 06, 2015	Passage of the 21st Constitutional Amendment Bill, 2015 and the Pakistan Army (Amendment) Bill, 2015 passed by the Parliament, paving the way for formation of Military Courts after the Peshawar Tragedy of December 16, 2014.
4.	January 28, 2015	Final phase of Local Government elections held in Balochistan. The province achieved the distinction of being the first to hold Local Government elections
5.	March 05, 2015	Elections on 54 seats of the Pakistan Senate held. Consequently, with the election of Senator Raza Rabbani as Chairman Senate, 2015 has seen the House instituting regular reforms to increase its oversight and representation capabilities
6.	March 11, 2015	A heavy contingent of Rangers had raided the MQM headquarters Nine Zero in Azizabad Karachi, rounding up dozens of party workers, besides seizing a huge quantity of arms and ammunition from the premises. The development signified renewed vigour in the Karachi Operation, launched by the current PML-N Federal Government in October 2013
7.	April 02, 2015	Signing of the MoU between the PML-N Government and the PTI, PPP, and National Party for the formation of the General Election 2013 Inquiry Commission 2015. Subsequently, Parliamentary members of the PTI, including Chairman, Mr. Imran Khan returned to the Parliament on April 06, 2015 after a period of 9 months
8.	April 24, 2015	Renowned civil society activist and Director of T2F, Ms. Sabeen Mahmud gunned down in Karachi
9.	May 18, 2015	The Axact-Bol scam came to light after a report published by the New York Times journalist, Mr. Declan Walsh. The scandal came to the fore when it emerged that Axact, the sister company of the Bol Network, had been involved in a major fake-degree scam, leading to international humiliation for Pakistan's media. The aftermath of the scandal saw a massive exodus of various reputed media personalities from the Bol Network.
10.	May 24, 2015	Chairman of the PTI, Mr. Imran Khan removed elected office-bearers of the PTI and ordered new intra-party polls after the Report by the Election Tribunal led by Justice (Retd.) Wajihuddin had found irregularities in the previous intra-party polls

## Timeline

11.	June 16, 2015	The then Co-Chairman of the PPP, Mr. Asif Ali Zardari gave a hard-hitting speech, obliquely criticizing the Military leadership for overstepping his domain. Subsequently, he has continued to remain absent from the country for 'medical reasons' and summons his party's leadership off and on in Dubai to hold meetings relating to party affairs.
12.	June 11, 2015	Authorities in the federal capital sealed the offices of international non-governmental organisation Save the Children. The organization had been accused of involvement with the Central Intelligence Agency and Dr. Shakeel Afridi in tracking down the whereabouts of Osama bin Laden in Abbottabad
13.	June 17, 2015	Letter written by the Chief Minister of Sindh, Syed Qaim Ali Shah, MPA, to the Director General of Pakistan Rangers (Sindh), Maj. Gen. Bilal Akbar stating, <i>'It has been reported that the offices of SBCA and LARP were raided on June 15 and the officers were harassed, waylaid and also mishandled. This reflects that the Rangers are acting beyond their 7 authorities and mandate. It is therefore advised to restrict your movement as per the authority given to you'</i> .
14.	July 23, 2015	The three-member judicial commission headed by Chief Justice Pakistan had rejected all the three allegations of the Pakistan Tehreek-e-Insaf (PTI) on rigging in the General Election 2013.
15.	August 05, 2015	In a landmark judgment, the Supreme Court dismissed all petitions against the 18 <sup>th</sup> and 21 <sup>st</sup> Constitutional Amendment in a majority decision
16.	August 16, 2015	The Home Minister for of the Provincial Government of the Punjab, Col. (Retd.) Shuja Khanzada assassinated in a suicide attack at his political office at Attock. Nineteen other people present at scene were also killed and more than 20 sustained injuries in the attack.
17.	August 22, 2015	The Election Tribunal for NA-122 termed the result of both the National Assembly constituency NA-122, from where the Speaker of the National Assembly, and Punjab Assembly constituency PP-147 as null and void and ordered the Election Commission to hold re-polling.
18.	September 07, 2015	The Lahore High Court directed the Pakistan Electronic Media Regulatory Authority (PEMRA) to implement a ban on the broadcast of images and speeches of Muttahida Quami Movement (MQM) chief Altaf Hussain across all electronic and print media till further orders.
19.	October 11, 2015	Re-elections took place for NA-122 and PP-147. Given that the massive spending that was done by the PML-N and the PTI, it was disappointing that the ECP did not take any action, despite the fact that the Code of Conduct stated that <i>'none of the contesting candidates shall exceed the limit of election expenses of Rs. 15,00,000 for National Assembly constituency'</i> .

Timeline

20.	November 10, 2015	Press Release issued by the ISPR obliquely criticizing the elected Government for its languid pursuit of the implementation of the National Action Plan. Rejoinder issued by the Federal Government on November 11, 2015 stating that the implementation of the NAP was a ' <i>shared responsibility</i> ' of all institutions.
21.	December 05, 2015	The last phase of Local Government elections held in Punjab and Sindh. By this time, Local Government elections had taken place in Balochistan, Sindh, KP, Punjab, ICT and Cantonment Boards
22.	December 24, 2015	Sardar Sanaullah Zehri taken oath as the Chief Minister of Punjab, after Dr. Abdul Malik Baloch resigned from the post on December 16, 2015.

ASSESSMENT OF THE QUALITY OF  
DEMOCRACY IN PAKISTAN: 2015





### Performance of Parliament and Provincial Legislatures

This section provides a detailed assessment of the quality of democracy in Pakistan during 2015, keeping in view the scores allotted by the Democracy Assessment Group for the main parameters of the Pakistan-Specific Democracy Assessment Framework.

Pakistan's Parliament and Provincial Legislatures, which are meant to propel the country's democratic progress, continued to be problematic with regards to their duty of representation, oversight and legislation. This section aims to analyse the various aspects of the performance of Pakistan's legislatures, in relation to the overall quality of democracy.

**Table 4: Performance of Parliament and Provincial Legislatures: Comparative Scores 2013-2015**

No.	2013	2014	2015
<b>Performance of Parliament and Provincial Legislatures</b>	<b>44.9%</b>	<b>44.8%</b>	<b>45.1%</b>
How effective do you believe have the Parliament and Provincial Assemblies with regards to its duty of representing the people?	-	45.2%	48.4%
How representative are the Parliament and Provincial Assemblies of the country's population and its various segments (religions, provinces, ethnicities, economic groups, etc.)?	58.1%	45.7%	48%
How effective are the Parliament and Provincial Assemblies in framing legislation to address national issues?	43.1%	45.8%	48.4%
How effective are the Parliament and Provincial Assemblies in exercising oversight of the Executive?	36.9%	37.3%	43.3%
How effective are the Parliament and Provincial Assemblies in providing a forum to diverse viewpoints in the country/provinces for developing consensus?	45.6%	46.1%	42.2%
How transparent and accessible are the Parliament and Provincial Assemblies to the citizens?	40.6%	42.3%	46.5%
How far have the Parliament and Provincial Assemblies acted as entities independent of the Executive and contributed to the collective agenda?	-	38.8%	39.2%
To what extent do you believe that Opposition and the Treasury benches have maintained a constructive relationship in both the National and Provincial legislatures?	-	40.0%	44.5%

**Table 5: Comparison of Democracy Assessment Scores the Scores Assigned by the DAG and Public Approval Ratings: Performance of the Parliament and Provincial Legislature**

Legislatures/ Parameter	National Assembly		Provincial Assembly of the Punjab		Provincial Assembly of Khyber Pakhtunkhwa		Provincial Assembly of Balochistan		Provincial Assembly of Sindh	
	DAG Scores	Public Opinion Approval Rating	DAG Scores	Public Opinion Approval Rating	DAG Scores	Public Opinion Approval Rating	DAG Scores	Public Opinion Approval Rating	DAG Scores	Public Opinion Approval Rating
Duty of representing	46.8%	-	49%	-	58%	-	49%	-	45%	-
Duty of legislation	48%	55%	48%	51%	57%	65%	47%	56%	44%	47%
Duty of oversight	42%	41%	45%	41%	50%	58%	41%	37%	42%	34%
As a forum to diverse viewpoints in the Country/Province for debate and developing consensus	42%	-	41%	-	45%	-	40%	-	43%	-
Transparency and accessibility to citizens	49%	-	48%	-	48%	-	38%	-	40%	-
Ability to act as an entity independent of the Executive	40%	-	39%	-	42%	-	36%	-	36%	-
Relations between the Treasury and the Opposition	48%	42%	38%	39%	45%	50%	45%	41%	37%	32%
Relationship of the Prime Minister/ Chief Minister with National /Provincial Assembly	27%	39%	28%	41%	43%	60%	51%	56%	56%	33%

All the parameters in place to assess the performance of the Parliament and Provincial Legislatures in 2015 received a score lower than 50%. The parameters scoring the highest were the performance of the National and Provincial Assemblies with regards to representing the people (48.4%) and effectiveness of the Parliament and Provincial Legislatures with regards to framing national and provincial issues (48.4%). The lowest scoring parameter was ability of the National and Provincial Assemblies to act independently of the Executive (39.2%).

A comparison of the scores assigned by the DAG to various parameters in place to assess the performance of the Parliament and Provincial Legislatures, and the relevant Approval Ratings according to PILDAT's Public Opinion Poll are given in the Table 5.

#### **Representativeness of Pakistan's Legislatures**

According to a nationwide Public Opinion Poll conducted by PILDAT on the Quality of Democracy in Pakistan, June 2014-May 2015, the respondents identified the following biggest crises facing the country, both at the national and provincial level:

**Table 6: Biggest Current Issues**

No.	Across Pakistan	Across Punjab	Across Sindh	Across Balochistan	Across Khyber Pakhtunkhwa
1.	Energy Crisis (25%)	Security Issues (24%)	Security Issues (26%)	Energy Crisis (22%)	Energy Crisis (30%)
2.	Unemployment (19%)	Unemployment (20%)	Energy Crisis (21%)	Inflation (21%)	Unemployment (18%)
3.	Security Issues (15%)	Poverty (19%)	Unemployment (18%)	Safe Drinking Water (12%)	Security Issues (13%)
4.	Poverty (12%)	Safe Drinking Water (11%)	Poverty (9%)	Inflation (10%)	Poverty (13%)
5.	Inflation (10%)	Educations Crisis (8%)	Inflation (6%)	Poverty (6%)	Inflation (11%)

#### Representativeness in the National Assembly of Pakistan

According to the scores assigned by the Democracy Assessment Group at the end of 2015, the National Assembly received a score of 46.8% with regards to its duty of representing the people. According to PILDAT's Public Opinion Poll, the National Assembly received an Approval Rating of 49% at the end of the Second Year of the current Government in May 2015.

Given that the energy crisis, unemployment, security issues, poverty and inflation were identified as major problems besetting the country, the National Assembly's role in highlighting these issues varied. It was observed that apart from discussing the security situation of the country, and its various manifestations, the members of the National Assembly failed to debate upon the remaining issues with the required focus.

The security situation came under discussion for a total of 5 times in the National Assembly under Rule 259 of the Rules of Procedure for the calendar year of 2015. This included the National Assembly's deliberations upon the Peshawar Tragedy of December 16, 2014 on January 03, 2015. The National Assembly also discussed the precarious security situation in the North Waziristan Agency on March 25, 2015 for 2 hours and 32 minutes, along with the Federal Minister for States and Frontier Regions, Lt. Gen. (Retd.) Abdul Qadir Baloch giving a policy statement on the state of the return of the IDPs and the concerned areas' rehabilitation. In the 27th Session of the National Assembly, on December 10, 2015, the Federal Minister of Interior, Chaudhary Nisar Ali Khan, MNA, presented in front of the House the Performance Report of not only the Federal Ministry on Interior and Narcotics Control, but also of the Pakistan Rangers (Sindh) in light of the friction observed between the Federal Government and the Sindh Government over granting special policing powers to them.

Apart from these, the National Assembly also passed the following resolutions, in relation to the security situation of the country:

- i. Condemning the terrorist attack on the Ismaili Community in Karachi on February 17, 2015<sup>20</sup>
- ii. Condemning the terrorist attack in Shikarpur on January 30, 2015<sup>21</sup>
- iii. Recalling with grief and sadness, the martyrdom of innocent children and teachers in the heinous terrorist attack on the APS, Peshawar on December 16, 2014 on December 16, 2015.<sup>22</sup>

20. The complete text of the Resolution can be accessed at: [http://www.na.gov.pk/en/resolution\\_detail.php?id=199](http://www.na.gov.pk/en/resolution_detail.php?id=199)

21. The complete text of the resolution can be accessed at: [http://www.na.gov.pk/en/resolution\\_detail.php?id=193](http://www.na.gov.pk/en/resolution_detail.php?id=193)

22. The complete text of the resolution can be accessed at: [http://www.na.gov.pk/en/resolution\\_detail.php?id=225](http://www.na.gov.pk/en/resolution_detail.php?id=225)

The energy crisis prevalent in the country came under discussion for a total of 3 times in the National Assembly in the calendar year of 2015. On two occasions, the Federal Minister for Water and Power, Khawaja Muhammad Asif, MNA, gave policy statements of the Government not only regarding the piling circular debt on March 19, 2015 and on the electricity shortage in Karachi, and the resultant friction with the Karachi Electric Supply Company (K-Electric) on June 23, 2015.<sup>23</sup> Apart from these two occasions, the Federal Minister for Petroleum and Natural Resources, Mr. Shahid Khaqan Abbasi, MNA, gave the Government's perspective on the LNG-related deals with Qatar on August 25, 2015.<sup>24</sup>

Apart from these, the National Assembly passed the following resolutions related to the energy crisis of the country:

- i. Demanding that the Federal Government should take steps to control electricity pilferage in the country on November 25, 2015.<sup>25</sup>
- ii. Exhorting the Federal Government to construct new water reservoirs on November 25, 2015.<sup>26</sup>

Apart from these, the National Assembly only referred to the issues of unemployment, inflation and poverty in oblique manner, without any concerted and focused debate on them.

For the period under consideration, the National Assembly passed a total of 24 Bills. Out of these, three (12%) related to strengthening the security infrastructure of the country (including the Pakistan Army (Amendment) Act, 2015, the 21st Constitutional Amendment Act, 2015 and a further amendment to the Pakistan Army (Amendment) Act, 2015). These led to the formation of Military Courts, along with special measures to ensure safety and security of court officials in judicial proceedings against alleged terrorists.

Additionally, only a single legislation passed by the National Assembly during 2015 aimed at poverty alleviation. This was the Minimum Wages for Unskilled Workers (Amendment) Bill, 2015. This raised the wages for unskilled labour in the Islamabad Capital Territory (ICT) from Rs. 10,000 to Rs. 12,000 per month.

With regards to the energy crisis, the National Assembly only passed one law titled the Gas Infrastructure Development Cess Act, 2015 which aimed at levying a tax to meet the '*demand-supply gap and generate funds for a number of gas import projects*'.<sup>27</sup> Apart from the Finance Bill 2015, the National Assembly passed no legislation to address inflation in the country. Neither was any legislation enacted to address the problem of poverty in Pakistan.

With regards to the role played by the Standing Committees of the National Assembly in this regard, according to the records available on the National Assembly website, out of the 24 Bills passed during 2015, only 13 (54%) were referred to the relevant Standing Committees. However, it remains regrettable that the all-important 21st Constitutional Amendment Bill, 2015 was not referred to any relevant Standing Committee. Rather, it was only debated in the Lower House for a period of 174-minutes.

