



Assessment of the Quality of Democracy in Pakistan Year 2012



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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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CONTENTS

Preface

Abbreviations & Acronyms

Executive Summary

Processes and Performance of Democracy in Pakistan

13

Appendices

Appendix A:	Assessment of the Quality of Democracy in Pakistan based on IIDEA Framework	29
Appendix B:	Democracy Assessment Group	65
Appendix C:	Democracy Score Card: based on the Pakistan-Specific Framework	69
Appendix D:	Democracy Score Card: based on the IIDEA-Framework (2008-2012)	75

PREFACE

What is the quality of democracy in Pakistan at the end of 2012, especially looked at in the context of near-completion of 5 years of the 13th National Assembly and the Federal and Provincial Governments, voted to power in early 2008. Has democracy strengthened? Has it performed 'for the people' in this period?

The **Assessment of the Quality of Democracy in Pakistan Report** attempts to answer these questions in the light of developments during the period and the views and analyses of these developments by PILDAT's Democracy Assessment Group – DAG.¹

Unlike the previous 2 reports published by PILDAT at the mid-term of this Parliament and Government in September 2010 and later as annual assessment of year 2011, this report has been prepared using a Pakistan-specific framework of the assessment of democracy, developed indigenously by PILDAT in addition to the international framework developed by International IDEA.

It is worth mentioning here that the assessment and scoring presented and analysed in this report is that of a select group of Pakistanis. It provides one way to look at the quality of democracy, a method used in other countries as well. However, this report does not claim that views by PILDAT's Democracy Assessment Group necessarily reflect the views of the public at large.

PILDAT has been producing State of Democracy reports in Pakistan since 2002 with the objective to provide a tool to seriously reflect on the evolving democracy in the country and to find ways to improve and strengthen democracy and democratic institutions in Pakistan.

The frameworks used to assess the quality of democracy in Pakistan are tools to promote democratic reform. The frameworks do not assess the government alone but assess the entire society looking at how democratic is the country and society of which the government is a part. PILDAT initiative to assess the quality of democracy in Pakistan is a modest yet significant effort to make democracy deliver and work.

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Disclaimer

PILDAT Team has made every effort to ensure the accuracy of data and assessment in this report and any error or omission is not deliberate.

Islamabad
January 2013

Abbreviations and Acronyms

ANP	Awami National Party
CIA	Central Intelligence Agency
CCI	Council of Common Interest
CEC	Chief Election Commissioner
CERS	Computerized Electoral Rolls System
CNG	Compressed Natural Gas
CNIC	Computerized National Identity Card
COAS	Chief of Army Staff
CoC	Code of Conduct
CoD	Charter of Democracy
CJ	Chief Justice
D8	Developing Eight
DCC	Defence Committee of the Cabinet
ECP	Election Commission of Pakistan
FATA	Federally-Administered Tribal Areas
FER	Final Electoral Rolls
FC	Frontier Corps
FCR	Frontier Crimes Regulation
GBLA	Gilgit Baltistan Legislative Assembly
GDP	Gross Domestic Product
IG	Inspector General
IRSA	Indus River System Authority
ISI	Inter-Services Intelligence
KP	Khyber Pakhtunkhwa
MNA	Member of National Assembly
MQM	Muttahida Qaumi Movement
NA	National Assembly
NAB	National Accountability Bureau
NAC	National Accountability Commission
NADRA	National Database Registration Authority
NATO	North Atlantic Treaty Organization
NEC	National Economic Council
NFC	National Finance Commission
NLC	National Logistics Cell
NGO	Non-Governmental Organization
PAC	Public Accounts Committee
PCNS	Parliamentary Committee on National Security
PEMRA	Pakistan Electronic Media Regulatory Authority
PML-N	Pakistan Muslim League (Nawaz Group)
POL	Petroleum, Oil and Lubricants
PPP	Pakistan Peoples Party
PSDP	Public Sector Development Program
PTI	Pakistan Tehreek-e-Insaf
PTV	Pakistan Television Corporation
QWP	Qaumi Watan Party
SC	Supreme Court
SMS	Short Message Service
UN	United Nations
UAV	Unmanned Aircraft Vehicle
YDA	Young Doctors Association

Executive Summary

In five (5) years since 9th General Election in Pakistan – held in February 2008 – while the processes of democracy have improved considerably, the performance of democracy or its product, the democratic governments, has been poor. This, in a nutshell, is the assessment of the quality of democracy in Pakistan by the Democracy Assessment Group at the end of year 2012.

Depicted in scores, this means that **Strengthening of Democratic Processes** in 5 years has received the score of **44.2%** as compared to **Performance of Democracy** which is rated at a low **20.9%** by the Democracy Assessment Group. The aggregate score of all the questions amounted to **37.9%**; the over-arching question on “*how good* is the quality of democracy in the country” received a score of **45%**, below even the 50% mark.

The ability of the state institutions to provide good governance under the democratic rule has continued to deteriorate in 2012 with little or no emphasis on provision of good governance and efficient services by the democratically-elected governments.

Due to the poor performance of elected governments in Pakistan in general in the centre and provinces, the elite consensus in Pakistan on the hitherto-untested theory of continuation of democracy to result in an improved democratic order through a self-correcting mechanism, has become a somewhat mocked concept by a sizeable number of Pakistanis.

Even though a large number of people recognise that we have made huge and significant strides in electoral reforms in Pakistan in the past 5 years, and relatively freer and fairer election is expected to take place in 2013 but whether it will result in more effective Governments in the centre and provinces is a cause of near-national consternation today. This frustration with the democratic system and its ability to only bring to the fore the same tried and tested individuals and political parties is manifested in public opinion and among other things the march of Mr. Tahir-ul-Qadri (January 13-17, 2013).

The biggest cause of concern, therefore, is that unless the upcoming General Election results even if in a marginal change and some improvement in governance is seen in the country, public frustration with democracy will peak. But if the election results in bringing to power much the same quality of rulers, it is feared that teetering public trust in democracy will completely unravel and those people and forces who believe in change in government without democracy and election, such as Taliban and other extremist groups, will further strengthen in Pakistan.

Whereas conventional wisdom in Pakistan puts forward the argument that the existing democratic and electoral system is blocking the way for a fair change in system and effective and clean governance in Pakistan, it is worth arguing that where only 45% people vote in Pakistan, compared to over 85% in Bangladesh and 60% in India, systemic improvements will only come through when greater public involvement and trust is placed in the system. Nature and culture of political parties will not change unless more and more people join and reform them, nor change in more and better representatives will be seen unless public fields and supports better electoral candidates and rigorously engage with and oversee their performance. Overall policies and quality of governance cannot improve unless public votes for members of the legislatures who have the vision, competence and will to reform the system. Unfortunately a large number of voters vote for personal and local considerations mainly because in a poorly-governed state institutions, these elected representatives are increasingly expected to intercede on voters' behalf with the State institutions to get them jobs, promotions, efficient delivery of services as a favour and not as a right. The absence of elected local governments during a better part of the current term of the governments has further burdened the legislators with public demands which otherwise would have been dealt with by the elected local government officials.

Positive and Negative Factors in Year 2012

Factors that have contributed **positively** to the quality of democracy in 2012 include the uninterrupted Parliamentary process in Pakistan as well as **smooth transfer of power** from one head of Government to another. Parliament of Pakistan has also begun to play a role in **influencing national security and foreign policy** decisions of the country, another welcome development indicating maturing of the system.

For the first time in the history of Pakistan, a full-time 5-member Election Commission including the Chief Election Commissioner has been appointed through a **bi-partisan process**.

2012 also saw the newly-inducted Prime Minister **resolve the long-drawn NRO Implementation case** to end the paralysis of state on Executive-Judiciary relations that had distracted the state and society from focusing on other important issues of concern. The passage of **legislation providing for the appointment of caretaker governments** during Election through a bipartisan process, timely conduct of the Senate election, and greater parliamentary oversight of the national security also constitute as positive developments for the strengthening of democracy in Pakistan during the year.

Holding of broad-based and transparent **internal elections in Pakistan Tehreek-e-Insaf (PTI)** has introduced a new and positive paradigm in Pakistan.

Superior Judiciary aggressively followed the case of **missing persons** especially in Balochistan and **personnel from the Armed Forces were summoned to the court** several times. The Supreme Court finally **concluded the 17-year old Asghar Khan case** holding the former Chief of Army Staff and a former Director General of Inter-services Intelligence (ISI) guilty of interfering in the political/ electoral process.

The **National Accountability Bureau summoned a former Director General of ISI and other two senior Army officers** for investigation into a case which related to their posting as Minister for Railways, Chairman Railway Board etc. The Military also **investigated into the allegations against at least three former Army Generals** for their wrongdoings in the National Logistics Cells, based on the recommendation by the Public Accounts Committee (PAC) of the National Assembly to the Defense Ministry.

These developments indicate a greater degree of accountability of even military and a trend of assertiveness of democratic institutions without according any exception to military.

On the other hand, **lack of initiatives by elected democratic governments to provide good governance** to the citizens of Pakistan is the single most important factor **negatively** contributing to the quality of democracy in the country.

2012 has also witnessed the State's declining capacity in **containing terrorism and militancy**, the most potent threat faced by Pakistan at present. Terrorists have attacked at will anywhere in Pakistan including our most sensitive security sites. Although the Parliament passed a bill to **authorize interception of digital technology** used for terrorism purposes, it failed to develop across-the-board political consensus on providing a **comprehensive framework dealing with terrorism in general and its financing in specific**.

Rise of **sectarian violence in Balochistan, Parachinar and Gilgit Baltistan** and spiralling deterioration in **law and order in parts of Balochistan** as well as in **Karachi** also question the capacity of state institutions, in particular, law enforcement agencies, to contain target killings, capture and convict criminal elements.

2012 also brought to fore the lack of proper mechanisms on the part of Government in dealing with untoward incidents. It was during this year that the Government started **suspending cellular services** on sensitive days often marked to observe religious or political activities. Moreover, the Government continued to **place restrictions on access to social media site such as YouTube**.

Poor performance of the economy coupled with institutional weaknesses could be detrimental for systematic growth. **Increasing political influence in postings, transfers and purely administrative and business decisions** is further undermining the governance in Pakistan.

Words like "transparency" and "accountability" remained keywords used as rallying points by the opponents of the Government. The Government failed in presenting any roadmap for accountability of public officials; it failed to pass the **National Accountability Commission Bill** which had been pending in the National Assembly for about four years. A

controversy was created when the Chairman of National Accountability Bureau remarked that a daily loss of Rs. 5 billion is incurred upon national exchequer due to **corruption**.

Yet another year went away without any action from all the four provincial Governments to hold elections for the **Local Governments**, a necessary third-tier of governance structure in Pakistan as per the Constitution.

President of Pakistan, who is supposed to be a ceremonial head of the state, is visibly **taking the lead in major policy and decision-making** functions reducing the Prime Minister to a figurehead. President Asif Ali Zardari continues to hold the office of the head of his political party – PPP and holds many party activities within the Presidency. The Lahore High Court and the Supreme Court of Pakistan also took serious exception to the **partisan activities of the President**.