In a welcome development, a few legislative initiatives did emanate from the National Assembly, during the period under consideration to improve access to justice in Pakistan. This included the Publication of

23. For details, please see: <http://tribune.com.pk/story/908645/shifting-the-blame-k-electric-is-exploiting-the-situation-says-cm>

24. For details, please see: <http://tribune.com.pk/story/944836/lng-deal-to-be-signed-with-qatar-in-six-weeks-says-abbasi>

25. The complete text of the resolution can be accessed at: [http://www.na.gov.pk/en/resolution\\_detail.php?id=215](http://www.na.gov.pk/en/resolution_detail.php?id=215)

26. The complete text of the resolution can be accessed at: [http://www.na.gov.pk/en/resolution\\_detail.php?id=220](http://www.na.gov.pk/en/resolution_detail.php?id=220)

27. The complete text of the legislation can be accessed at: [http://www.na.gov.pk/uploads/documents/1432042565\\_564.pdf](http://www.na.gov.pk/uploads/documents/1432042565_564.pdf)

the Laws of Pakistan Act, 2015. The passage of this Bill was preceded by the Supreme Court of Pakistan directing on March 03, 2015 that legislation should be enacted '*to regulate the publication of law books and materials and their translations, for placing a check on the sale of erroneous law books and materials to the public which sometimes lead to glaring consequences causing loss to either of the parties in litigation*'. The Provincial Assemblies of Khyber Pakhtunkhwa, Punjab and Balochistan had also passed resolutions in this regard.<sup>28</sup>

With regards to its duty of framing legislation to address national issues during 2015, the National Assembly received a score of 47.7%. Its Public Approval Rating for the same was 55% in 2015, increasing from 48% in 2014.

#### **Representatives of the Provincial Assembly of the Punjab**

For 2015, the Provincial Assembly of the Punjab received a score of 49% with regards to its duty of representing the people.

According to PILDAT's Public Opinion Poll, the respondents from Punjab identified security issues, unemployment, poverty, access to safe drinking water and the education crisis as the main problems being faced by the populace of the province. For the calendar year of 2015, in a positive development, out of the 167 Calling Attention Notices adopted by the Provincial Assembly of the Punjab in calendar year of 2015, a significant 32% (53) were related to law and order and security of the province. The House also passed the following resolutions related to the security situation:

- i. On March 27, 2015, the Assembly unanimously adopted a resolution to condemn the March 15, 2015 suicide bombing in two churches in Youhanabad as well as the lynching of two Muslims by a mob.
- ii. Two resolutions were adopted on May 23, 2015 to condemn terrorist attack on a bus in Karachi, and alleged killing of President Daska Bar Association and a lawyer by SHO Daska City police station
- iii. The House also adopted a resolution on September 07, 2015 paying tribute the Provincial Home Minister, Col. (Retd.) Shuja Khanzada, who had lost his life due to a suicide terrorist attack.

Even though the respondents did not consider energy a big issue, the Assembly devoted significant time to it in proposing reforms to resolve it. Energy crisis in the Punjab was referred to during a debate on the Kalabagh Dam by the legislators. For instance, during a sitting on October 04, 2015, Dr. Syed Waseem Akhtar, MPA, put forward the subject of the construction of the Kalabagh Dam to resolve energy shortage in the entire country, and asked the Government if it had any plans for raising the matter in the Council of Common Interests.

Similarly, on an adjournment motion accepted on September 08, 2015, it was recommended that the Government form a Committee under the Chief Justice of Pakistan with chief justices of all the four Federating units, and all the Provincial Assemblies to develop a plan to construct the dam.

With regards to the educational crisis in the province, the Provincial Assembly of the Punjab passed a total of 3 resolutions, demanding of the Provincial Government to address the problems of teacher shortage in the province, along with the provision of basic amenities to schools in certain underdeveloped areas of the Punjab. In order to regulate the private education of the system, the Provincial Assembly of the Punjab adopted a unanimously passed resolution on February 10, 2015

28. The complete report in this regard can be accessed at: [http://www.na.gov.pk/uploads/documents/1450170327\\_139.pdf](http://www.na.gov.pk/uploads/documents/1450170327_139.pdf)

demanding annual audit of private schools across the province and imposition of tax on them on the basis of the audit.<sup>29</sup>

#### **Representativeness of the Provincial Assembly of Khyber Pakhtunkhwa**

For 2015, a score of 58% was given to the Provincial Assembly of Khyber Pakhtunkhwa with regards to its duty of representing the people of the province.

Given that the respondents from Khyber Pakhtunkhwa in PILDAT's Public Opinion Poll identified the energy crisis, unemployment, security issues, poverty and inflation as major issues plaguing the region, according to PILDAT's Public Opinion Poll, the greatest focus of the Assembly was observed with regards to deliberating upon the energy crisis.

The crisis came under discussion in the Assembly for a total of 7 times in, with 4 Adjournment Motions accepted to debate upon it. In addition, the Assembly also passed a series of resolutions exhorting the Federal Government to develop hydel projects in the province under the Pakistan China Economic Corridor, along with demanding that unannounced load shedding be made a punishable crime. The Assembly also passed a resolution on October 02, 2015, decrying the attitude of the officials of Peshawar Electric Supply Company (PESCO). In addition, a resolution was also passed on April 23, 2015 demanding of the Federal Government to manage the provision of Natural Gas at the behest of Khyber Pakhtunkhwa Government and also provide the province with its due share from imported LNG.

With regards to the security situation in the province, the Assembly adopted the following resolutions:

- i. Paying tribute to Aitzaz Hassan for his bravery on January 06, 2015.<sup>30</sup>
- ii. To honour the people of Khyber Pakhtunkhwa with the Hilal-e-Istiqlal award for their bravery against terrorism on January 12, 2015.
- iii. To condemn the terrorist attack on the life of Mr. Aftab Ahmad Khan Sherpao on July 25, 2015.

Regretfully, the Assembly could not debate upon the issue poverty, inflation and poverty with the required focus, with no major output emanating from the Assembly in this regard.

For the 32 Bills passed by the Provincial Assembly of Khyber Pakhtunkhwa during 2015, none related to the energy crisis, poverty alleviation, unemployment, security issues and inflation. However, the Assembly did pass 4 Bills (13%) to improve the health infrastructure of the province.

Additionally, two legislations emanating from the Assembly are particularly commendable. The first is the Establishment of Civil Mobile Courts, 2015. This entails that the Provincial Government, in consultation with the Peshawar High Court will establish one or more courts in each district or other places, as it deems necessary. These Courts shall hold sitting on rotation basis as directed by District Judge. The Court established under the Act would be presided over by a Civil Judge. The second one is the Khyber Pakhtunkhwa Police Order (Amendment) Bill, 2015. It entails the establishment of Dispute Resolution Councils at District, Sub-Division or Police Station level for out of court settlement of 'petty issues'.

29. For details, please see PA for private school audit, tax imposition, Dawn, February 11, 2015, as accessed on February 18, 2016 at: <http://www.dawn.com/news/1162886/pa-for-private-schools-audit-tax-imposition>

30. The complete text of the resolution can be accessed at: <http://www.pakp.gov.pk/2013/resolutions/10218>

Apart from the above, during 2015, two potential landmark legislations have also been introduced in the Assembly. These include the Khyber Pakhtunkhwa Whistleblower and Vigilance Commission Bill, 2015 and the Khyber Pakhtunkhwa Conflict of Interest Bill, 2015. The former has been introduced to establish the Khyber Pakhtunkhwa Whistleblower Protection and Ethics Commission to enable citizens of the province to '*make public interest disclosures related to irregular, illegal or corrupt practices and to protect them from disadvantageous measures, give them rewards for such public disclosures*'.<sup>31</sup>

The latter refers aims at establishing '*clear conflict of interest and related post employment principles for public office holders, to prevent and minimize the possibility of conflicts arising between the private interests and public duties of public office holders*'.<sup>32</sup> Although both these Bills were introduced in the Provincial Assembly on October 05, 2015, they had not been passed till the end of the year.

The Provincial Assembly of Khyber Pakhtunkhwa received a score of 57%, the highest amongst the National and Provincial Legislatures, with regards to framing legislation to address the relevant provincial issue. It received an Approval Rating of 65%, in 2015 again the highest amongst the National and Provincial Legislatures, with regards to its duty of making laws to address provincial issues, an increase by almost 21 percentage point in comparison to the Approval Rating of 44% in 2014.

#### **Representativeness of the Provincial Assembly of Sindh**

For 2015, the Provincial Assembly of Sindh received a score of 45% with regards to its duty of representing the people of Sindh.

Given that the people of Sindh identified security issues, energy crisis, unemployment, poverty and inflation as major problems, security was the most heavily debated subject by the MPAs in 2015 and was discussed 15 times, whether to support the Operation Zarb-e-Azb, to condemn the killings of minorities in Sindh, or to discuss the internal security situation of Karachi. Additionally, the Assembly passed a crucial resolution on December 16, 2015, giving ratification of deployment of Pakistan Rangers (Sindh) in the Karachi Division, but with imposing certain conditions on their powers.

On September 03, 2015, the Assembly passed a resolution exhorting the Federal Government to ensure 650-megawatt supply to K-Electric without any disruption from the national grid. On April 06, 2015, Finance Minister, Syed Murad Ali Shah, MPA, stated that the Sindh Assembly did not approve of the power policy of the Federal Government until the rights of the people under Article 158 of the Constitution were given. Sindh was facing load shedding of 18 to 20 hours on a daily basis as a result of the Federal Government's policies. On February 16, 2015, the Provincial Assembly of Sindh unanimously passed a resolution to reject the Federal Government's move to recover gas levy under the title of Gas Infrastructure Development Cess (GIDC) from gas consumers in the country.<sup>33</sup> Additionally, during a debate through an Adjournment Motion, the high-handedness of K-Electric, Hyderabad and Sukkur Electric Power Companies over unannounced load shedding was highlighted in the Assembly.<sup>34</sup>

31. The complete text of the Draft Bill can be accessed at: <file:///Users/muhammad.saad/Downloads/Whistle-Blower-Act-2015.pdf>

32. The complete text of the Draft Bill can be accessed at: <file:///Users/muhammad.saad/Downloads/Conflict-of-Interest-Bill-2015-MPA-amend-incorporated2.pdf>

33. For details, please see Sindh rejects Center's Move to Levy Tax on Gas Consumers, Dawn, February 17, 2015, as accessed on February 18, 2016 at: <http://www.dawn.com/news/1164009/sindh-rejects-centres-move-to-levy-tax-on-gas-consumers>

34. For details, please see Sindh Assembly slams power companies over outages, Dawn, June 21, 2015, as accessed on February 18, 2016 at: <http://www.dawn.com/news/1189400/sindh-assembly-slams-power-companies-over-outages>

The Provincial Minister for Finance, Syed Murad Ali Shah informed the Assembly on the occasion that Pakistan Peoples Party (PPP) Co-Chairman, Mr. Asif Ali Zardari had written a letter to the Prime Minister seeking his attention to prolonged load shedding hours in Sindh.

It must be noted that relations in the Provincial Assembly of Sindh remained frayed between the Treasury and Opposition. During 2015, for a total of 12 walkouts by the Opposition benches, on three different occasions the Opposition criticized the Speaker of being blatantly biased in favour of the treasury benches. Additionally, at least on two occasions the Opposition benches criticized the Government of deliberately deviating from the Orders of the Day so that the opposition parties could not voice their concerns over workings of the Provincial Governments.<sup>35</sup> On one such occasion, the Leader of the Opposition in the Assembly, Mr. Muhammad Shahryar Khan Mahar actually tore apart Book of Rules of Procedure of the Provincial Assembly of Sindh in front of the media to signify the Government's complete disregard for the Assembly's proceedings. The frayed relations between the Treasury and Opposition benches can perhaps best be captured by the fact that when Assembly passed the budget for 2015-2016, the Opposition had staged a walkout on the occasion.

The Provincial Assembly also unanimously passed two resolutions exhorting the Provincial Government to protect street children in Sindh and to ensure steps to control the flow of toxic water from Punjab. Additionally, on February 21, 2015, the Provincial Assembly of Sindh also took up an Adjournment Motion to discuss the lack of safe drinking water in Karachi.

Out of the 28 Bills passed by the Provincial Assembly of Sindh during 2015, 7 were related to improving the security infrastructure of the province, and 5 related to improving the health infrastructure. Only 1 Bill, that is, the Sindh Workers' Welfare Fund Bill, 2014 was passed for poverty alleviation. The Bill aimed to regulate matters for the welfare of workers in the province, apart from establishment of a workers' welfare fund. Out of the 32 Bills introduced in the Provincial Assembly of Sindh during 2015, only 19 were referred to the relevant Standing Committees.

For 2015, the Provincial Assembly of Sindh received a score of 44% with regards to framing legislation to address provincial issue. It received an Approval Rating of 47% in 2015, the lowest amongst the National and Provincial Legislatures for the same, according to PILDAT's Public Opinion Poll.

#### **Representativeness of the Provincial Assembly of Balochistan**

For 2015, the Provincial Assembly of Balochistan received a score of 49% with regards to its duty of representing the people of the province.

Given that the people of Balochistan identified energy crisis, inflation, access to safe drinking water and poverty as the biggest issues, it remained regrettable that the issue of inflation and access to safe drinking water was not even discussed once proactively by the Assembly, with only oblique references to the former during the Budget debate.

With regards to the energy crisis, the Assembly passed a unanimous resolution on May 11, 2015 demanding of the Federal Government to introduce electricity rates at par with Iran in districts where the power is being supplied by the neighboring country. The Assembly also passed a resolution on March 06, 2015 demanding that the head offices of the Sui Southern Gas Company (SSGC) be shifted from Karachi to Quetta.

35. For details, please see Govt. criticized for suppressing the Opposition's voice, Dawn, April 07, 2015, as accessed on February 18, 2016 at: <http://www.dawn.com/news/1174386/govt-criticised-for-suppressing-oppositions-voice>

The issue of unemployment was discussed by the MPAs in the Provincial Assembly of Balochistan during a sitting on September 19, 2015 where the issue of thousands of youths being jobless in Balochistan and the need for merit to be the sole criterion for making appointments in the province was discussed.

The security situation came under discussion at the Provincial Assembly of Balochistan thrice. Twice, the Chief Minister of Balochistan gave a policy statement on the issues, including talks with estranged Baloch leaders and the case of Missing Persons. The House also held a discussion on an adjournment motion regarding dilapidated electricity infrastructure in Panjgur. The Chief Minister concluded the discussion giving a two-minute policy statement on the issue.

Another key area of concern during the Assembly's 15<sup>th</sup> Session was the growing insecurity for journalists in reporting of matters of public concern. The Provincial Assembly of Balochistan unanimously adopted a resolution, condemning killings of the two journalists and an employee of a news agency, and demanded that the culprits be brought to justice on March 09, 2015. During the debate, members of the Treasury presented information that incidents of kidnappings for ransom and other crimes in the province had reduced by 60%.

Out of the 15 Bills passed by the Provincial Assembly of Balochistan during 2015, 5 related to improving the security infrastructure of the province, while 4 were enacted for the establishment of medical universities. No legislations was enacted to address the issues of the energy crisis, inflation, access to safe drinking water and poverty. Out of the 19 Bills introduced in the Assembly for passage during 2015, only 7 were referred to the relevant Standing Committees.

According to the scores allotted by PILDAT's Democracy Assessment Group in 2015, the Provincial Assembly of Balochistan received a score of 47% with regards to framing legislation to address provincial issue. It received an Approval Rating of 56% with regards to its duty of law-making according to PILDAT's Public Opinion Poll in 2015. In 2014, this Approval Rating stood at 61%.

### **Budget Sessions of the Legislatures**

Power over purse strings is an incontestable democratic duty of elected legislatures. This means that there is an obligation on the elected representatives to ensure that all revenue and spending measures they authorize are fiscally sound and match the needs of people they are representing. However, as noted in previous years, Pakistan's National and Provincial Assemblies require a major overhaul of rules and capacities to meaningfully review the budgets before those are passed. With no solid movement towards that much-needed reform, 2015 also saw nearly meaningless Budget Sessions of all the Legislatures.

The National Assembly's sittings for the Budget Session of 2015-2016 lasted a total of 15 days, increasing by 7% from the sittings of the Budget Session of 2014-2015 when 14 sittings were held. According to Rule 187 in the National Assembly Rules of Procedure and Conduct of Business, a minimum of four days is required to discuss the Federal budget. This is not nearly enough time for the legislators to thoroughly scrutinize the budget and is amongst the lowest amount of time spent on a budget session in the world. For instance, the Indian Lok Sabha spends up to 90 days in review and passage of the budget.

However, in a welcome development, a total of 41 meetings were held by the Standing Committees of the National Assembly during 2015 on the PSDP by the Federal Ministries for the 2015-2016 Budget. Considering there are 30 Standing Committees of the National Assembly related to the Ministries, this averaged out to 1.4 meetings per Committee. The earliest meeting was held on December 16, 2014 by the Standing Committee on Religious Affairs and Interfaith Harmony, with the latest held on March 20, 2015 by the Standing Committee on Finance. According to the National Assembly Rules of Procedure and the Conduct of Business, the Committees were required to send their recommendations to respective

Ministries latest by March 31, 2015. Therefore, all 100% of the meetings were held before the deadline of March 31, 2015 to forward recommendations to the relevant Ministries.

Balochistan Assembly held its budget session over the course of 6 sittings, a reduction by 14% from the sittings of the Budget Session of 2014-2015 and 2013-2014. Khyber Pakhtunkhwa Assembly met for the lowest number of sittings at 5 during the Budget debate, 1 more than the allotted 4 days required in the Rules of Procedure to discuss the budget. The number of sittings has also reduced by 44% from the sittings of the Budget Session of 2014-2015. The Provincial Assembly of the Punjab held the most number of sittings during its Budget Session at 13, an improvement by 30% from the sittings of the Budget Session of 2014-2015. The Provincial Assembly of Sindh held 10 sittings during its Budget Session, during which it passed the Sindh Finance Bill, 2015.

#### **Parliament Bypassed in Crucial Policy Matters**

A disappointing trend of hasty passage of legislation, without thorough deliberation, emerged for the period under consideration. Consider the passage of the Pakistan Army (Amendment) Bill, 2015 and the 21st Constitutional Amendment Bill, 2015: Both legislations, with possibly far-reaching consequences for Pakistan's democracy, were introduced in the Parliament on January 03, 2015 and passed by January 06, 2015, within a short period of 3 days. The total time spent on deliberation over the Constitutional Amendment was no more than 174 minutes. The haste observed came at the cost of genuine concerns by the JUI-F and the JI regarding the Amendment only targeting religious terrorism while overlooking others, being woefully ignored.

Consider also the plans of the Government for the 22nd Constitutional Amendment to introduce open balloting in Senate election only a few days before it was scheduled to take place. Relevantly, Barrister Zafar Ullah Khan's (Special Assistant to the Prime Minister on Parliamentary Affairs) statement that the '*desired Amendments were doable and could be passed in a day*'<sup>36</sup> were symptomatic of two things: how the actual political consultations were taking place outside of the Parliament in the APCs; and the apparent lack of patience that the Government possessed for Parliamentary deliberations and machinations. The Presidential Order on May 05, 2015, altering the method for electing the FATA Senators, only hours before the election, and its eventual withdrawal, was yet another example of this detrimental haste.

In a similar episode, the Government faced an awkward situation in the opposition-dominated Senate when it adopted a landmark resolution to disapprove the controversial PIA Ordinance, which sought to convert the national flag carrier into a company.<sup>37</sup> The promulgation of the Pakistan International Airlines Corporation (Conversion) Ordinance on December 07, 2015, merely 48 hours before the National Assembly was to begin its session again signaled the Federal Government's hasty approach in drafting legislation on important national policy matters.

Additionally, on November 30, 2015 the Federal Government approved a mini-budget with additional tax measures that amounted to over Rs. 40 billion. The new taxes increased indirect taxation as a resort towards increasing revenue from tax. This approval was made without deliberations in Parliament. Legislators were incensed that the legislature had been bypassed to approve a reform that would likely burden lower income brackets of the populace, not to mention fuel inflation. In response, the Senate Standing Committee on Finance criticized the Government for both reliance on indirect taxation that would burden the poor, and more significantly, for taking executive decisions on such crucial matters.

36. For details, please see Govt. drafts anti-horse trading amendment, Dawn, February 27, 2015, as accessed on May 10, 2015 at: <http://www.dawn.com/news/1165988/govt-drafts-anti-horse-trading-amendment>

It is important to note that for 2015, the National Assembly received a low score of 39.5% for its ability to act as an entity independent of the Executive.

#### **An Increasing Trend of All Parties Conferences**

All Parties Conferences to evolve consensus on issues of national interest have also become a recurrent feature for the period under consideration. It remained to the detriment of the Parliament that major policy discussions that should have emanated from our Legislatures, were instead taken in the APCs. From January 01, 2015-December 31, 2015, the following APCs were held which were called by the Government:

It also remains regrettable that for all three of these All Parties Conferences, the Parliament was also in session at the same time. Parliament is the key forum where Government must announce its policy decisions and priorities. However, it is regrettable that majority of the Parliamentarians were unable to give input on the National Action Plan, and the Pakistan-China Economic Corridor, because of the APCs convened. This not only contravenes an effective and thorough debate that is usually to take place in the Parliament, but also side lines a sovereign institution that is Constitutionally designated for such matters.

#### **Pakistan Senate: On a Reform Driven Agenda**

The Senate of Pakistan made crucial reforms including the revamping of its website, and making it more open, transparent, and accessible in 2015. The Pakistan Senate website now not only contains the attendance records of the Senators for the plenary sessions, but also for the Committee meetings.

It also needs to be noted that the Pakistan Senate, under its new Chairman, has demonstrated the greatest propensity towards reform, amending its Rule of Business to introduce greater oversight capabilities. Apart from the much needed additions to augment the Senate's Question Hour, and the constitution of the House by itself as a Committee of the whole, perhaps the most significant addition was one requiring the Ministers to appear before the House and making reports on '*all matters referred by the House and recommendations made by [the Senate's] Committees.*'<sup>38</sup>

Another important reform undertaken by the Senate was the provision for the House to convert the entire membership of the Senate as a Committee of the Whole. The Senate Rules were amended to provide for conversion of the House into Committee (Committee of the Whole House), on issues of national importance, with the power to require the attendance of any person or summon production of papers, record from any Division, department, autonomous body, semiautonomous body or organization, or examine such persons on oath or solemn affirmation, or invite or summon any person to

**Table 7: APCs Called by the Government: January-December 2015**

No.	Date	Issue Discussed
1.	January 02, 2015	Approval of the National Action Plan (NAP) including the formation of Military Courts to counter the growing tide of terrorism
2.	May 13, 2015	To evolve consensus on the multi-billion dollar Pakistan-China Economic Corridor
3.	May 28, 2015	To allay the concerns of various political parties regarding Pakistan-China Economic Corridor

38. For exact text of the changes made, please refer to the Orders of the Day for April 16, 2015, issued by the Senate Secretariat, which can be accessed at: [http://senate.gov.pk/uploads/documents/1429159110\\_528.htm](http://senate.gov.pk/uploads/documents/1429159110_528.htm)

37. For details, please see: <http://www.dawn.com/news/1229966>

give evidence in relation to any matter under its consideration. The Committee has met for at least a total of 12 times since the Rules were amended, and has deliberated upon important issues such as provision of speedy, inexpensive justice, reactivation of student unions, proposals to form a special force for escorting prisoners, granting right of appeal in suo motu cases and for reviewing powers of police with regards to human rights, etc.

During 2015, the Senate also formed an in-house think tank titled the Senate Forum for Policy Research, which comprises of eight former, and eight current Senators, to guide the Senate on various issues under consideration.

In another commendable development, the Pakistan Senate also launched its Public Petition Portal.<sup>39</sup> In the past, the Human Rights Cell of the Supreme Court had started the initiative, which is a somewhat unconventional role for the Judiciary. It is much more appropriate for the Parliament to examine public petitions, in line with its duty of representing the people and their concerns.

The Senate Secretariat has received 1112 public petitions under the system as of February 04, 2016. Of these 6 were selected for discussion in the House while the remaining have been forwarded to the relevant Standing Committees for deliberation.

#### **Increasing Transparency in Pakistan's Legislatures**

In a positive development, most of Pakistan's Legislatures have increasingly been making their workings more transparent in response to citizens' demands. The Provincial Assembly of the Punjab became Pakistan's first Legislature to release the attendance of its members online. The initiative covers the attendance of all the legislators from the 12th session onward of the current 16th Assembly.<sup>40</sup> Additionally, following the President of Pakistan's decision to uphold PILDAT's request to upload the Attendance Records of MNAs in the National Assembly, the National Assembly has begun to upload the attendance record of MNAs on its website since July 2015. The Pakistan Senate has also made publically available the attendance records of the Senators, along with the attendance record of Committee meetings, following the revamping of its website.

It however remains regrettable that the Provincial Assembly of Khyber Pakhtunkhwa, which took the lead in enacting its progressive right to information law, passed on June 23, 2015, the RTI (Amendment) Bill 2015, which excluded the KP Assembly from the scope of the RTI Bill, and deprived citizens of their right to question the performance of their elected representatives. Eventually, during a sitting of the Assembly on September 07, 2015, the RTI Amendment Bill revoked the amendment passed in June 2015 that had exempted the KP Assembly from the purview of the law. The Assembly passed the second RTI (Amendment) Bill 2015, withdrawing this undemocratic amendment. Despite that, the attendance of KP MPAs is not made available online the Assembly's website. The Provincial Assemblies of Sindh and Balochistan have not made any effort to display attendance records of the legislators publically on the Assembly websites.

According to the scores for 2015, the National Assembly received a score of 49% with regards to transparency and accessibility to citizens. The Provincial Assembly of the Punjab and of Khyber Pakhtunkhwa received a score of 48%, followed by the Provincial Assembly of Sindh at 40% and Provincial Assembly of Balochistan at 38%.

39. The Public Petition Portal may be accessed at: <http://www.asianparliament.org.pk/Petitions/index.php>

40. The attendance record can be accessed at the Provincial Assembly of the Punjab website at: <http://www.pap.gov.pk/ext/attendance.php>

### Attendance in Pakistan's Legislatures

With regards to attendance of the Parliamentary leaders in Pakistan's Legislatures, it remained lamentable that an average of 60% of the legislators in both the National Assembly and the Pakistan Senate attended the total sittings for the calendar year of 2015. The Prime Minister only attended 20% of the National Assembly setting in 2015, whereas Mr. Imran Khan, Chairman of the PTI attended only 2% of the total setting of the National Assembly in 2015. Amongst the Parliamentary Leaders, the highest attendance has been of the Leader of the Opposition, Syed Khursheed Shah, MNA, who attended 86% of the sittings of the National Assembly during 2015.

With regards to the Provincial Assemblies, the highest attendance was of the Chief Minister of Sindh, Syed Qaim Ali Shah, MPA, who attended 71% of the sittings of the Sindh Assembly, followed by the former Chief Minister, Dr. Abdul Malik Baloch, MPA who attended 63% of the sittings. The Chief Minister of Khyber Pakhtunkhwa, Mr. Pervaiz Khattak, MPA attended 34% of the sittings of the Provincial Assembly of Khyber Pakhtunkhwa. However, Chief Minister of the Punjab, Mr. Muhammad Shahbaz Sharif, MPA, attended least number of sittings – only 2 during 2015 – compared to other Chief Ministers.

With regards to the extent to which the Prime Minister and the Chief Ministers have maintained a dedicated and constructive relationship with the respective Legislatures, for 2015, the Prime Minister received a low score of 27%. According to PILDAT Public Opinion Poll, for 2015 the Approval Rating for the same stood at 39%, as compared to 42% in 2014.

For the same parameter, the Chief Minister of Sindh received the highest score at 56% for 2015, followed by the Chief Minister of Balochistan at 51%, the Chief Minister of Khyber Pakhtunkhwa at 43% and the Chief Minister of the Punjab at 28%. For 2015, the highest Public Approval Rating for the same was of the Chief Minister of Khyber Pakhtunkhwa at 60% (as compared to 28% in 2014), followed by the Chief Minister of Balochistan at 50% (as compared to 62% in 2014), the Chief Minister of the Punjab at 41% (as compared to 51% in 2014) and the Chief Minister of Sindh at 33% (as compared to 46% in 2014).

### Performance of National and Provincial Governments

The parameter for the Performance of National and Provincial Governments saw a decline from 38.3% for 2014 to 34.9% for 2015. For 2015, the sub-parameter that received the lowest score was of that of the extent to which the Prime Minister had maintained a dedicated a constructive relationship with the Parliament at 27%, falling from 33.9% in 2014. This is understandable given that the Prime Minister only attended 20% of the National Assembly sittings in 2015, as compared to 27% during 2014.

The year of 2015 made obvious the aversion of the ruling party to regularly hold Cabinet meetings on issues of urgent public importance. The Federal Cabinet only met for a total of 4 time, with the latest meeting held on September 16, 2015 during the time period under consideration.

This is a clear violation of the Rule 20 of the Rules of Business of the Federal Government, which states that '*Meeting of the Cabinet to discuss ordinary business shall normally be held once a week on a day and time to be specified by the Prime Minister*'. Given that the current Government has been in power for two years and eleven months, the Federal Cabinet should have at least met a total of 112 times till the end of 2015, instead of the 22 times its meetings have been convened. It is perhaps because of the very same reason that the sub-parameter for how strong is the concept of collective responsibility of the Federal Cabinet received a low score of 29.2% during 2015, as compared to 20% in 2014.

**Table 8: Performance of National and Provincial Governments: Comparative Score 2014-2015**

	2014	2015
<b>Performance of National and Provincial Governments</b>	<b>38.3%</b>	<b>34.9%</b>
How strong is the concept of collective responsibility of the Federal Cabinet?	20%	29.2%
How strong is the concept of collective responsibility in the Provincial Cabinets?	38.3%	39.1%
To what extent do you believe that the Prime Minister has maintained a dedicated and constructive relationship with the Parliament?	33.9%	27.2%
To what extent do you believe that the Chief Ministers have maintained dedicated and constructive relationship with the Provincial Assemblies?	40.9%	44.5%

Similarly, the Council of Common Interests has also met only for a couple of times since the PML-N led Government came into power in June 2013 till the end of 2015, even though the Constitution has specified that it shall '*meet at least once in ninety days*'.<sup>41</sup>

Only 3 meetings of the Government of Punjab's Cabinet were held in 2015, with the Cabinet of Khyber Pakhtunkhwa meeting for a total of 5 times, that of Sindh meeting for a total of 6 times and that of Balochistan meeting for a total of 5 times. It also emerged that critical decisions related to important policy formulations were taken in ad-hoc forums such as the Provincial Apex Committees, rather than the Constitutionally designated Cabinets. In case of every province, for 2015, the number of the meetings of the Provincial Apex Committees far exceeded the number of meetings of the Provincial Cabinet.

For the sub-parameter of how strong is the concept of collective responsibility in the Provincial Cabinets, the Provincial Cabinets of Khyber Pakhtunkhwa and Sindh received the highest scores for 2015 at 41.3%, followed by the Provincial Assembly of Balochistan at 40% and the Provincial Assembly of the Punjab at 30%.

In a positive development for Pakistan's democracy, in the context of National and Provincial Governments, another smooth transition of power was observed in Balochistan when Mr. Sanaullah Zehri, MPA replaced Dr. Abdul Malik Baloch, MPA as the Chief Minister of Balochistan.

A worrying trend for 2015 was the emerging discord between the Federal Government and the Provincial Governments of Sindh and Khyber Pakhtunkhwa. With regards to the former, this was related to the various operational modalities of the Karachi Operation, including the special policing powers granted to Pakistan Rangers (Sindh). With regards to the latter, this was related to the China-Pakistan Economic Corridor, and the fears of the Khyber Pakhtunkhwa Government that it was not getting its due share in this regard.

41. Article 154 (3) of the Constitution

## Performance of Judiciary and Access to Justice

The parameter for the Performance of the Judiciary and Access to Justice received a score of 49.1% for 2015, as compared to 54.9% in 2014 and 43.5% in 2013.

The DAG's verdict on how economically and efficiently justice is dispensed by the Judiciary saw an increase from 35.6% in 2013 to 46.1% in 2014. The score for this sub-parameter declined to 38.3% in 2015. A similar sinusoidal trend was also followed with regards to independence of the Judiciary and how readily and completely the Judiciary's judgments are implemented.

It is interesting to note that according to PILDAT's Public Opinion Poll for 2015, the Superior Judiciary received an Approval Rating of 63% for the trust reposed in it as an institution, whereas the Lower Judiciary received an Approval Rating of 43%. These Approval Ratings stood at 62% for the Superior Judiciary and at 50% for the Lower Judiciary for 2014.

A series of seminal judgments emanated from Pakistan's Judiciary during 2015, which strengthened the quality of the country's democracy. Apart from the Inquiry Commission's Report, the Supreme Court on August 05, 2015 also dismissed all petitions against the 18th and 21st Constitutional Amendment.