The milestone achieved by Parliament of appointing opposition as chair of the Public Accounts Committee was reversed in 2012 after the resignation of PML-N's Chaudhry Nisar Ali Khan, MNA, from the chairmanship. It is, however, to the credit of the incumbent chair, Mr. Nadeem Afzal Gondal, MNA that despite his affiliation with the ruling party, he has rigorously carried forward the work of the PAC.

Key Concerns

Based on the assessment of the quality of democracy in the period, key concerns have emerged for the future.

Assertion of Judiciary which, while upholding supremacy of law and judicial institutions, has sometime been seen to be at the cost of encroaching upon Executive's domain. Whereas the implementation of SC's judgments enhances the institution's moral authority, there is a fear that the same authority may get eroded with time as it encroaches upon areas exclusive kept for Executive to administer.

The mixed set of events along the journey of **Civil-Military Relations** in Pakistan are seen to be as much conducive to democracy as these can be described as detrimental to it. While in some cases, the military's support for un-interrupted democracy in the past 5 years has been seen as a positive development in the context of Pakistan's history, the Military's public statements on political issues on various critical junctures in the period, frowned at by those believing in complete civilian control of defence, point to the need of revitalizing and reforming the Cabinet Committee on Defence as an effective forum of civil-military consultation on national defence and security-related issues.² The judgment by Supreme Court on the 17-year old Asghar Khan Case has been received as a great milestone in Pakistan's civil-military relations. It must, however, be pointed out that the involvement of the Presidency and the ISI in the political process neither began nor ended in 1990. The judgment underlines the need to strengthen civilian supremacy and sustainable democracy in Pakistan. There has, overall, been a considerable improvement in civil-military relations over the past 5 years. However, there is still a need to work in this area for improving the quality of relationship through a graduated approach. Pakistan needs institutional balance where all State institutions work within the limits defined by the Constitution and Law and demonstrate respect for each other's domain.

The **neutrality and integrity of the caretaker Government** is fast becoming a point of concern among political parties. The mechanism, laid out after insertion of the Twentieth Amendment to the Constitution, calls for an arrangement to be decided among parliamentary forces from both Government and Opposition sides, but calls for involving other political parties outside the Parliament are gaining voice. Any lack of trust in the caretaker Government, administering the country when elections will be held, will have a direct impact on the validity of polls.

While a neutral caretaker government during the election is now guaranteed by the Constitution, the continuation of a highly **partisan President** and almost equally partisan provincial **Governors** during the election raises questions about the neutrality of the system. It remains to be seen how effectively the ECP is able to control the partisan activities of the President and the Governors during the period of election and the period immediately prior to that.

While we have seen the consensus appointment of **independent Election Commission** amongst other much required electoral

reform necessary for holding a free and fair election, the inability of the ECP in taking timely and effective action on issues impacting upcoming election is seen as a cause of concern. Despite an elaborate system of preparing largely credible and mostly error-free electoral rolls, the ECP failed to take timely and effective action on correcting electoral rolls in Karachi, even though the issue had been noticed not only by the ECP but pointed out, in some instances through political protest. This lack of timely and effective action resulted in parties petitioning the Supreme Court on whose orders the process of re-verification was initiated. It is feared that despite its independence, if the ECP fails to take timely and effective action on electoral malpractices and issues, especially in the period leading up to General Election, it will fail to ensure a free and fair election credible for the people of Pakistan.

Processes and Performance of Democracy in Pakistan

The Assessment of Quality of Democracy in Pakistan is carried out using an indigenous framework developed by PILDAT. The framework rests on an overarching question *how good is the quality of democracy in the country*, and two key pillars namely **Processes** and **Performances**. Each of the pillars is expressed in the form of an overarching question.

The **Processes** pillar is divided into 11 sub-pillars and the **Performance** into six sub-pillars. Each sub-pillar has **2-7 questions**, which can be marked on the range of **1-10** with 1 being the lowest and 10 as the highest score. The cumulative score of each question, as awarded by the DAG, is then converted into percentages. The scores of all the questions under a sub-pillar are used to calculate the score of the root sub-pillar which together with the scores of other sub-pillars ultimately calculates the scores of the pillar.

As per scores awarded by the Democracy Assessment Group based on the indigenous framework on the quality of democracy in Pakistan, **Strengthening of Democratic Processes** in 5 years has received the score of **44.2%** as compared to **Performance of Democracy** which is rated at a low **20.9%** by the Democracy Assessment Group. The over-arching question on *“how good is the quality of democracy in the country”* received a score of **45%**, below even the 50% mark.

Local government was scored as the lowest sub-pillar, receiving a score of mere **21.4%**.

The low score awarded to the Local Government system comes from the fact that the whole system remains in the state of limbo as none of the provincial Governments conducted local government elections despite constitutional obligations.

At the end of 2012 it appears that the nature of Local Government system may not necessarily be the same across the provinces and even within a province, as in the case of Sindh. Whereas Punjab is reported to be planning, or favouring, to conduct local government election on non-party basis, the KP and Balochistan Assemblies have passed laws to restore on party-basis system for local government. Meanwhile, in Sindh, a plan has been underway to enforce Local Government system in

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selected districts – a total of five – of Sindh.

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One of the lowest indicators was that of **Public Spending** at mere **21.7%**, depicting how revenue generation avenues of the Government remained tight. No new bold steps were taken to increase revenue base of the country.