Additionally, in May 2015, the Lahore High Court gave a stay-order, stopping the Lahore Development Authority (LDA) from carrying out any projects, specially the Signal Free Corridor, till the Local Government elections in Punjab had taken place. Although the Supreme Court later vacated the stay order, the LHC's judgment must be commended for asserting the elected Local Governments' authority vis-à-vis institutions such as the Lahore Development Authority (LDA).

2015 also saw the Supreme Court posture against the prevalent extremism in the country as on October 05, 2015, a three-member bench of the Supreme Court stated that the criticism of blasphemy law did not amount to blasphemy itself. The remarks led to the petitions filed by Mr. Mumtaz Qadri's counsel against his hanging being dismissed.

In signs of greater institutional harmony, 2015 saw the newly appointed Chief Justice of Pakistan, Justice Anwar Zaheer Jamali addressed the Pakistan Senate on November 02, 2015. The Chief Justice laid out an agenda for judicial reforms in Pakistan, outlining the role that the Parliament, Judiciary and Executive will have to play in this regard.

In a culmination of the Senate's efforts in this regard, spanning over at least five meetings of the Senate's Committee of the Whole and at least five months of hard work, a Report was compiled by the Senate titled 'Provision of Inexpensive and Speedy Justice in the Country' on December 31, 2015.<sup>42</sup> The report proposes multiple reforms, such as the abolition of intra-court appeal, prescribing time frame for petitions to be made mandatory, etc. to reform the country's judicial system. In the upcoming sessions of

**Table 9: Performance of Judiciary and Access to Justice: Comparative Scores 2013-2015**

	2013	2014	2015
<b>Performance of the Judiciary &amp; Access to Justice</b>	<b>43.5%</b>	<b>54.9%</b>	<b>48.2%</b>
How independent is the Judiciary?	51.3%	69.6%	64.4%
How efficiently and economically does the Judiciary dispense justice?	35.6%	46.1%	38.3%
How readily and completely are the judiciary's judgments implemented?	43.8%	49.1%	48.6%

the Senate, draft bills approved by the Committee will be introduced for passage by the Parliament.

Similarly, the Prime Minister's Legal and Judicial Reforms Committee also submitted a Report to the Premier on the topic, focusing on early dispensation of justice to an ordinary citizen of Pakistan.<sup>42</sup> However, no concrete steps have emanated from the Government with regards to making these proposed reforms a part of Pakistan's legal structure.

By the beginning of 2015, and after the Peshawar Tragedy, the country's Judiciary faced significant criticism for its slow pursuit of terrorism related cases. This was perhaps best captured by the Prime Minister when he said that 'the independence of the Judiciary was essential but equally important is the performance of the Judiciary. The pendency of numerous cases has contributed towards law and order issues'. Justice Jawwad S. Khawaja and Justice Asif Saeed Khosa, however, in an apparent rejoinder, listed inefficient investigations and weak prosecutions as the primary reasons for delays and rising backlog of cases pending in courts.

This debate lies at the heart of the Military Courts' formation. Although there has been persistent criticism of the country's judiciary for low number of convictions in terrorism related cases, the investigation and prosecution branches of the Government must be held responsible as well, as no person can be punished without evidence, no matter what the public perception is.

Considered to be the creation of a parallel system of justice, the establishment of Military Courts signified a negative development not only for Pakistan's civilian judicial system, but also its nascent democracy. It is believed their formation blurs the line between the Judiciary and the Executive, distorting the trichotomy of powers enshrined in Constitution. It also signifies the limited level of trust the Government reposes in the civilian judicial system, even if only vis-à-vis terror related cases. If this is indeed the case, it means that provision of accessible justice, a cornerstone of a functioning democracy, remains largely problematic in Pakistan.

Consider that till the end of 2015, a total of 77 executions have been ordered under the Military Courts as of December 31, 2015. Only 7 of these executions were held up at the Supreme Court for judicial review.

In the end, the question that needs to be answered is: How is the Government planning to improve the civilian justice system in roughly 6 months' time when the 21st Constitutional Amendment will terminate? Although the overhauling of the criminal justice system requires the collective input from Federal and Provincial Governments, judiciary and lawyers, the Federal Government has the fundamental responsibility to get the job done.

A significant factor in this remains the huge pendency of cases that has plagued Pakistan's judiciary. The following table outlines the number of pending cases in the various tiers of Pakistan's Superior and Lower Judiciary from 2013 till 2015.

Interestingly, according to PILDAT's Public Opinion Poll, the Government's performance in ensuring the effectiveness and independence of the Supreme Court received an Approval Rating of 55% for 2015, as compared to 49% in 2014. The respondents in PILDAT's Public Opinion Poll for 2015 rated the performance of the Supreme Court with regards to ensuring its effectiveness at 56%.

42. The complete report can be accessed at: <http://senate.gov.pk/uploads/documents/whole/cw1-2015.pdf>

43. For details, please see PM Legal and Judicial Reforms Committee Chairman Submits Recommendations, Pakistan Observer, August 05, 2015, as accessed on January 29, 2016 at: <http://pakobserver.net/detailnews.asp?id=269790>

**Table 10: Pendency of Cases in Pakistan's Superior Judiciary<sup>44</sup>**

No.	Court	Cases Pending (2013)	Cases Pending (2014)	Cases Pending (2015)	%Age Change from 2014-2015
1.	Supreme Court of Pakistan	20480	22764	22893	+0.6%
2.	Federal Shariat Court	997	1014	889	-12.3%
3.	Lahore High Court	173037	164683	147945	-10.1%
4.	Sindh High Court	66475	70046	71435	+2%
5.	Peshawar High Court	26716	27451	27954	+1.83%
6.	High Court of Balochistan	4923	5279	4842	-8.3%
7.	Islamabad High Court	13207	14500	15613	+7.7%
8.	District Judiciary Punjab	1107634	1161524	1139357	-1.9%
9.	District Judiciary Sindh	124190	127314	129666	+1.8%
10.	District Judiciary Khyber Pakhtunkhwa	132762	145203	151993	+4.7%
11.	District Judiciary Balochistan	8444	9458	10231	+8.2%
12.	District Judiciary Islamabad	28789	27858	29234	+4.9%

44. The complete report published by the Law and Justice Commission of Pakistan in this regard can be accessed at: [http://www.ljcp.gov.pk/R\\_P/JSP\\_14/index.html](http://www.ljcp.gov.pk/R_P/JSP_14/index.html)

ASSESSMENT OF THE QUALITY OF  
DEMOCRACY IN PAKISTAN: 2015**Performance of the Media**

Media is a vital element in building a State. It is considered to be the fourth pillar of a democracy. With more than 300 big and small Urdu dailies, 23 English dailies, 91 private TV channels and 138 radio stations, media indeed has become a force of sorts, especially in the country's democratic evolution. However, this esteemed position is linked with great responsibility, both on part of the Government and the media itself.

For 2015, the parameter of the Performance of Media received a score of 50.4%, as compared to 53.1% in 2014 and 42.5% in 2013.

With regards to independence of media from influence of powerful interest groups, an upward trajectory has been observed over 2013 (42.5%), 2014 (45.2%) and 2015 (51.6%).

However, there has been a significant decrease with regards to the trust reposed by the country's population in the coverage by the print and electronic media on national issues (60.9% at the end of 2014 vs. 49.2% at the end of 2015).

With regards to media's responsibility towards ensuring credible coverage, two developments immediately jump to mind, which may have negatively impacted this aspect of Pakistan's democracy.

The first one was of the *Bol Network-Axact* scandal. The scandal came to the fore when it emerged that Axact, the sister company of the Bol Network, had been involved in a major fake-degree scam, leading to international humiliation for Pakistan's media. The aftermath of the scandal saw a massive exodus of various reputed media personalities from the Bol Network, with the Pakistan Broadcasters Association (PBA) announcing that it had decided to help reintegrate the struggling media professionals at Bol Network to help the channel

**Table 11: DAG Scores Performance of the Media: comparative scores: 2013-2015**

	2013	2014	2015
<b>Performance of the Media</b>	<b>42.5%</b>	<b>53.1%</b>	<b>50.4%</b>
To what extent do you believe media is independent of the influence of powerful interest groups within the country and outside?	42.5%	45.2%	51.6%
To what extent do you believe does the country's population consider the print and electronic media's coverage of national issues to be trustworthy?	-	60.9%	49.2%

45. For details, please see Medialogic CEO alleges Express Media Group manipulated TV ratings system, The Express Tribune, September 21, 2015, as accessed on November 18, 2015 at: <http://www.dawn.com/news/1205692>

achieve a respectable standing.

The second incident was when Medialogic, a television ratings company, announced on September 20, 2015 that the Express Media Group – a private media organisation – had been involved in 'malpractices' to increase television ratings for its TV channels.<sup>45</sup>

It is perhaps, owing to this, that in PILDAT's Public Opinion Poll, electronic media's popularity has shrunk by 64% for 2014 in comparison to 54% in 2015.

Another major obstacle for Pakistan's media is the fact that the Federal Government's internationally acclaimed draft Right to Information Bill has still not been presented in front of the Parliament for passage. The Bill, finalized by the Senate Standing Committee on Information, Broadcasting and National Heritage on January 02, 2014, was scheduled for discussion by the Federal Cabinet on August 24, 2015 after which it was to be presented in the Parliament. Even though the Draft Bill was on the Agenda of the Federal Cabinet's meeting on August 24, 2015, it was never taken up. Rather, in a step backwards for transparency, the Government of Pakistan had constituted a Committee to revise the draft Bill in light of the changing security dynamics of the country.<sup>46</sup>

It seems that a major concern on part of the Federal Government is that the Bill may compromise the State's national security concerns. In further corroboration of this, Senator Farhat Ullah Babar, who was closely involved in drafting the RTI Bill, stated that the Senate Standing Committee on Information, Broadcasting and National Heritage had received a letter from the Ministry of Defence which called on the Honourable Senators to refrain from further discussing the Bill until they had obtained a No-Objection Certificate from the Ministry<sup>47</sup>

The media was also subjected to a certain period of scrutiny soon after the Peshawar Tragedy with the National Assembly's Standing Committee on Information, Broadcasting and Heritage issuing guidelines for the media's code of conduct to ensure responsible coverage in the form of a Special Report. The report titled '*Proposals to Strengthen Media's Role in Combating Terrorism*' was prepared by the Standing Committee of the National Assembly formerly headed by PML-N MNA, Ms. Marvi Memon.

The Report itself claims that the recommendations were finalized over the span of two meetings and that too, in the absence of Federal Minister for Information, Broadcasting and National Heritage, Senator Pervaiz Rashid.

Another cause of concern for the social media landscape of Pakistan was the Prevention of Electronic Crimes Bill, 2015. There were concerns that the Bill contains several provisions, which pose a threat to the respect and protection of the rights of privacy and freedom of expression. A legitimate apprehension related to the power given to the Pakistan Telecommunication Authority (PTA) to remove and block websites under the proposed legislation. There may be constitutional challenges to the proposed Act based on fundamental rights relating to life, privacy, and freedom of speech and freedom of information.

45. For details, please see Medialogic CEO alleges Express Media Group manipulated TV ratings system, The Express Tribune, September 21, 2015, as accessed on November 18, 2015 at: <http://www.dawn.com/news/1205692>

46. The 5-member Committee, which held its first meeting on January 11, comprises senior Members of Parliament and the Federal Cabinet. The Committee, which is chaired by Mr. Pervaiz Rashid, Minister of Information, Broadcasting and National Heritage, also includes Mr. Ahsan Iqbal, Minister of Planning, Development and Reform, Mrs. Anusha Rahman Khan Minister of State for Telecommunication (MNA, PML-N), Mr. Irfan Siddiqui, Special Assistant to the Prime Minister on National Affairs, and Ms. Marriyum Aurangzeb (MNA, PML-N). The Committee held its second meeting on January 21, 2016, before which individual members consulted PILDAT on the draft RTI bill.

47. For details, please see PILDAT's Monitor on Right to Information, September 2015, which may be accessed at: [http://www.pildat.org/Publications/publication/FOI/RTIMonitor\\_Sep15\\_Eng.pdf](http://www.pildat.org/Publications/publication/FOI/RTIMonitor_Sep15_Eng.pdf)

The process by which the Prevention of Electronic Crime Bill reached the National Assembly was deeply concerning. Forcing the Bill through the Committee, without consensus having been reached, and with on-going vocal criticisms by members of the Committee showed that this bill was not ready to be passed into law.

2015 also saw no access granted to members of the Media to independently report in conflict-ridden areas of Pakistan, such as FATA and Balochistan. Therefore, all the statistics, and media reports related to Operation Zarb-e-Azb emanated from the ISPR.

A fulltime Chairman (Mr. Absar Alam) of the Pakistan Electronic Media Regulatory Authority (PEMRA) was finally appointed on November 11, 2015.<sup>48</sup> His appointment was hailed by various sections of Pakistan's media. Mr. Absar Alam had previously filed a petition in the Supreme Court, along with Mr. Hamid Mir, on the transparency of use of public funds and alleged distribution of money among some journalists by successive governments through the alleged '*secret fund*' apparently managed by the Federal Ministry of Information & Broadcasting.

In a positive development for Pakistan's media, following the directives of the Supreme Court, on August 20, 2015, the Federal Ministry of Information, Broadcasting and Heritage issued the *Electronic Media (Programmes and Advertisements) Code of Conduct, 2015*. This Code of Conduct (CoC) was also a result of the aforementioned petition filed by Mr. Hamid Mir and Mr. Absar Alam in the Supreme Court of Pakistan. According to the Code of Conduct, TV channels will not broadcast anything that casts aspersions on the Judiciary or the Armed Forces except in the case of 'fair comment', violates copyrights or property rights or incites, aids or abets, glamorizes or justifies violence, crime, terrorism or offence, or blackmails or intimidates any person. It further states the messages of banned organizations shall not go on air. There are problems with the 24-point code that will require further work, one of them being the sweeping nature of the guidelines. Consider, for example, the section that declares that nothing must be aired that is against Islamic values or the ideology of Pakistan, or that is obscene. It has been noted in the past that all too often such language has been invoked to limit debate and dissent.

It would have been far better had the Pakistan Broadcasters Association itself come up with a code. Now, the greatest challenge lies in implementation, in which the PEMRA should take the lead. The National Assembly's Standing Committee on Information, Broadcasting and Heritage has already expressed dissatisfaction over delay in the implementation of Code of Conduct for electronic media and its laws and regulations by PEMRA. Given that the body has been often been criticized for its inaction, the Authority published its Annual Performance Reports for 2010-2014 on January 08, 2015.

According to PILDAT's Public Opinion Poll, the Government's performance in ensuring the independence of the media received an Approval Rating of 64% in 2015, increasing from 56% in 2014. The media's own performance in ensuring its performance received an Approval Rating of 64% for 2015.<sup>49</sup>

### Institution of Local Governments

The parameter for Institution of Local Governments has seen increase across 2013, 2014 and 2015 with the score at the end of the assessment period standing at 31.8%.

48. For details, please see Appointment of Absar Alam as PEMRA Chairman notified, Daily Times, November 12, 2015, as accessed on January 29, 2016 at: <http://www.dailytimes.com.pk/national/12-Nov-2015/appointment-of-absar-alam-as-pemra-chairman-notified>

49. For details, please see New PEMRA Chairman means business, Daily Times, December 22, 2015, as accessed on January 22, 2016 at: <http://www.thenews.com.pk/print/93328-New-Pemra-chairman-means-business>

The reason for this may be that the period under consideration finally saw some positive movement on Local Government elections primarily because of the country's superior judiciary exerting pressure on the Federal and Provincial Governments on an issue on which the latter had been dragging their feet. According to the Public Opinion Poll, an overwhelming 80% of the nation-wide respondents stated that it is very important, to important to hold Local Government Elections.

Balochistan achieved the distinction on January 28, 2015 of being the first province to complete its Local Government<sup>50</sup> elections. It was a measure of the Balochistan Government's commitment to the principal of devolution of power that despite political manoeuvrings, security threats, and legal challenges, it managed to hold elections to the third-tier of the Government. Balochistan also remains the only province that had instituted functional Local Governments by the end of 2015.

Additionally, the country also witnessed elections to the 42 Cantonment Boards on April 25, 2015 after a disappointing span of 17 years.<sup>51</sup> Local Government polls were also held in Khyber Pakhtunkhwa on May 30, 2015 and on July 30, 2015, with the first phase of the Local Government elections in 12 districts of Punjab and 8 districts of Sindh held on October 30, 2015, the second phase on November 13, 2015 and the third phase on December 05, 2015.

Although significant irregularities and acts of mismanagement were observed in the elections, the blame of which party lies with the Provincial Governments and mostly with the ECP, the bottom-line remains that Balochistan, Khyber Pakhtunkhwa, Sindh, Punjab, Islamabad Capital Territory and Cantonment Boards now have an elected Local Government setup.

While the Local Governments' institution is laudable, PILDAT believes that the laws governing them need to be improved as these limit the scope of the Local Governments, deferential to the Provincial Governments, and not devolving comprehensive financial, political and administrative powers to the Local Government setup.

Specifically, arbitrary powers granted to the Provincial Governments such as that of discretionary removal of elected Local Government representatives, and arbitrary powers of inspection, are of concern.<sup>52</sup>

**Table 12: Institution of Local Governments: Comparative Scores 2013-2015**

	At the end of 2013	At the end of 2014	At the end of 2015
<b>Institution of Local Governments</b>	<b>16.5%</b>	<b>19.3%</b>	<b>31.8%</b>
How far are representative Local Governments functional in the country?	16.5%	19.3%	31.8%

50. For details, please see Balochistan completes the final phase of Local Government elections, Daily Times, January 29, 2015, as accessed on May 10, 2015 at: <http://www.dailytimes.com.pk/national/29-Jan-2015/balochistan-completes-final-phase-of-local-govt-elections>

51. For details, please see PML-N leads Cantonment Board elections: unofficial results, The Express Tribune, April 25, 2015, as accessed on May 10, 2015 at: <http://tribune.com.pk/story/875798/pml-n-takes-lead-in-cantonment-board-elections-unofficial-results>

52. The publication can be accessed at:

## Democratic Oversight of the Security Sector and Rule of Law

The parameter for Democratic Oversight of the Security Sector and Rule of Law saw an increase from 31.3% in 2013 to 33.9% in 2014. However, this score has seen a dip to 29.7% in 2015. Conversely, according to PILDAT's Public Opinion Poll, the Approval Ratings accorded to the elected Government in ensuring the Oversight of the Security Sector saw an increase from 45% in 2014, to 51% in 2015. A possible reason for this may be the increasing co-habitation seen between the elected Government and the Military leadership, as espoused by the narrative of being '*on the same page*'.

For the calendar year of 2015, the sub-parameter that was allotted the lowest score by the DAG was how effectively had the elected Government controlled the intelligence agencies (27.2%). The highest scoring sub-parameter was regarding how far is the rule of law established in the country, which also received a somewhat dismal score of 32.7% in 2015.

According to the Rule of Law Index 2015, published by the World Justice Project, Pakistan has achieved a dismal ranking of 98 out of 102 countries with regards to the Rule of Law. Particular areas of concern in this regard remain lack of transparency, peace and security, enforcement of fundamental rights, and an apparently dysfunctional criminal justice system.

A disturbing trend observed with regards to rule in law in Pakistan during 2015 was that of missing case records. In this regard, two examples immediately jump to mind to signify this trend. The first is that of the acquittal of Mr. Asif Ali Zardari from both the SGS and Cotecna corruption cases because the original records of the cases went missing, and could not be found. In fact, the cases were decided on the grounds that the original record could not be produced before the court. The second one was when important records related to the Mr. Salman Taseer murder case mysteriously disappeared from the office of the Attorney General in the Islamabad High Court (IHC). Similarly, during November 2015, a District Judge of Islamabad registered a criminal case against three of his own staffers, after it emerged that the original record of a case was stolen from the courtroom.

Three cases/incidents were a particular cause of concern with regards to rule of law in Pakistan and its violation. These include:

- i. The Treason Trial of Gen. (Retd.) Pervez Musharraf for his imposition of emergency in November 2007 as the President of Pakistan. The matter till now has been held up not only because of the judicial proceedings, but also because of the flagrant disregard shown by Gen. (Retd.) Pervez Musharraf for Court proceedings. He has missed multiple appearances in front of the Special Court. In fact, this habit of not appearing before a court of law due to 'medical reasons', even though he has

**Table 13: Democratic Oversight of the Security Sector and Rule of Law: Comparative Scores 2013-2015**

	2013	2014	2015
<b>Democratic Oversight of the Security Sector and Rule of Law</b>	<b>31.3%</b>	<b>33.9%</b>	<b>29.7%</b>
Establishment of Rule of Law in the Country	34.4%	34.3%	32.7%
Control of the Security Sector by the Elected Government	29.4%	34.8%	29.1%
Control of the Intelligence Agencies by the Elected Government	30%	32.6%	27.2%

- not shied away from frequent media appearances, has been perpetuated in other criminal proceedings he is facing as well.
- ii. The trial of Ms. Ayyan Ali, when she was apprehended on March 14, 2015, carrying an undeclared sum of money abroad in excess of the prescribed \$10,000 (she was carrying foreign currency in sum of \$ 500,000). The judicial remand of Ms. Ayyan Ali was extended for at least 16 times, before she was released on bail. The manner in which she was kept languishing in jail under judicial remand on suspicion of a crime for which others similarly detained would have been granted bail a long time ago was regrettable, and raises some uncomfortable questions. Additionally, the matter became even more controversial after a customs official involved in investigating the case was killed on June 04, 2015.<sup>53</sup>
  - iii. When a 'confession video' of Mr. Saulat Mirza emerged from his death-row cell on March 18, 2015, just hours before his execution. As if the surfacing of the video was not befuddling by itself, the Federal Government asked the Sindh Government to form a committee to investigate Mr. Saulat Mirza's allegations. However, the committee formed by the Home Minister for Balochistan, Mr. Sarfraz Bugti, to investigate how the video was recorded from the jail cell was dissolved. The development led to some disturbing questions including how was the video possibly recorded even though the Pakistan Prisoners Code prescribes such strict guidelines for prisoners on death row? By whom was the video made and circulated?<sup>54</sup>

Apart from tapping into the Senate's Committee of the Whole's Report, and that of the Prime Minister's Legal Reforms Committee, the Government has other avenues to explore recommendations to improve Pakistan's state of rule of law. A particular component of this is the deplorable state of policing and prosecution in the country. The detailed judgment of the Supreme Court on the Civil Petition no. 1282 of 2014 (Mr. Haider Ali and Others vs. DPO Chakwal and Others) sufficiently dilates upon this issue. The judgment outlines disappointing figures such as the fact that at least in the Punjab more than 65% of criminal cases do not result in conviction. Some of the reforms prescribed by the Supreme Court in this regard include:

- i. A universal access number (UAN) and website should be developed to the general public for filing of complaints. The Supreme Court directed to make the website operational in three months in June 2014. However, no action has been taken in this regard.
- ii. Serious notice should be taken of frivolous, false or vexatious complaints
- iii. Adequate provision should be made for the training of police officers and the development of specialized investigation officers and facilities.
- iv. Guidelines/SOPs should be developed to foster coordination between the prosecution and the police.
- v. Adequate funds should be dedicated towards the training and development of public prosecutors
- vi. The respective bar councils may take appropriate action against lawyers who deliberately seek adjournments with a view to delay trial.
- vii. Police budgets (disaggregated by district and local police stations, functions, human resource allocation and a statement of their utilization), police plans and annual performance reports shall be made publicly accessible on the respective Federal and Provincial police websites

Additionally, PILDAT has also constituted a Parliamentary Caucus on the Rule of Law. Some of the recommendations the caucus has proposed to improve policing, in the context of rule of law in the country include:

53. For details, please see Customs official shot dead by unknown assailants, Dawn, June 04, 2015, as accessed on January 22, 2016 at: <http://www.dawn.com/news/1186107>
54. For details, please see PILDAT's Monitor on Civil-Military Relations, March 2015, which may be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_Mar012015\\_Mar312015.pdf](http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Mar012015_Mar312015.pdf)

- i. **Amendment in Section 154 of Code of Criminal Procedure 1898:** Amend Section 154 of Cr. P. C. to ensure that after registration of FIR, subsequent actions by police must be on the basis of solid reasons/evidence to be brought on the record by police officer(s) concerned. This would lead to more effective prosecution of cases.
- ii. **FIRs to be simple, online and computerized:** All FIRs should be recorded in simple language, available online and computerized and be simultaneously sent to the prosecution service so as to involve the latter in the case from its very inception.
- iii. **Protection for witnesses through enactment of relevant laws to prevent resiling testimony from witnesses;** ensure provision of safe and secure environment for giving statements in court to strengthen prosecution of crimes and hence provision of justice.
- iv. **Establishment of Legal Aid Authority:** The existing forums provided for under the present legal framework have not been able to fulfill the requirements for free legal aid as per the constitutional mandate. There was a need for Legal Aid Authorities both at the Federal and Provincial levels to monitor and supervise the work of public defender services.
- v. **Enactment of Public Defenders & Legal Aid Office Ordinance 2007.** The Public Defenders & Legal Aid Office Ordinance has lapsed and it is recommended that it should be enacted at both the Federal and Provincial levels.

#### Civil-Military Relations in Pakistan

As PILDAT had noted, the sit-ins by the PTI and PAT were perhaps one of the watershed moments for civil-military relations and Pakistan's democracy at the end of 2014.

Subsequently however, a narrative of the elected leadership and the military command of '*being on the same page*' was emphasized by the current Government. This apparently took root from the increased coordination seen between the civil-military leadership in the form of the Apex Committees, implementation of the National Action Plan, etc.

The Press Release issued by the ISPR on November 10, 2015, obliquely criticizing the elected Government for an allegedly languid implementation progress on the National Action Plan, and the Government's rejoinder of November 11, 2015, perhaps best define the state of civil-military relations towards the end of 2015.

It has now become a matter of public debate that the civil-military leadership have developed difference with regards to various contours of our nation's security policy. Although such difference of opinion is not unusual in a democracy, there is a need for recourse to institutions and forums where such matters can be discussed. Regrettably however, Pakistan's National Security Committee, a forum designated for such decision-making and consultation, did not meet once in 2015.

The period under consideration has seen considerable increase of the military leadership both in matters of security policy, and critical domains of our foreign policy. This includes the formation and activation of four Apex Committees, at the level of every province, for the implementation of the National Action Plan. It has been seen that all of the Apex Committees have met more frequently than the Provincial Cabinets, indicating proactiveness of the ad-hoc forum for decision-making, instead of the Constitutionally designated ones. Meetings of the Apex Committees, especially in Sindh, have seen statements emanating from the COAS calling for appointments in Sindh through the Provincial Apex Committee, the de-politicization of the Sindh police and '*apolitical responses*' without the considerations of '*political expediency*', in fighting crime in Karachi.<sup>55</sup> Other indicators of the Military's growing overreach in matters of internal security also include the formation of Military Courts, formation of three Zonal Committees to maintain security in Sindh, headed by Army Officers, etc.<sup>56</sup>

55. For details, please see: <http://www.pildat.org/eventsdel.asp?detid=743>

56. For details, please see: <http://www.pildat.org/eventsdel.asp?detid=743>

Additionally, on foreign policy front, an increasing international profile of the COAS has also been observed, especially with regards to our foreign policy vis-à-vis the United States and Afghanistan. The General Headquarters remained a must-visit for visiting foreign dignitaries, with the Afghan President visiting it twice during 2015, along with frequent appearances of other countries' Foreign and Defence Ministers to call on the COAS. It however remains unclear whether this is a case of the military leadership usurping power, or the civilian elected leadership abdicating it.

Perhaps a recurrent avenue of both civil-military and federal-provincial friction during 2015 was the Karachi Operation. Originally initiated in October 2013, the Operation took a decisive turn with the Pakistan Rangers' (Sindh) '*siege and search operation*' on Nine-Zero, the Muttahida Quami Movement's (MQM) Headquarters in Karachi, on March 11, 2015. The Karachi Operation created several ruptures in the civil-military seams, especially in Sindh. At least two political parties, the MQM and the PPP, appear to be facing the brunt of the operation. According to Dr. Farooq Sattar, as of November 23, 2015, more than 77 workers of the MQM have been arrested by the Pakistan Rangers (Sindh), who were campaigning for the Local Government elections. He went on to state that '*it seems that planning is underway to snatch the [home] ground from MQM*'. Additionally, according to the MQM, almost 253 of its workers have been '*picked-up*' by the Pakistan Rangers (Sindh) till now, who have not seen the light of the courtrooms. According to the Human Rights Commission of Pakistan a total of 486 people have been killed in encounters in Karachi during 2015.<sup>57</sup>

2015 also saw apprehension of the senior PPP leader Dr. Asim Hussain by the Pakistan Rangers (Sindh), on charges of terrorism financing. Additionally, the drama surrounding Mr. Saulat Mirza's execution (who was formerly associated with the MQM) and Mr. Uzair Baloch's apprehension (who was formerly associated with the PPP) were symptomatic of the Operation's trajectory against the political leadership of Sindh.

Subsequently, both the Military leadership and the Federal Government seemed to be at odds with the Provincial Government over the modalities of the Karachi Operation. Amidst allegations of the Pakistan Rangers (Sindh) '*acting beyond their mandate*' by the Chief Minister of Sindh, the grating of the special policing powers to the Rangers became a matter of controversy on multiple occasions, with barbed wires being traded between the representatives of the Federal Government, Sindh Government and the Military leadership over it.

Additionally, on multiple occasions, the differences between the Provincial Government of Sindh, and the Military leadership of the province, played out in the public through press statements. This included an extra-ordinary speech delivered by Lt. Gen. Naveed Mukhtar, Commander V Corps (Karachi) on May 16, 2015 during a seminar in Karachi. The fact that the address could be perceived as openly critical of the elected Sindh Government, in full media glare, signified that the channels of communication in Sindh were not as open and fluent. Additionally, in an apparent indictment of the civilian administration in Sindh, a Press Release was also issued by the Pakistan Rangers (Sindh) on June 11, 2015 alleging that annually a total of Rs. 230 billion was collected through illegal means in Karachi. The statements declared the '*District Government, District Administration, construction companies, estate agents and police officials*' to be complicit in the racket.<sup>14</sup> The Press Release was based on a presentation by Director General Pakistan Rangers (Sindh), Maj. Gen. Bilal Akbar, during a meeting of the Apex Committee of Sindh on June 04, 2015, chaired by Chief Minister of Sindh.

Perhaps the highlight of the growing civil-military friction in Sindh was the fiery broadside fired by the by

57. For details, please see Operation Overkill: How not to Improve Law and Order in Karachi, Herald, October 29, 2015, as accessed on February 17, 2016 at: <http://herald.dawn.com/news/1153278/operation-overkill-how-not-to-improve-law-and-order-in-karachi>

the Co-Chairman of the PPP and former President of Pakistan, Mr. Asif Ali Zardari on June 16, 2015. The diatribe was openly critical of the Military, as he warned it against '*stepping out of its domain*'. That the Prime Minister cancelled his pre-scheduled meeting with Mr. Zardari on June 17, 2015, after the latter's outburst was enough of a signal of him distancing himself from Mr. Zardari's views.

Although civil-military friction was seen in Sindh, the case was somewhat opposite in Balochistan. Given that the maintenance of peace, stability and order is one of the dominant governance-related efforts in Balochistan, there were welcome instances of increasing coordination between the civilian elected coalition Government and the Military leadership. These included:

1. The Prime Minister announcement of the '*the Peaceful Balochistan Plan to bring estranged Balochs back into the mainstream*' during a meeting of the Provincial Apex Committee of Balochistan held on August 06, 2015 in Quetta.
2. The Government of Balochistan's announcement on June 25, 2015 for general amnesty for youth laying down their weapons and abandoning violence in the province.
3. Increased efforts at talks with estranged Baloch leaders, including the Khan of Kalat and the Mr. Brahmadagh Bugti.

As far as both the optics and numbers are concerned, the nationalist insurgency does not seem as active as it once was in Balochistan. Official numbers released by the Home Department of the Government of Balochistan on August 31, 2015 clearly indicate a positive trend in this regard. The data compiled by the Government showed that the number of bullet-ridden bodies found in the province were 76 for January-July 2015, whereas for January-July 2014 this number was at 166. Similarly, for January-July 2015, 143 people had been killed in attacks on minorities, settlers and personnel of the LEAs, whereas for January-July 2014 this number was at 276.