The country's foreign-exchange reserves continue to decline, touching \$13.7 billion by the middle of January 2013. Despite Government's several announcements and initiatives of enhancing the tax net, tax-to-GDP at 9.2 percent remains one of the lowest in the world.

In a revelation made by PAC, a total of PKR 650 billion have been tax exempted and waived over the past four years to different groups including industry and social sector; interestingly nearly same amount has been granted to Pakistan by the IMF during the past four years, clearly showing that the budgetary excesses were not controlled domestically.

Many parliamentarians, among others, have reportedly been dodging tax returns; some didn't file the amount

incurred upon them; others didn't even have a National Tax Number; according to a report, only "126 parliamentarians out of 446 filed income tax returns in the previous fiscal year."³

The sub-pillar of **Service Delivery** also received one of the lowest scores – **22.5%**, putting a question mark over the Government's ability to deliver to the masses.

Although the Constitution guarantees provision of health and education services to the citizens of Pakistan, the situation on the ground is bleak. There is little to suggest that the Government has been doing anything on a needed scale to raise the development metrics of the country. Pakistan is ranked at the 145th place on the UN's Human Development Index.

Some attempts to deliver service to the masses such as distribution of laptops among undergraduate students, smack more of political gimmicks than any attempt to bridge educational disparity. On health too, Pakistan was marked as one of the few countries where new cases of polio were reported. That in December several anti-polio vaccination officers were threatened and shot to death across the country will further imperil the country's health metrics in fighting polio.

Nowhere has been the Government's emphasis more absent than to find a long-term solution to energy crisis in the country. At one time, power blackouts peaked to 16 hours in urban areas and 22 hours a day in rural areas. Power outages in the summer even led to protests in the largest province of Pakistan. It was only at the end of the year that a windmill generating electricity was inaugurated in Sindh. As energy resources depleted, owing to rise in population and consumer demands, the country remained in a fix as to how to supply energy to generate electricity and meet its other needs.

The Government's attempt to get a grip with the CNG and POL prices by revising it on a weekly basis didn't slash the prices at the consumer end, until the intervention of the Supreme Court which questioned the rationale of fixing CNG prices to the fluctuation in POL prices. For many, this single act serves as a classic instance of the Government's inactive role. While SC's intervention offered some relief at the consumer end, the decision badly affected the consumers as CNG owners refused to open gas stations under the price charged by the SC.

The ruling PPP and the PML-N had pledged under the Charter of Democracy (CoD) to replace what they termed as “politically motivated” National Accountability Bureau (NAB) by a consensus-based Accountability Commission, but five years down the road, little is delivered on this front.

With **23%** score, the sub-pillar of **Transparency** received one of the lowest scores in the whole framework.

The Government paid little attention to the calls of transparency in its working. This despite the fact the single issue of corruption was often cited as the main reason behind ousting democratic Government in the past. Even in 2012, “transparency”, “accountability” and “corruption” were some keywords used as rallying slogans against the present Government. One party, Pakistan Tehreek-e-Insaf, for instance, garnered support by clearly vowing that the country be rid of corrupt elements. This was an obvious allegation against the current Government.

The ruling PPP and the PML-N had pledged under the Charter of Democracy (CoD) of May 2006 to replace what they termed as “politically motivated” National Accountability Bureau (NAB) by a consensus-based Accountability Commission, but five years down the road, little is delivered on this front. Government's introduction of the proposed National Accountability Commission Bill at the end of its five-year lacked support from the PML-N. The draft NAC 2012 is not an improvement but it aims to shrink the space of accountability as provided under the 1999 Accountability Ordinance.

The only time when the Government constituted a high-level committee was to probe into allegation that the Government might be incurring a daily loss of Rs. 5 billion

due to corruption.

A positive trend was that Government officials have been reporting to the courts to answer into their allegations. Even though the son of former Prime Minister Yusuf Raza Gilani evaded security officials several times, he was ultimately apprehended for facing charges in a corruption case against him.

The sub-pillar of **Law and Order** under pillar **Performance** received a score of **25%** whereas that of the **Rule of Law** under **Processes** received a score of **28.6%**.

The scores are a reflection of the struggle of the Government to come to grips with the law and order situation in parts of the country especially Balochistan and Karachi, and on countering terrorism.

That key political parties in Karachi are present in central or provincial governments and yet they clearly blame each other for turf war in Karachi expose the admission of failure on their part to own the issue and restore peace in the city. So much so that one political party, Awami National Party, sought Military operation in the city. One of the most noted cases of violence in Sindh was when a bus en route to Khyber Pakhtunkhwa was stopped and its non-Sindhi passengers killed.

Likewise, the grim situation of Balochistan is exacerbated by the lack of ability of the elected Governments both in the centre and in Balochistan to take charge of the province. While all the players from the State's end acknowledge the gravity of Balochistan situation, they all flatly deny any involvement in the enforced disappearances.

In both Karachi and Balochistan, the Supreme Court had to jump in and order inquiries, leading to an impression as if the Government has abdicated its responsibility of handling downturn in law and order situation in the country. The role of representatives in a democratic Pakistan to come up with legislative pieces to curb terrorism has been lethargic. A strong view emerged in the country that the country's anti-terrorism law that dates back to 1997 does not neatly tackle the acts of non-state terrorists, engulfing the region after 9/11. The Investigation for Fair Trial Bill which "*authorise the use of modern techniques to investigate crimes like terrorism and against national security*" was passed but at the end of the year. The other Anti-Terrorism (Amendment) Bill is not comprehensive enough to cover all facets of terrorism as it covers the

That key political parties in Karachi namely ANP, MQM and PPP are present in central or provincial governments and yet they clearly blame each other for turf war in Karachi expose the admission of failure on their part to own the issue and restore peace in the city.

financial aspect of terrorism only.