### Electoral Process and Management

The parameter for Electoral Process and Management, which was rated at 57.9% by the Democracy Assessment Group in 2013, and at 52.1% in 2014, received a score of 51.1% in 2015.

The sub-parameter that scored the lowest for the calendar year of 2015 was trust amongst the country's population regarding the credibility of the ECP (42.5%). On the other hand, the sub-parameter that scored the highest was the provision in the Constitution and the relevant laws for an independent and effective Election Commission (68%).

**Table 14: Electoral Process and Management: Comparative Scores 2013-2015**

	2013	2014	2015
<b>Electoral Process and Management</b>	<b>57.9%</b>	<b>52.1%</b>	<b>51.1%</b>
How far do the Constitution and the laws provide for an independent and effective Election Commission?	63.8%	64.1%	64%
How far is the ECP independent?	58.8%	52.2%	54%
How far is the trust amongst the country's population regarding the credibility of the ECP?	57.5%	40.5%	42.5%
How far is the ECP powerful, effective and able to enforce its write?	51.3%	51.7%	44%

**Table 15: Comparison of Voter Turnout**

No.	Election	Percentage of Voter Turnout
1.	General Election 2008	44%
2.	General Election 2013	55%
3.	Local Government Election 2013-2015 (Balochistan)	34%
4.	Local Government Election 2015 (Khyber Pakhtunkhwa)	41%
5.	Local Government Election 2015 (Sindh)	49%
6.	Local Government Election 2015 (Punjab)	61%
7.	Local Government Election 2015 (ICT)	50%
8.	Local Government Election 2015 (Cantonment Boards)	33%

In a positive validation for Pakistan's electoral landscape, a significant increase was observed in the voter-turnout for General Election 2013 in comparison to General Election 2008. Table 15 gives a comparison of the voter turnout for General Election 2008, General Election 2013, and the Local Government elections 2013-2015.

Crucially, according to PILDAT's Public Opinion Poll for 2015 on the Quality of Democracy in Pakistan, June 2014-May 2015, 59% of the respondents believe that the General Election in 2013 was somewhat to completely transparent and fair. In the contrast 30% respondents see the Election as somewhat to completely rigged. For the democracy survey conducted at the end of the 1st year of the elected Governments, 53% of the respondents believed that General Election 2013 were completely to somewhat transparent and fair and 37% thought they were somewhat to completely rigged.

Although all of these are positive signs for Pakistan's electoral landscape, the lack of effective management of elections by the Election Commission of Pakistan (ECP) remained a major negative factor contributing to quality of democracy in Pakistan, during 2015.

Although the Inquiry Commission 2015 debunked the claims of the PTI with regards to alleged massive rigging observed in General Election 2013, the Report was a critical indictment of the role that the ECP had played in managing the General Election 2013. The Report pointed out critical flaws in how the ECP had managed the General Election 2013 including lack of planning to evolve an effective formula for printing excess ballot papers, especially in Punjab, failure to use Result Management System on Election Day, lack of training, overload of RO's and PO's and failure to comply with the electoral laws.

Similarly, the Election Tribunals' verdict for NA-122, NA-125, and NA-154 showed that the most sticking issue of the ECP has been its inability to exercise its constitutional and legal powers effectively and assert its constitutional authority. While the ECP has put in place ample amount of rules and codes, most backed by legal provisions such as the ceiling on election expenses, the ECP has never been able to ensure strict compliance to these rules and laws.

#### **The Case of By-Election in NA-122**

In August 2015, the NA-122 constituency was vacated after the Punjab election tribunal's commission had ordered re-polling, declaring the election in the constituency null and void and accepting Mr. Imran Khan's petition that challenged the 2013 election result. For the re-polling in NA-122, the code of conduct released by the Election Commission of Pakistan (ECP) on September 4, 2015 stated:<sup>58</sup> *"none of the*

58. The code of conduct can be accessed at: <http://ecp.gov.pk/na122and144coc.PDF>

*contesting candidates shall exceed the limit of election expenses of Rs. 15,00,000 for National Assembly constituency.”*

Additionally, each candidate was required to open an account to deposit the fixed amount and ensure all expenditures were made out of this amount. No person or a political party could hoist or fix party flags on any public property or at any public place, except with the permission from and on fee payment to the concerned local government or authorities.

However, people from the social and political circles who visited the area saw massive banners, posters and the expense of the rallies along with other publicity material.

The returning officer (RO) for NA-122 by-polls issued notices to candidates of both the PML-N and PTI for violating code of ethics to which party officials responded that they kept within the imposed limits but could not stop their supporters from spending money and that the campaigning of local government elections was also under way in the area leading to a rise in the expenditure. No further probing or action into this matter was undertaken by the ECP despite the code of conduct being given the status of an order and its violation be treated as contempt of court. According to Article 104 of the Representation of People's Act, 1976, the ECP could have cancelled the election for its violations of its stipulated code of conducted.

Critically, the Local Government elections held in Khyber Pakhtunkhwa on May 30, 2015 also highlighted that ECP's mismanagement of elections, especially on the election day was particularly suspect. The KP Local Government elections were ridden with administrative inefficiencies, with the provision of an apparently weak security apparatus leading to death of 11 people. The resultant blame-game and friction that was observed between the PTI and the Election Commission of Pakistan (ECP) was enough to further mar what was originally supposed to be a positive development for Pakistan's democracy. Even the first phase of the Local Government elections in Punjab and Sindh, held on October 31, 2015 were badly mismanaged on election day, as 11 people died in the Khairpur district of Sindh on Election Day, with the Army being called in to ease the situation.

Apart from the ECP's apparently continued friction with the PTI, the period under consideration also saw the ECP quietly change its rules for by-elections in three national and provincial assembly constituencies on May 7, 2015 by amending its earlier notifications and barring MNAs and MPAs from visiting these constituencies and taking part in the election campaign.<sup>59</sup> Given that the leadership of the PTI, specifically its Chairman, Mr. Imran Khan who also happens to be Member of the National Assembly, wanted to campaign in the NA-122 by-election, the Code of Conduct was challenged by the party in the Lahore High Court in August 2015,<sup>60</sup> with the bench headed by the Honourable Justice Ayesha Malik deciding in its favour. However, a three-member bench of the Supreme Court of Pakistan, headed by Justice Saqib Nisar declared the Lahore High Court's decision to be null and void in this regard on September 08, 2015.<sup>61</sup>

The Code of Conduct for the Local Government elections in Punjab and Sindh issued by the ECP, and post the Supreme Court's judgment in this regard, again included the provision barring the MNAs and MPAs from participating in the campaign. The PTI again took exception to this Code of Conduct and challenged it in the Lahore High Court, with a bench headed by Justice Ayesha Malik this time around declaring the whole Code of Conduct to be null and void. Resultantly, one saw even Federal Ministers campaigning in

59. For details, please see Arbitrary changes, Dawn, May 18, 2015, as accessed on November 18, 2015 at:

<http://www.dawn.com/news/1182561/arbitrary-changes>

60. For details, please see By-elections: PTI to challenge ECP's code of conduct, the Express Tribune, September 21, 2015, as accessed on November 09, 2015 at: <http://tribune.com.pk/story/960531/by-elections-pti-to-challenge-ecps-code-of-conduct>

61. For details, please see SC restores ECP's code of conduct for by-elections, The News, September 08, 2015, as accessed on November 09, 2015 at: <http://www.thenews.com.pk/article-196722-SC-restores-ECPs-code-of-conduct-for-by-elections>

the Local Government elections held on October 30, 2015. PILDAT believes that the primary reason for this evolving friction between the ECP and various political parties stems from the fact that the ECP did not carry out consultations with stakeholders while drafting its Code of Conduct.

It does not come as a surprise that the ECP's Approval Rating has seen a significant slide in PILDAT's Public Opinion Poll, falling from 43% at the end of the first year of the current Government to 37% at the end of the second year. Additionally, an overwhelming 70% of the respondents believed that there was a need for reforms for the ECP.

Given that such reforms are also supposed to emanate from our Parliament, it remains disappointing that the 33-member Parliamentary Committee on Electoral Reforms, formed on July 25, 2015, which was originally supposed to wrap up its work in four months, has still not been able to do so even a year after its formation.<sup>62</sup>

However, in a positive development, the ECP has undertaken various reforms during 2015. This includes its GIS Mapping System for Android Phone Users along with an experiment of biometric voter verification carried out in the by-poll of NA-19. However, voting facilities for overseas Pakistanis in the forthcoming General Election remains elusive.

It was also disappointing to note that an effective method of electoral dispute resolution also continued to allude Pakistan's electoral landscape. A total of 14 Tribunals were appointed (5 in Punjab; 3 each in Khyber Pakhtunkhwa, Sindh and Balochistan) where the greatest lag observed in the tribunals for Punjab. These tribunals were formed on June 3, 2013, and required to complete the work in 120 days. The tribunals, comprising retired judges from the lower judiciary, were hired for one year and paid salaries equivalent to that of government officers in BPS-21. But for the first time, the decision to appoint retired judges as the heads of the tribunals had raised the hope that the petitions would not linger as having no routine judicial works the tribunals would hear the elections-related cases on a day-to-day basis. This, however, could not happen and the tribunals failed to even decide half of the cases till June 2014, warranting an extension in their term till December 31, 2014.<sup>63</sup>

### Performance of the Political Parties

Political parties constitute an integral part of a robust democratic order, with the strength of their internal democracy being a marker of the democratic culture they espouse and perpetuate. However, 2015 only saw mostly negative developments related to the internal democracy of political parties of Pakistan. Perhaps it was for the very same reason that according to the scores assigned by the Democracy Assessment Group, the ratings for the parameter of Performance of Political Parties has taken a dip from 45.4% in 2013 and 45.7% in 2014, to 44.3% in 2015.

The lowest scoring sub-parameter in this regard was regarding the internal democracy of political parties, which received a score of 28.3% at the end of 2015. The highest scoring sub-parameter was the degree to which the Constitution guarantees freedom of association across the country at 62%.

According to PILDAT's Public Opinion Poll, the Approval Rating for Political Parties as an institution saw a dip from 44% at the end of 1st Year of the current Federal and Provincial Governments, to 36% at the end of 2nd Year.

62. For details, please see NA Speaker constitutes committee on electoral reforms, Dawn, July 26, 2015, as accessed on November 18, 2015 at: <http://www.dawn.com/news/1121556>

63. For details, please see Election tribunals given another extension, Dawn, January 02, 2015, as accessed on January 07, 2016 at: <http://www.dawn.com/news/1154541>

**Table 16: Performance of Political Parties: Comparative Scores 2013-2015**

	2013	2014	2015
<b>Performance of Political Parties</b>	<b>45.4%</b>	<b>45.7%</b>	<b>44.3%</b>
How far does the Constitution guarantee the freedom of association across the country?	65.6%	62.1%	62%
How far is the freedom of association actually practiced in the country?	55%	57.0%	53.6%
How democratic are the political parties internally?	35%	28.4%	28.3%
How far are the political parties free from the influence of undeclared interest groups?	38.1%	40.9%	38.7%
How organized are the political parties in general?	38.8%	45.7%	41.4%
How far are the political parties financially viable to carry out their activities?	42.5%	40.6%	41.5%

According to PILDAT's separate assessment during 2015, the overall internal democracy of political parties has fallen from 43% in 2014 to 40% in 2015. As has been observed, the most well established political parties of the country, with the fairest electoral prospects (such as PML-N and PPP) continue to be mere lengthened shadow of their leaders. Additionally, political parties' funding remains shrouded in ambiguity with the ECP's capacity to check compliance with law in this regard seriously under doubt.

The negative developments in this regard included the elected office bearers of the PTI having been replaced with nominated office bearers who serve to the pleasure of the Chairman. According to the PTI election tribunal, given the irregularities observed in the party's previous internal polls, intraparty elections were to be held in March 2015. However, till now, the interim setup appointed by the Chairman continues with no sign on intraparty polls being held.

Additionally, Chairman Imran Khan went on to make some important policy pronouncements about his own place and powers within the party that have serious implications for the intra-party democracy which Imran Khan built so painstakingly.<sup>64</sup>

Additionally, for the past many months, Mr. Asif Ali Zardari, former President of Pakistan and Co-chairman PPP, has continued to remain absent from the country and summons his party's leadership off and on in Dubai to hold meetings relating to party affairs and the local government elections.

It also needs to be noted that the PML-N's last intraparty polls in the center took place in July 2011. According to the party constitution, elections are to be held every four years, meaning hereby that the PML-N's latest intraparty polls should have been held by July 2015. However, no announcement of any fresh intraparty elections has been made so far.

Sadly, not many developments have taken place during the year to signify that the trend of weak internal democracy in Pakistan's political parties is about to be changed. With the exception of a few political parties, such as the National Party and the Awami National Party who have held internal polls, majority of

64. For details, please see PILDAT's Monitor on Internal Democracy of Political Parties, July 2015, which can be accessed at: [http://www.pildat.org/Publications/publication/Democracy&LegStr/Monitor\\_Political\\_Parties\\_Internal\\_Democracy\\_July2015.pdf](http://www.pildat.org/Publications/publication/Democracy&LegStr/Monitor_Political_Parties_Internal_Democracy_July2015.pdf)

Pakistan's major political parties continue to remain moored around a central leadership, which seems to have perpetuated its control over the party matters.

MQM's internal democracy has also suffered serious setbacks for the period under consideration. On the night of July 23, 2015, MQM chief Altaf Hussain called on members of the Rabita Committee and ordered them to close down all offices, including the Nine Zero headquarters, on immediate basis. His orders were duly fulfilled and members of the party gathered outside Mr. Altaf Hussain's residence in Azizabad in order to extend their grievances regarding his decision along with their apologies. Media reports say that this action was taken as a result of the party chief's dissatisfaction over certain organisational matters that were not being properly handled by the Rabita Committee. Early the next morning, on July 24, 2015, the chief reverted his decision, all offices were re-opened and everyone was back to work. It is also worth mentioning that there remains a ban on the media coverage of Mr. Altaf Hussain's speeches due to an order passed by the Lahore High Court, primarily because of his undue and uncontrolled criticism of our country's Armed Forces.

Following this shut down of the party, only three days later, on July 26, 2015, the party chief Altaf Hussain passed orders to sack members of the Rabita Committee that included Dr. Farooq Sattar, Dr. Khalid Maqbool Siddiqui, Senator Nasreen Jalil and Mr. Amir Khan.<sup>65</sup>

It is also critical to note that the leadership of Pakistan's two major political parties, the MQM and the PPP, apparently remains censured for the past six months. Although Mr. Asif Ali Zardari appears to be in self-imposed exile, there remains a complete ban on the media coverage of Mr. Altaf Hussain due to an order of the Lahore High Court on June 06, 2015.

### Constitutional Framework

The parameter for Constitutional Framework, which was rated at 55.2 in 2013, and at 57.2% in 2014, was rated at 50.7% in 2015.

The sub-parameter that received the lowest score for the calendar year of 2015 was regarding how far are the provisions of the Constitution followed in letter and spirit (35.4%). The highest scoring sub-parameter

**Table 17: Constitutional Framework: comparative scores 2013-2015**

	2013	2014	2015
<b>Constitutional Framework</b>	<b>55.2%</b>	<b>57.2%</b>	<b>50.7%</b>
How far does the country's Constitution guarantee and protect a robust democratic order?	60%	64.3%	66.3%
How far does the Constitution guarantee equality of all citizens?	60%	67.4%	58.1%
How far are the provisions of the Constitution followed in letter and spirit?	44.4%	43.2%	35.4%
How far does the Constitution provide for an equitable treatment to all provinces and territories of the country?	56.3%	58.2%	46.4%
How effectively does the Constitution guarantee individual rights?	53.1%	52.6%	47.3%

65. Ibid.

on the other hand was how far does the country's Constitution guarantee and protect a robust democratic order (66.3%).

It remains unfortunate that one of the biggest concerns regarding Pakistan's constitutional framework, that is on granting a Provincial Status to Azad Jammu and Kashmir, Gilgit Baltistan and the Federally Administrated Tribal Areas (FATA) persists even during 2015.

The issue has certainly grown more complex for the period under consideration. With regards to the FATA, there are possibly two proposals under consideration. This includes whether FATA should be made a separate province, or should it be integrated with Khyber Pakhtunkhwa. Although the political leadership of KP has shown fierce resistance to the latter, it needs to be noted that the Prime Minister has formed a Committee for FATA related reforms on November 23, 2015 led by the Advisor to the Prime Minister on Foreign Affairs, Mr. Sartaj Aziz. Reportedly, the Committee has met only once till now. Given that an integral member of the Committee, i.e. the Governor of Khyber Pakhtunkhwa, has resigned from his post, the Committee's subsequent course of action remains in the dark.

With regards to granting of a Provincial Status to Gilgit Baltistan and Azad Jammu and Kashmir, it appears that the political leadership of AJK remains bent upon convincing the Federal Government to not consider the two regions separately. Therefore, AJK Assembly has passed a resolution to dissuade the Federal Government from making Gilgit-Baltistan a separate province. A reform proposal that has emanated from the AJK Legislative Assembly in this regard includes a constitutional package granting maximum powers to locally elected representatives and ensuring their presence in Parliament.

### Civil Society

A robust civil society constitutes an integral part of a functional democracy. The best example of this is perhaps of India's case, where in 2015, through a movement generated by actors, artists, and intellectuals of the country, significant pressure was created on the BJP-led Government to abandon its alleged agenda for extremism in India.

The parameter for Civil Society received the highest score amongst all the parameters for the Pakistan-Specific Democracy Assessment Framework for 2015 at 51.4%. However, this score fell in comparison to 2014, when the parameter was rated at 56.7%.

The highest scoring sub-parameter in this regard was how independent is the civil society of the influence

**Table 18: Civil Society: Comparative Scores 2013-2015**

	2013	2014	2015
<b>Civil Society</b>	<b>46.4%</b>	<b>56.7%</b>	<b>51.4%</b>
How far does the civil society represent the diversity of Pakistan?	51.3%	57.8%	-
How far does the civil society speak about the issues of the people of the country?	50.6%	60.4%	55%
How effective is the civil society of Pakistan?	43.8%	51.7%	46%
How independent is civil society of foreign and vested interests' influence?	-	-	45%
How independent is the civil society of the influence of the Government?	-	-	58%

of the Government, which received a score of 58%. Conversely, the lowest scoring sub-parameter was of how independent is Pakistan's civil society of the influence of foreign and vested interests' influence (rated at 45%).

In the same vein, the civil society in Pakistan also witnessed various crests of pressure, on issues of public importance, forcing the Government to retract from its stances that were considered to be in contravention of human rights.

Some examples of these are as follows:

1. Shafqat Hussain was arrested in 2004 at the age of 14, and convicted by Anti-terrorism Court of kidnapping and killing a child, charges later reduced to involuntary manslaughter. Rights groups and members of the civil society said that Hussain was innocent and that his "confession" came after nine days of torture by electrocutions, beatings and more. Even worse, they stated that he was a juvenile at the time of the alleged crime.

Although Shafqat Hussain was eventually hanged on August 04, 2015, his hanging was postponed for a total of three times due to the pressure created by various civil society organizations.

2. On September 17, 2012, the Pakistan Telecommunication Authority (PTA) ordered access to YouTube (a popular streaming website) blocked, after the website did not remove the trailer of Innocence of Muslims, a film insulting Islam and eventually resulting in a ban due to YouTube's non compliance.

Bytes for All, a Pakistani non-profit organization, filed a constitutional challenge to the ban in the Lahore High Court, with the Court taking the position that the ban on the website was legal, and directed the PTA to negotiate with YouTube to get the content removed. On April 21, 2014, Pakistan's Senate Standing Committee on Human Rights approved a resolution to lift the ban on YouTube, in recognition of the public pressure created by various civil society organizations regarding it. On May 06, 2014, the National Assembly unanimously adopted a non-binding resolution to lift the ban. As of January 18, 2016, the ban has been lifted officially, as YouTube launched local version of site for Pakistan.

3. On May 14, 2015, the Lahore High Court gave a decision of stopping the Lahore Development Authority (LDA) from carrying out any projects till the Local Government elections in Punjab. It is important to note that the judicial activism on this was spearheaded by various civil society organizations, including the *Lahore Bachao Tehreek*.

The Federal Government is apparently considering its legal options to regulate work of the NGOs/INGOs in the form of the draft Foreign Aid Contributions Bill, 2015. The newly proposed legislation, being introduced to regulate and monitor the funding of NGOs and INGOs, will regulate foreign funding to madrassas as well. The proposed law will enable the Federal Government to monitor accounts, operations and visa-related issues of all three. However, the Bill is yet to be presented in front of the relevant Standing Committee of either the National Assembly or the Senate.

In October 2015, the Federal Ministry on Interior announced a new policy for the registration and functioning of International Non-Government Organizations (INGOs) working in Pakistan. All INGOs were advised to apply for online registration with the Interior Ministry. Additionally, Federal Minister for Interior, Chaudhary Nisar Ali Khan, MNA has also stated that foreign NGOs will not be allowed to financially support other organizations without the permission of the Interior Ministry.

PILDAT believes that there should be complete transparency about the source of the funding, its purpose, and amount with regards to the functioning of the NGOs. Additionally, a careful balance also needs to be maintained in the functioning of a vibrant civil-society and national security concerns. However, the process of monitoring should not be subject to arbitrary decisions, as observed in the case of Save the

Children. Additionally, the effort to grant licenses, and trying to assess the performance of NGOs is neither advisable nor possible for the Government. According to PILDAT, the Government is not even adequately equipped to analyze the performance of its own State Institutions let alone that of the NGOs. Therefore, the focus of this crackdown should only focus on whether there is any breach of the national security in the functioning of the NGOs and INGOs.

### Human Rights

In a welcome development for the country's democracy, the National Commission for Human Rights (NCHR), the requisite legislation for which was passed in 2012 has finally been activated. Justice (Retd.) Nawaz Ali Chohan was appointed as the Chairman of the Commission along with the members being notified on May 20, 2015.

The Commission has been granted significant powers to investigate human rights violations across the country.<sup>66</sup> However, according to media reports, and as pointed out by Senator Farhatullah Babar, the Commission's effectiveness has been compromised due to shortage of funds, office space and manpower. Reportedly, *'the commission has been allotted a single room in an official building in Blue Area by the Law Division... The law division has provided only one typist and a peon to the commission while the rest of staff will be employed at a later stage'*.<sup>67</sup>

**Table 19: Human Rights: Comparative Scores 2013-2015**

	2013	2014	2015
<b>Human Rights</b>	<b>36%</b>	<b>42.6%</b>	<b>37.8%</b>
How effective is the Government in protecting liberty of its citizens?	29.4%	40.9%	37%
How effective is the Government in ensuring that the basic human rights of the citizens are not violated?	28.8%	37.7%	32%
To what extent are the religious and ethnic minorities subject to equitable treatment by the Government?	28.1%	35.3%	37%
How effective are the arrangements in protecting individual rights and addressing violations, if and when they occur?	40.6%	36.1%	33%
How effectively does the Constitution guarantee individual (human) rights?	53.1%	63.2%	50%

66. These powers include investigating human rights violations by Government departments and individuals, *suo motu* on petitions, visiting detention centers to ascertain the legality of the detention of various people and ensuring detainees are being treated according to law, reviewing and suggesting amendments to Pakistan's constitutional and legal framework on human rights, making recommendations for the effective implementation of international human rights treaties, and developing a national plan of action for promotion and protection of human rights. The Commission has powers of a Civil Court and the Government under the Act will have to appoint a Special Court for the trial of human rights violators.

67. or details, please see NCHR in limbo: New rights body hobbled by lack of funds, facilities, The Express Tribune, August 23, 2015, as accessed on November 20, 2015 at: <http://tribune.com.pk/story/943137/nchr-in-limbo-new-rights-body-hobbled-by-lack-of-funds-facilities>

Perhaps the biggest brewing human rights crisis for Pakistan is the massive number of the Internally/Temporarily Displaced People, in the aftermath of Operation Zarb-e-Azb. Over 350,000 people have been displaced since the start of the military offensive against militants in North Waziristan, according to the FATA Disaster Management Authority (FDMA).

Currently, the provincial government has released Rs. 350 million for relief efforts. An emergency has been declared in all the hospitals of the area, and the IDPs are being provided free transport and schooling. However, at the same time, the Government has banned international aid organizations from entering the area.



# Appendices

Appendix A:  
Democracy Scorecard Based on the Pakistan-Specific Framework

Appendix B:  
Democracy Scorecard based on International Institute of Democracy  
and Electoral Assistance

Appendix C:  
Members of the Democracy Assessment Group



## Appendix A

## Appendix A: Democracy Scorecard Based on the Pakistan-Specific Framework

No.	Parameter and Sub-Area of Evaluation	%Age Score Assigned by DAG in 2013	%Age Score Assigned by DAG in 2014	%Age Score Assigned by DAG in 2015
-	How good is the quality of democracy in the country?	54	44.3	50
-	<b>Processes</b> How effective are democratic institutions and how effectively are democratic processes followed?	44.5	45.2	46.8
<b>1).</b>	<b>Parliament and Provincial Legislatures</b>	<b>44.9</b>	<b>44.8</b>	<b>45.1</b>
1a).	How effective do you believe have the National and Provincial Legislatures been with regards to their duty of Representing the people?		45.2	48.4
1b).	How representative are the Parliament and Provincial Assemblies of the country's population and its various segments (religions, provinces, ethnicities, economic groups etc.)?	58.1	45.7	48
1c).	How effective are the Parliament and Provincial Assemblies in framing legislation to address national and provincial issues?	43.1	45.8	48.4
1d).	How effective are the Parliament and Provincial Assemblies in exercising oversight of the Executive?	36.9	37.3	43.3
1e).	How effective are the Parliament and Provincial Assemblies in providing a forum to diverse viewpoints in the country / province for debate and developing consensus?	45.6	46.1	42.2
1f).	How transparent and accessible are the Parliament and Provincial Assemblies to citizens?	40.6	42.3	46.5
1g).	How far have the Parliament and Provincial Assemblies acted as entities independent of the Executive and contributed to the collective agenda?		38.8	39.2
1h).	To what extent do you believe that Opposition and the Treasury benches have maintained a constructive relationship in both the National and Provincial legislatures?		57.0	44.5
<b>2).</b>	<b>National and Provincial Governments</b>		<b>38.3</b>	<b>34.9</b>
2a).	How strong is the concept of collective responsibility of the Federal Cabinet?		20.0	29.2

2b).	How strong is the concept of collective responsibility in the Provincial Cabinets?		38.3	39.1
2c).	To what extent do you believe that the Prime Minister has maintained a dedicated and constructive relationship with the Parliament?		33.9	27.2
2d).	To what extent do you believe that the Chief Ministers have maintained dedicated and constructive relationship with the Provincial Assemblies?		40.9	44.5
<b>3).</b>	<b>Unelected Executive/Bureaucracy</b>	<b>36.9</b>	<b>48.3</b>	<b>42.8</b>
3a).	How far is the unelected Executive allowed to function free from partisan considerations in accordance with law, rule and regulation?	35	41.3	40.4
3b).	How much independence of the Executive is guaranteed through Constitution and laws?	43.3	51.3	45.1
<b>4).</b>	<b>Judiciary/Access to Justice</b>	<b>43.5</b>	<b>54.9</b>	<b>49.1</b>
4a).	How independent is the Judiciary?	51.3	69.6	60.4
4b).	How efficiently and economically does the Judiciary dispense justice?	35.6	46.1	38.3
4c).	How readily and completely are judiciary's judgments implemented?	43.8	49.1	48.6
<b>5).</b>	<b>Media</b>	<b>42.5</b>	<b>53.1</b>	<b>50.4</b>
5a).	To what extent do you believe media is independent of the influence of powerful interest groups within the country and outside?	42.5	45.2	51.6
5b).	To what extent do you believe does the country's population consider the media's coverage of national issues to be trustworthy?	-	60.9	49.2
<b>6).</b>	<b>Local Government</b>	<b>16.5</b>	<b>19.3</b>	<b>31.8</b>
6a).	How far are representative local governments functional in the country?	16.5	19.3	31.8
<b>7).</b>	<b>Constitutional Framework</b>	<b>55.2</b>	<b>57.2</b>	<b>50.7</b>
7a).	How far does the country's Constitution guarantee and protect a robust democratic order?	60	64.3	66.3
7b).	How far does the Constitution guarantee equality of all citizens?	60	67.4	58.1
7c).	How far are the provisions of the Constitution followed in letter and spirit?	44.4	43.2	35.4
7d).	How far does the Constitution provide for an equitable treatment to all provinces and territories of the country?	56.3	58.4	46.4

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7e).	How effectively does the Constitution guarantee individual rights?	53.1	52.6	47.3
<b>8).</b>	<b>Democratic Oversight of the Security Sector and the Rule of Law</b>	<b>31.3</b>	<b>33.9</b>	<b>29.7</b>
8a).	How far is the rule of law established in the country?	34.4	34.3	32.7
8b).	How far is the security sector effectively controlled by the elected Government?	29.4	34.8	29.1
8c).	How far are the intelligence agencies effectively controlled by the elected Government?	30	32.6	27.2
<b>9).</b>	<b>Electoral Process and Management</b>	<b>53.8</b>	<b>53.9</b>	<b>52.9</b>
9a).	How far does the Constitution and laws provide for an independent and effective Election Commission?	63.8	64.1	68
9b).	How far is the ECP independent?	58.8	52.2	55
9c).	How far is the trust amongst the country's population regarding the credibility of the ECP?	57.5	40.5	42.5
9d).	How far is the ECP powerful, effective and able to enforce its writ?	51.3	51.7	46
<b>10).</b>	<b>Performance of Political Parties</b>	<b>45.4</b>	<b>45.7</b>	<b>44.3</b>
10a).	How far does the Constitution guarantee the freedom of association across the country?	65.6	62.1	62
10b).	How far is the freedom of association actually practiced in the country?	55	57.0	53.6
10c).	How democratic are the political parties internally?	35	28.4	28.3
10d).	How far are the political parties free from the influence of undeclared interest groups?	38.1	40.9	38.7
10e).	How organized are the political parties in general?	36.8	45.7	41.4
10f).	How far are the political parties financially viable to carry out their activities?	42.5	40.6	41.5
<b>11).</b>	<b>Civil Society (Labour Unions, NGO Groups, etc.)</b>	<b>46.4</b>	<b>56.7</b>	<b>51</b>
11a).	How far does the civil society represent the diversity of Pakistan?	51.3	57.8	-
11b).	How far does the civil society speak about the issues of the people of the country?	50.6	60.4	55
11c).	How effective is the civil society of Pakistan?	43.8	51.7	46
11d).	How independent is Pakistan's civil society of foreign and vested interest' influence?	-	-	45

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11e).	How independent is Pakistan's civil society of the influence of the Government?	-	-	58
<b>12).</b>	<b>Human Rights</b>	<b>25.8</b>	<b>42.6</b>	<b>37.8</b>
12a).	How effective is the Government in protecting liberty of its citizens?	29.4	40.9	37
12b).	How effective is the Government in ensuring that the basic human rights of the citizens are not violated?	28.8	37.7	32
12c).	To what extent are the religious and ethnic minorities subject to equitable treatment by the Government?	28.1	35.3	37
2d).	How effective are the arrangements in protecting individual rights and addressing violations, if and when they occur?	40.6	36.1	33
12e).	How effectively does the Constitution guarantee individual (human) rights?	53.1	63.2	50