In 2012, the Government came up with a unique protective strategy of curbing incidents of terrorism. Fearing attacks, the Government suspended cellular services throughout the country on several religious festivals such as *ashura* and Eid, arguing that the cell phone buttons are also used to detonate bombs. However, as much as it may have stopped incidents of violence, it exposed the Government's weak capacity in handling such incidents.

The sub-pillar of **Social Justice** was evaluated at **26.4%**; there is slight variation in the questions in this sub-pillar. Masses continue to be concerned about unemployment in the country; moreover, the same has often been expressed along partisan or ethnic lines. A segment of society feels to be left out from employment opportunities. However, the State has been reaching out to the marginalized segments of the society. The DAG too evaluated higher the Government's safety net for the marginalized segments of the society.

The sub-pillars of **Human Rights and Security** under the **Performance** received a score of **26.8%**. However, the sub-pillar of **Human Rights** under the **Process** category received a score of **44.5%**. This contrasts speak of the fact that whereas there are constitutional protection against human rights excesses, abuses on this front continues in practice.

The year 2012 ended with a chilling reminder that terrorism continues to be Pakistan's top threat. On December 22, Khyber Pakhtunkhwa's senior Minister, Bashir Bilour was assassinated in a suicide blast in Peshawar; earlier, a 12-year old girl, Malala Yusufzai, was shot in the head by Taliban in Swat.

State's continued failure in stopping the persecution of minorities remains an area of concern. Cases of misuse of blasphemy law, sectarian attacks, and violence against women continued to surface in the year. Key installations which were targeted during 2012 include Minhas Air Base in Kamra and Peshawar Air port. A fierce encounter took place between security officials and militants in the area of Pawakey in Peshawar.

The threatened status of minorities in the country was evident from the fact that over 100 graveyards of Ahmedis were desecrated in Lahore and reports circulated that Hindus from Sindh have started migrating to India. Likewise, Shia populace were routinely targeted in Gilgit Baltistan, Parachinar and parts of Balochistan. A glaring example of the misuse of the blasphemy law surfaced in 2012 when one cleric, who accused a 12-year old Christian girl of blasphemy, ended up as blasphemous.

State's and Society's response to this has been of mixed nature, ranging from outright rejection to smelling of conspiracy in the attacks. Overall, the Government achieved little in stopping the attacks.

In some cases, however, the Society, openly sided with the vulnerable sections of the society. That Government acknowledged the bravery of Malala Yusufzai and Bashir Bilour are instances to this end.

An attempt to bar security organs from violating human rights abuses was somewhat achieved in word with the passage of law to constitute the of the National Commission for Human Rights, which also attempts to grapple deal with intelligence and military-related violations.

The sub-pillar of **Executive** received a score of **34.3%**. Issues about the unelected Executive continue to be age-old: that there is freedom to it from partisan influence and that merit and fairness have been missing from the processes with the Executive. This is further coupled with the fact that the Government has been accused of lacking transparency, which also involves influencing the

2012 ended with a chilling reminder that terrorism continues to be Pakistan's top threat. State's continued failure in stopping the persecution of minorities remains an area of concern. Cases of misuse of blasphemy law, sectarian attacks, and violence against women continued to surface.

Executive through appointments. However, what has been positively lately has been that an assertive judiciary has been questioning such conduct; this was also witnessed during 2012.

Civil-Military Relations

Within the sub-pillar **Rule of Law**, a question concerning the **civilian oversight of the security sector** received one of the lowest scores – **32.3%**.

An assertive military which has been further elevated by its role in the ongoing war against terrorism and weak civilians who continue to abdicate responsibility other than lacking capacity on security issues of the country saw the same stresses of civil-military relations emerging in public as has happened in the past.

Confusion persists over who may be the ultimate authority on looking at security issues; this is direly felt in Balochistan and tribal areas where Military is a key player. Military categorically denied the impression that it is scuttling any political process in Balochistan or that is has decided to enter or not to enter into North Waziristan, stating that the need to conduct operation is to be *"determined only by our political and military requirements."*⁴

There is far that needs to be done to establish proper parliamentary and civilian oversight.

The meetings of the Defence Committee of the Cabinet, the highest forum aimed at presenting civil-military views, were again driven by reactive circumstances, resulting into situation where COAS General Ashfaq Kayani had to publicly guarantee that his institution respects rule of law, and for former Prime Minister Yusuf Raza Gilani to aver that “no state within a state” will be allowed to operate in the country.

However, in what appear as one of the rare moments in the country, the Military and its departments have come under tremendous pressure from the courts. First, the Inspector General of Frontier Corps, a law-enforcement agency, was asked to appear before the court to answer into allegations that his organization, FC, is either conducting or ignoring the “kill-and-dump” policy in Balochistan.

Later, the Supreme Court found former Chief of Army Staff and DG ISI guilty of doling money among favourites in 1990 Election.

As if these were not enough, the Military personnel may again be served a notice as the court-ordered Commission to probe Lal Masjid operation takes up its responsibilities.

Parliament has also took up pro-active role on security affairs. The months-long deliberation in the Parliamentary Committee on National Security (PCNS) that advised against any “*verbal agreement [between Pakistan and United States] regarding national security*” will go down in the history as an instance of strengthening the Parliament's role in Pakistan on security decision making.

When it comes to impacting democracy, the role of **Political Parties**, whose sub-pillar received a score of **43.6%**, will become more evident as they become more active with elections getting closer.

In what is read by some as the rise of the “third force”, Pakistan Tehreek-e-Insaf (PTI) held a massive rally in Lahore, participated by a large number of young citizens. The party, in its fulfilment of promises of internal democratization, has started conducting intra-party elections and that too by using digital technology, a unique initiative which attempts to capture its young voters.

In Khyber Pakhtunkhwa, Mr. Aftab Sherpao renamed his

Pakistan Tehreek-e-Insaf, in its fulfilment of promises of internal democratization, has started conducting intra-party elections at the lower level and that too by using digital technology, a unique initiative which attempts to capture its young voters.

party as Qaumi Watan Party adorning it with a Pashtun nationalism agenda. This makes the QWP second prominent party after the ANP to espouse Pashtun nationalistic agenda in the province.

Religious parties are also looking out for alliances though their tenability is still not guaranteed. Jamaat-e-Islami refused to become a member of the revived alliance of religious parties, Muttahida Majlis-e-Amal. Many religious parties on the fringe formed into a Defense Council of Pakistan, which took on the streets against the passage of NATO trucks to Afghanistan via Pakistan. On December 23, chief of Tehreek Minhaj ul Quran, Tahir ul Qadri, addressed a public gathering in Lahore, asking his supporters to sit a stage-in against the Government, so as to save the country.

With the disclosure that leaders of Pakistan Muslim League (Nawaz) received funds by the ISI in 1990, questions over the financial viability, influence and accountability within the political parties have been raised. Ministry of Defence stated before the SC that the political cell in the ISI is no longer functional. Many are also wondering that the PPP may receive undue advantage in any political competition as its Co-Chairman also holds the office of the President of Pakistan.

The sub-pillar of **Civil Society** received a score of **41.2%**. The Group noted that Pakistan's civil society is quite diverse in terms of representation and ownership of issues.

The civil society has been a vocal critic of Talibanization in the country. It was Pakistan's civil society which vocally condemned the attack on the 14-year old Malala Yusufzai by the Taliban and honoured her struggle for promoting girls education amidst obscurantism. However, the effectiveness of the society in influencing policy change has been a point of debate.

One sub-pillar which epitomizes the overall quality of democracy is the **Parliament and Provincial Legislatures** that, receiving the score of **45.3%**, indicates that while the process of democracy has strengthening in Pakistan, its performance leaves a lot to be desired.

Despite perceived threats to its survival, Parliament continued its journey for the fifth year. By making into the 5th and final year of its term in March 2012, the 13th National Assembly made a positive stride in Parliamentary democracy of the country where, in the past, most of the assemblies have been dissolved before completing their respective terms. This is further coupled by the fact that although Prime Minister Yusuf Raza Gilani got removed from his post in mid-2012, the Parliament continued to function and elected a new Leader of the House. The address of the President of Pakistan to the joint session of the Parliament for the fifth consecutive year in 2012 and successful holding of the Senate election in March 2012 also contributed to the continuity and stability of Parliamentary democracy in Pakistan.

In terms of legislative activity, the 13th National Assembly surpassed the 12th National Assembly. By the end of 2012, it has passed 113 Bills; comparably, 50 Bills were passed by the previous Assembly.

Holistically stating, since 2009, the number of Acts passed by the Parliament has increased every (Gregorian)⁵ year, while the number of Ordinances laid during the same time has reduced. A total of 21 and 29 Acts of Parliament were passed against 4 and 5 Ordinances laid in 2012 and 2011 respectively; this sharply contrasts with mere 22 and 4 Acts passed against 33 and 46 Ordinances laid in 2010 and 2009 respectively.

As a somewhat negative development, the maiden trend set-up by the current Parliament to have opposition chair the Public Accounts Committee (PAC) could not continue as the Chairman PAC, Leader of the Opposition, Chaudhry Nisar Ali Khan, MNA (NA-53 Rawalpindi-IV, Punjab, PML-N) resigned from the PAC Chairmanship in November

The address of the President of Pakistan to the joint session of the Parliament for the fifth consecutive year in 2012 and successful holding of the Senate election in March 2012 also contributed to the continuity and stability of Parliamentary democracy in Pakistan.

2012. Despite the reported insistence of the Government, combined opposition declined to propose a new chairman from the ranks of opposition after which the ruling PPP appointed Mr. Nadeem Afzal Gondal, MNA, (NA-64 Sargodha-I, Punjab, PPP) as the new Chairman PAC in April 2012.

By all reported accounts, the PAC has continued to play a pro-active role under the new chair by exercising oversight on the use of public funds. By the end of 2012, the issue of whether or not the PAC can summon the Registrar of the SC to respond to the questions concerning the audited funds of the SC was not resolved.

What was a slight break from the past was that the Parliament stepped in what was considered as the unchartered territory of security issues. Not only did the Parliamentary Committee on National Security enlist 14-points recommendations on how to engage with the United States, the Senate's Defence and Defence Productions Committee also kick-started a serious of dialogues on issues which cut across the civil-military divide.⁶

For all its debates, Parliament failed to come up with any concrete solutions on Balochistan and Karachi, and instead mostly discussed trends in the violence in the two areas.

One facet of the violence in Karachi has been it becoming a

turf war between key political parties of the country who are also represented in the Parliament and even the Government. Yet these parties hardly come up with any actionable policy plan in scaling down the killings in Karachi. Worst of all, neither of the parties with stakes in the Parliament and Government agreed over which policy action to take: as the ANP passed resolution to de-weaponize Karachi, the MQM responded by calling for de-weaponizing the whole of country. Earlier, as if admitting about inability of the Government to take action in its hand, one party in the Government – the Awami National Party – called for military operation in the city, a call rejected by other parties including those in the Government.