## Appendix B

## Appendix B: Democracy Scorecard based on International Institute of Democracy and Electoral Assistance

No.	Parameter and Sub-Area of Evaluation	% Score Assigned by DAG in January 2015	%Score Assigned by DAG in 2014	%Score Assigned by DAG in September 2013	%Score Assigned by DAG in 2012	%Score Assigned by DAG in 2011	%Score Assigned by DAG in 2010	%Score Assigned in pre-2008
1	<b>Citizenship, Law and Rights</b>	42.5	43	55	45	49	46	42
1.1	<b>Nationhood and Citizenship</b>	53	50.5	67	55	59	54	42
	<i>Overarching Question: Is there public agreement on a common citizenship without discrimination?</i>							
1.1.1	How inclusive is the political nation and state citizenship of all who live within the territory?	47	42	46	49	57	51	43
1.1.2	How far are cultural differences acknowledged, and how well are minorities and vulnerable social groups protected?	41	41	42	39	41	40	43
1.1.3	How much consensus is there on state boundaries and constitutional arrangements?	57	60	61	69	67	61	55
1.1.4	How far do constitutional and political arrangements enable major societal divisions to be moderated or reconciled?	52	50.5	47	51	59	56	41
1.1.5	How impartial and inclusive are the procedures for amending the Constitution?	59	58	58	71	72	62	41
1.1.6	How far does the government respect its international obligations in its treatment of refugees and asylum seekers, and how free from arbitrary discrimination is its immigration policy?	59	52	57	59	61	58	54
1.2	<b>Rule of Law and Access to Justice</b>	39	41	51	44	47	43	35
	<i>Overarching Question: Are state and society consistently subject to the law?</i>							
1.2.1	How far is the rule of law operative throughout the territory?	37	36	39	36	43	33	33
1.2.2	To what extent are all public officials subject to the rule of law and to transparent rules in the performance of their functions?	41	37	41	36	40	39	39
1.2.3	How independent are the courts and the judiciary from the executive, and how free are they from all kinds of interference?	55	59	57	70	67	60	33
1.2.4	How equal and secure is the access of citizens to justice, to due process and to redress in the event of maladministration?	33	39	37	40	45	43	35
1.2.5	How far do the criminal justice and penal systems observe due rules of impartial and equitable treatment in their operations?	37	38	41	42	41	40	38
1.2.6	How much confidence do people have in the legal system to deliver fair and effective justice?	31	38	39	40	47	40	35

<b>1.3</b>	<b>Civil and Political Rights</b>	<b>42</b>	<b>42</b>	<b>57</b>	<b>44</b>	<b>49</b>	<b>47</b>	<b>46</b>
	<i>Overarching Question: Are civil and political rights equally guaranteed for all?</i>							
1.3.1	How free are all people from physical violation of their person, and from fear of it?	36	35	39	39	41	34	39
1.3.2	How effective and equal is the protection of the freedoms of movement, expression, association and assembly?	46	52	53	52	59	56	47
1.3.3	How secure is the freedom for all to practice their own religion, language or culture?	41	40	47	45	47	48	54
1.3.4	How free from harassment and intimidation are individuals and groups working to improve human rights?	44	40	43	44	50	48	44
<b>1.4</b>	<b>Economic and Social Rights</b>	<b>36</b>	<b>38</b>	<b>47</b>	<b>38</b>	<b>40</b>	<b>40</b>	<b>40</b>
	<i>Overarching Question: Are economic and social rights equally guaranteed for all?</i>							
1.4.1	How far is access to work or social security available to all, without discrimination?	36	32	38	35	37	39	39
1.4.2	How effectively are the basic necessities of life guaranteed, including adequate food, shelter and clean water?	29	33	35	31	35	31	39
1.4.3	To what extent is the health of the population protected, in all spheres and stages of life?	27	31	34	29	32	33	34
1.4.4	How extensive and inclusive is the right to education, including education in the rights and responsibilities of citizenship?	31	39	38	35	40	41	40
1.4.5	How free are trade unions and other work-related associations to organize and represent their members' interests?	46	46	47	46	48	49	38
1.4.6	How rigorous and transparent are the rules on corporate governance, and how effectively are corporations regulated in the public interest?	45	44	49	49	50	48	44
<b>2</b>	<b>Representative and Accountable Government</b>	<b>41.33</b>	<b>42</b>	<b>57</b>	<b>45</b>	<b>47</b>	<b>43</b>	<b>38</b>
<b>2.1</b>	<b>Free and Fair Elections</b>	<b>51</b>	<b>50</b>	<b>50</b>	<b>58</b>	<b>58</b>	<b>50</b>	<b>43</b>
	<i>Overarching Question: Do elections give the people control over governments and their policies?</i>							
2.1.1	How far is appointment to governmental and legislative office determined by popular competitive election, and how frequently do elections lead to change in the governing parties or personnel?	54	56	55	58	54	51	39
2.1.2	How inclusive and accessible for all citizens are the registration and voting procedures, how independent are they of government and party control, and how free from intimidation and abuse?	51	53	54	61	61	53	50

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2.1.3	How fair are the procedures for the registration of candidates and parties, and how far is there fair access for them to the media and other means of communication with the voters?	61	63	61	71	67	53	53
2.1.4	How effective a range of choice does the electoral and party system allow the voters, how equally do their votes count, and how closely do the composition of the legislature and the selection of the executive reflect the choices they make?	54	53	52	54	55	51	40
2.1.5	How far does the legislature reflect the social composition of the electorate?	42	38	39	47	50	42	35
2.1.6	What proportion of the electorate votes, and how far are the election results accepted by all political forces in the country and outside?	43	35	41	54	53	50	40
<b>2.2</b>	<b>The Democratic Role of Political Parties</b>	<b>47</b>	<b>47</b>	<b>67</b>	<b>52</b>	<b>52</b>	<b>51</b>	<b>41</b>
	<i>Overarching Question: Does the party system assist the working of democracy?</i>							
2.2.1	How freely are parties able to form and recruit members, engage with the public and campaign for office?	63	58	59	71	66	63	47
2.2.2	How effective is the party system in forming and sustaining governments in office?	49	52	53	56	56	56	45
2.2.3	How far are parties effective membership organizations, and how far are members able to influence party policy and candidate selection?	34	37	38	40	40	59	36
2.2.4	How far does the system of party financing prevent the subordination of parties to special interests?	36	36	41	40	40	39	38
2.2.5	To what extent do parties cross ethnic, religious and linguistic divisions?	49	50	51	51	54	56	41
<b>2.3</b>	<b>Effective and Responsive Government</b>	<b>38</b>	<b>38</b>	<b>53</b>	<b>40</b>	<b>39</b>	<b>38</b>	<b>39</b>
	<i>Overarching Question: Is government effective in serving the public and responsive to its concerns?</i>							
2.3.1	How far is the elected government able to influence or control those matters that are important to the lives of its people, and how well is it informed, organized and resourced to do so?	39	38	44	47	41	36	40
2.3.2	How effective and open to scrutiny is the control exercised by elected leaders and their ministers over their administrative staff and other executive agencies?	41	42	48	45	46	44	41
2.3.3	How open and systematic are the procedures for public consultation on government policy and legislation, and how equal is the access for relevant interests to government?	40	36	38	40	44	39	36

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2.3.4	How accessible and reliable are public services for those who need them, and how systematic is consultation with users over service delivery?	33	34	34	33	35	34	39
2.3.5	How comprehensive and effective is the right of access for citizens to government information under the constitution or other laws?	40	45	42	45	40	43	39
2.3.6	How much confidence do people have in the ability of government to solve the main problems confronting society, and in their own ability to influence it?	32	30	34	30	29	31	38
<b>2.4</b>	<b>The Democratic Effectiveness of Parliament</b>	<b>47</b>	<b>47</b>	<b>63</b>	<b>52</b>	<b>52</b>	<b>50</b>	<b>40</b>
	<i>Overarching Question: Does the Parliament or Legislature contribute effectively to the democratic process?</i>							
2.4.1	How independent is the Parliament or legislature of the executive, and how freely are its members able to express their opinions?	51	46	54	59	53	54	38
2.4.2	How extensive and effective are the powers of the Parliament or legislature to initiate, scrutinize and amend legislation?	54	57	58	58	60	61	41
2.4.3	How extensive and effective are the powers of the parliament or legislature to oversee the executive and hold it to account?	43	39	46	47	46	44	38
2.4.4	How rigorous are the procedures for approval and supervision of taxation and public expenditure?	35	38	42	38	39	38	39
2.4.5	How freely are all parties and groups able to organize within the parliament or legislature and contribute to its work?	57	56	53	55	57	56	38
2.4.6	How extensive are the procedures of the parliament or legislature for consulting the public and relevant interests across the range of its work?	38	42	46	39	47	42	37
2.4.7	How accessible are elected representatives to their constituents?	51	57	58	58	61	60	47
2.4.8	How well does the parliament or legislature provide a forum for deliberation and debate on issues of public concern?	47	41	47	58	55	48	40
<b>2.5</b>	<b>Civilian Control of the Military and Police</b>	<b>36</b>	<b>38</b>	<b>47</b>	<b>39</b>	<b>42</b>	<b>35</b>	<b>32</b>
	<i>Overarching Question: Are the military and police forces under civilian control?</i>							
2.5.1	How effective is civilian control over the armed forces, and how free is political life from military involvement?	30	32	34	39	35	26	25
2.5.2	How publicly accountable are the police and security services for their activities?	34	35	37	40	37	33	29

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2.5.3	How far does the composition of the army, police and security services reflect the social composition of society at large?	46	50	51	49	56	51	41
2.5.4	How free is the country from the operation of paramilitary units, private armies, warlordism and criminal mafias?	32	34	36	28	36	33	36
<b>2.6</b>	<b>Integrity in Public Life</b>	<b>29</b>	<b>34</b>	<b>43</b>	<b>31</b>	<b>33</b>	<b>34</b>	<b>32</b>
	<i>Overarching Question: Is the integrity of conduct in public life assured?</i>							
2.6.1	How effective is the separation of public office from the interests of office holders?	32	30	28	31	31	36	32
2.6.2	How effective are the arrangements for protecting office holders and the public from involvement in bribery?	28	32	34	29	32	33	31
2.6.3	How far do the rules and procedures for financing elections, candidates and elected representatives prevent their subordination to sectional interests?	30	36	37	35	36	36	33
2.6.4	How far is the influence of powerful corporations and business interests over public policy kept in check, and how free are they from involvement in corruption, including overseas?	30	41	40	35	39	37	35
2.6.5	How much confidence do people have that public officials and public services are free from corruption?	24	29	29	26	27	28	30
<b>3</b>	<b>Civil Society and Popular Participation</b>	<b>43.33</b>	<b>47</b>	<b>55</b>	<b>48</b>	<b>53</b>	<b>53</b>	<b>43</b>
<b>3.1</b>	<b>The Media in a Democratic Society</b>	<b>45</b>	<b>47</b>	<b>58</b>	<b>55</b>	<b>56</b>	<b>58</b>	<b>47</b>
	<i>Overarching Question: Do the media operate in a way that sustains democratic values?</i>							
3.1.1	How independent are the media from government, how pluralistic is their ownership, and how free are they from subordination to foreign governments or multinational companies?	49	53	51	63	56	56	53
3.1.2	How representative are the media of different opinions and how accessible are they to different sections of society?	46	49	54	65	62	67	52
3.1.3	How effective are the media and other independent bodies in investigating government and powerful corporations?	45	54	56	63	62	62	51
3.1.4	How free are journalists from restrictive laws, harassment and intimidation?	49	40	45	43	51	48	46
3.1.5	How free are private citizens from intrusion and harassment by the media?	36	37	34	40	49	52	40
<b>3.2</b>	<b>Political Participation</b>	<b>47</b>	<b>50</b>	<b>57</b>	<b>49</b>	<b>55</b>	<b>52</b>	<b>43</b>
	<i>Overarching Question: Is there full citizen participation in public life?</i>							

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3.2.1	How extensive is the range of voluntary associations, citizen groups, social movements etc., and how independent are they from government?	53	52	54	60	65	63	48
3.2.2	How extensive is citizen participation in voluntary associations and self-management organizations, and in other voluntary public activity?	50	50	52	53	56	53	45
3.2.3	How far do women participate in political life and public office at all levels?	43	48	46	44	54	49	45
3.2.4	How equal is access for all social groups to public office, and how fairly are they represented within it?	42	36	40	39	43	42	39
<b>3.3</b>	<b>Decentralization</b>	<b>38</b>	<b>41</b>	<b>50</b>	<b>40</b>	<b>44</b>	<b>47</b>	<b>40</b>
	<i><b>Overarching Question: Are decisions taken at the level of government that is most appropriate for the people affected?</b></i>							
3.3.1	How independent are the sub-central tiers of government from the centre, and how far do they have the powers and resources to carry out their responsibilities?	41	43	45	43	48	53	43
3.3.2	How far are these levels of government subject to free and fair electoral authorization, and to the criteria of openness, accountability and responsiveness in their operation?	38	40	42	43	46	48	40
3.3.3	How extensive is the cooperation of government at the most local level with relevant partners, associations and communities in the formation and implementation of policy, and in service provision?	33	40	39	35	37	41	38
<b>4</b>	<b>Democracy Beyond the State</b>	<b>48.5</b>	<b>43</b>	<b>50</b>	<b>47</b>	<b>51</b>	<b>43</b>	<b>37</b>
<b>4.1</b>	<b>External Influences on the Country's Democracy</b>	<b>47</b>	<b>40</b>	<b>42</b>	<b>43</b>	<b>49</b>	<b>40</b>	<b>34</b>
	<i><b>Overarching Question: Is the impact of external influences broadly supportive of the country's democracy?</b></i>							
4.1.1	How free is the country from external influences which undermine or compromise its democratic process or national interests?	44	37	41	42	52	35	32
4.1.2	How equitable is the degree of influence exercised by the government within the bilateral, regional and international organizations to whose decisions it may be subject?	50	45	43	47	57	41	39
4.1.3	How far are the government's negotiating positions and subsequent commitments within these organizations subject to effective legislative oversight and public debate?	48	37	38	41	39	32	32

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4.2	<b>The Country's Democratic Impact Abroad</b>	<b>50</b>	<b>44</b>	<b>59</b>	<b>50</b>	<b>53</b>	<b>45</b>	<b>40</b>
	<i>Overarching Question: Do the country's international policies contribute to strengthening global democracy?</i>							
4.2.1	How consistent is the government in its support for, and protection of, human rights and democracy abroad?	39	38	40	50	51	42	38
4.2.2	How far does the government support the UN and agencies of international cooperation, and respect the rule of law internationally?	51	53	56	66	65	54	50
4.2.3	How extensive and consistent is the government's contribution to international development?	51	47.5	50	49	58	48	39
4.2.4	How far is the government's international policy subject to effective parliamentary oversight and public influence?	39	38.5	41	36	39	34	31
	<b>Aggregate</b>	<b>43.1</b>	<b>42</b>	<b>54</b>	<b>46</b>	<b>49</b>	<b>45</b>	<b>40</b>

**List of Members of the Democracy Assessment Group (DAG)**  
(Names from No. 1-16 are listed in alphabetical order by last name)

No.	Names
1.	<b>Mr. Omar Khan Afridi</b> Former Caretaker Minister; former Chief Secretary NWFP
2.	<b>Mr. Iftikhar Ahmad</b> Senior Journalist, Jang Group
3.	<b>Dr. Huma Baqai</b> Chairperson, Department of Social Sciences Institute of Business Administration (IBA)
4.	<b>Senator Hasil Khan Bizenjo</b> President, National Party
5.	<b>Justice (Retd.) Manzoor Gillani</b> Former Chief Justice, Azad Jammu and Kashmir
6.	<b>Lt. Gen. (Retd.) Moinuddin Haider</b> Former Governor, Sindh; former Federal Minister for Interior
7.	<b>Mr. Shahid Hamid</b> Senior Advocate, Supreme Court; former Governor, Punjab; former Federal Caretaker
8.	<b>Dr. Parvez Hassan</b> Senior Advocate, Supreme Court
9.	<b>Mr. Javed Jabbar</b> Former Senator; former Federal Minister for Information and Media Development
10.	<b>Mr. Wazir Ahmed Jomezai</b> Former Deputy Speaker, National Assembly
11.	<b>Mr. Riaz Khokhar</b> Former Foreign Secretary
12.	<b>Mr. Faisal Karim Kundi</b> Former Deputy Speaker, National Assembly
13.	<b>Mr. Mujib-ur-Rehman Shami</b> Editor in Chief, Daily Pakistan; President, CPNE
14.	<b>Mr. Illahi Bukhsh Soomro</b> Former Speaker, National Assembly
15.	<b>Mr. Ghazi Salahuddin</b> Senior Analyst

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No.	Names
16.	<b>Mr. Ashraf Jehangir Qazi</b> Former Ambassador
17.	<b>Mr. Ahmed Bilal Mehboob</b> President, PILDAT
18.	<b>Ms. Aasiya Riaz</b> Joint Director, PILDAT



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