Likewise, to date, there appears to be no clear articulation by the Parliament on insecurity in Balochistan. The situation in Balochistan is apparently worse than Karachi as there is no leading narrative which establishes whether the violence is increasing or decreasing.

On Balochistan, all sorts of policy actions, lurching from outright rejection to co-optation, continued in 2012 as much as in previous years. Many forces in the Parliament, joined by the Media, are encumbered in the guilt trap of the 1971 tragedy, seeing Balochistan at par with East Pakistan as the victim province whose dissidents require a favourable treatment. Despite this, nothing much has been done to heal the old wounds. Confusion of the Government can be judged from the fact that contrary to the pro-negotiation position taken by many in the Government, Interior Minister has often blamed external elements for the unrest in the province.

Parliament has been an eager player in endorsing changes which directly affected its own members. It, for instance, passed the Contempt of Court Act 2012, which provided immunity from contempt proceedings to the public office holders including prime minister, governors, chief ministers, federal ministers and state ministers; it is another matter that the Supreme Court declared the Act as null and void on the grounds that it was unconstitutional in nature.

Likewise, a bill to allow parliamentarians for holding dual nationality was also introduced but couldn't get the required support as political parties disagreed over the dual nationality issue in the first place. Awami National Party, which has refused to support the MQM-drafted bill in favour of legislators holding dual nationalities, rather reasoned that a bill which also puts a check on senior

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officials of Government for possessing dual nationality be introduced.

Parliament also failed to respond to the calls of accountability despite that this single issue has often been used as rallying cry in dismissal of the Governments in the past. The Government-tabled bill to establish the National Accountability Commission lacked consensus of parliamentary forces.

Similarly, one of the biggest gaps in Parliamentary yearbook has been its inability, or non-seriousness, in legislating against terrorism. It was in December 2012 that the Parliament unanimously passed the Investigation for Fair Trial Bill which “*authorise the use of modern techniques to investigate crimes like terrorism and against national security*”; the other bill against terrorism is not comprehensive in covering all facets of terrorism as it covers the financial aspect of terrorism only.

Despite awareness on the flaws of the existing budget process and across-the-board demand from National and Provincial Legislators to strengthen their role in the budget process in the centre and provinces, the passage of the budgets, both in the national and provincial assemblies, remained a ritualistic event. The budget was passed in less than 45 minutes in the national legislature. Once again, Parliament and Provincial Assemblies neither had a chance to influence budget preparation nor were their

respective Standing Committees supplied with departmental budget for scrutiny. Interestingly, while the PML-N criticized the PPP for not imposing agricultural tax in the federal budget, the party didn't follow its own recommendation as it chose not to impose the agricultural tax in Punjab where the party is ruling.

Regional Snapshot

Despite claims by the Government to have doled out generous amounts of money to Balochistan, lawmakers from the Opposition circles in Balochistan Assembly complained that out of the 40 billion rupees marked under the PSDP, only 9 billion were released for the province. Balochistan's Provincial Assembly was marred with high drama in the latter half of the year after the Supreme Court pronounced that the Government, owing to its inability in dealing with the situation in province, has lost constitutional authority. Speaker of the Assembly was also removed through a no-confidence motion when he refused to perform his duties after the Court's orders.

In Sindh, political consensus among all stakeholders has often been missing where there is an increase in public outcry among Sindh nationalist parties over what they see as discriminatory policies towards Sindh by the Federal and Provincial Governments. Ruling parties namely the PPP and MQM overcame persistent deadlocks to introduce the Local Government system in five selected districts of the province, but without the consultation of Opposition who saw the system an attempt to bifurcate Sindh province.

Political forces in the assemblies of the smaller provinces were outraged with the order of Lahore High Court that asked the Federal Government to construct Kalabagh Dam in light of the decisions of Council of Common and Government's constitutional responsibilities. Whereas Sindh Assembly responded by passing four (4) resolutions against the Dam, the KP warned the Centre against any such initiative.

The KP Assembly continued to condemn attacks of terrorism and remained one of the first assemblies to have passed a law for installing Local Governments in the province. In one of the historic events aimed at strengthening federation, the President of Pakistan also addressed the KP Assembly.

The key resolutions passed in Punjab Assembly with an

impact on the federation have been the creation of new provinces in Punjab. The Assembly passed two resolutions: one demanded creation of the southern Punjab province whereas the other demanded creation of a Bahawalpur province. It was on the basis of this resolution other than the one passed in National Assembly that a Parliamentary Commission tasked with carving out a new province in southern Punjab was constituted.

Despite the need for addressing the subject of demarcation of new provinces, most political parties seemed to be seeking political mileage out of the situation as they selectively favoured creation of one province or another. Even the Parliamentary Commission, headed by PPP, became controversial from the onset as the principal opposition party and ruling party in Punjab, PML-N, objected to the membership and mandate of the Committee, stating that the original resolutions moved in Punjab Assembly called for creation of two new provinces, instead of southern Punjab only. The Commission refused to entertain any idea of creating a province in Hazara region on the grounds that the Commission's scope was limited to Punjab and validated by the resolutions. However, the Commission invited experts advocating creation of Bahawalpur province; the new Governor of Punjab, appointed in late December, was also reported to be favouring creation of Bahawalpur province.

On Independence Day, the President of Pakistan announced the promulgation of Local Government system in **Federally-Administered Tribal Areas**. Although the introduction of the Local Government System in the areas will further delegate powers to the local level, the fact that the Governor KP will still be the ultimate authority on dismissal of the proposed elected and representative body of FATA makes dubious the whole spirit of empowered representation.

The new leadership from FATA will also have to make its mind on the future of FATA. Some in FATA along with the Awami National Party argue that given the geographical contiguity and ethnic similarities, FATA should be merged into the KP. Others in the tribal areas including the Jamiat Ulema-e-Islam (Fazl-ur-Rehman Group) argue that FATA's unique tribal culture demands that it must be given the status of a separate province. The push on deciding upon future of FATA is increasingly coming from other quarters such as the Supreme Court which also urged the Federal and Provincial Governments to extend the Superior Courts' jurisdiction to the area.

Although a significant change was made in **Gilgit-Baltistan** when a representative, elected Legislative Assembly was put in place, members of the GBLA constantly complained how the federally-nominated Council can still override elected legislative assembly. Besides, G-B and AJK continue lacking representation in the Parliament, CCI, NFC, NEC, IRSA and profit earned on hydra generation despite the demand.

The sub-pillar of **Judiciary** also received one of the highest scores – **48.3%**, reflecting judiciary's newly-found assertive role over the years.

It was to SC's pro-active role on missing persons issue in the province of Balochistan that not only were the intelligence agencies obliged to produced missing persons in the court for the first time but some disgruntled Baloch elements also stepped forward in cooperating with the court. Peshawar High Court also pro-actively took up cases of missing persons and was informed that a total of 1035 missing persons have been released during the year.⁷ The courts, appearing more like doing the Executive's job, questioned the rationale⁸ of fluctuating prices of CNG, a domestic resource, with changes in POL products as well as the performance of Government in restoring calm in Karachi and Balochistan.⁹ Earlier in April, it was the SC, which asked the Provincial Governments to immediately announce the schedule of local government elections.

Despite what appeared like defiant statements¹⁰ from both the Executive and Judiciary towards each other, mixed signals from both the sides suggest that whereas differences about certain issues exist, the concept of sustainability of democracy is upheld by both the organs.¹¹ Even though the new Prime Minister Raja Pervaiz Ashraf also vowed that he will not write a letter to the Swiss authorities, as his predecessor did for which he was ultimately discharged, the issue was amicably resolved after the Government decided to dispatch the letter. Later, the Government didn't make much out of the SC's annulment of the Contempt of Court Act, 2012 which was passed by both the houses of Parliament, to provide immunity from contempt proceedings to the public office holders including prime minister, governors, chief ministers, federal ministers and state ministers. The same is also true of Government's position¹² on the Superior Court's move to enforce the constitutional provision on dual nationality holders to be members of national and provincial legislatures.

Despite what appeared like defiant statements from both the Executive and Judiciary towards each other, mixed signals from both the sides suggest that whereas differences about certain issues exist, the concept of sustainability of democracy is upheld by both the organs.

The SC's exercise of independence has often arguably been at the cost of the space of other institutions, resulting into confusion as to who is the ultimate authority on running many of the state affairs. Its pro-active role on many issues such as suggestions on wide electoral reforms was also transgressing beyond its limitation. Some even decried the apex court's indictment of the former Prime Minister Yusuf Raza Gilani as nothing short of a "judicial coup."¹³

Largely clean, the SC, however, is still facing one test of conflict of interest. It came in early June when a business tycoon and owner of Bahria town, Malik Riaz, accused Arsalan Iftikhar, son of Chief Justice, for taking money from Malik Riaz Hussain to influence cases pertaining to Bahria town. While Malik Riaz Hussain acknowledges that the Supreme Court or the Chief Justice did not give any favour to him, he stands resolute on his charges against Arsalan. Arsalan Iftikhar denied all these allegations.

One of the highest scores, **50.1%**, was received by **Media**, depicting how it has emerged as the key pillar in strengthening democracy in the country.

The robustness in media, in place on print and electronic platform, has over the years, been accelerated by the rise of social media. A key trend in the country has been the rise of social media or citizen journalism whereby a single

citizen can report a story by sharing a single video or image – and arguably, create uproar. In fact, if 2008 election were known for engaging electronic media on a wide scale, the upcoming polls will see a huge increase in the usage of social media. It played a huge role as a campaign tool in persuading members of the Pakistan Tehreek-e-Insaf to participate in the party's public gathering in Lahore.

During 2012, several incidents otherwise hidden from the mainstream media were first broken by the social media and then picked up by the mainstream media. This has even brought media's own conduct into limelight.

Although mainstream media, print and electronic, enjoys freedom and have been speaking up their minds, social media sites such as YouTube and Twitter were shut down, ostensibly to stop airing of news that offends religious feeling.

Interesting, as much as news media are getting independent from the Government, an alarming new trend of media being influenced by foreign donors has begun. Large scale funds are being provided to mainstream news media by international donor agencies to run various campaigns and contrary to all media norms, these funds and their usage for running campaigns and programmes is neither being publicly declared nor acknowledged.

Another issue is that in their bid to increase TRP rating, media is increasingly becoming irresponsible; many criticize the content and conduct of many programmes in the electronic realm as tools to attract viewership.

The sub-pillar of **Constitutional Framework** received one of the highest scores – **57.7%**. The pre-eminent place enjoyed by this sub-pillar serves as a pivotal example of how democratic processes have strengthened over the past five years.

Despite real or perceived threats to the democratic process, the Constitution continued to be intact, with Parliament entering its fifth and final year. Although there were stresses in the system such as in the form of Executive-Judiciary relations and Civil-Military relations, the fact that no extra-constitutional step was taken during these five years speaks volume of the supremacy of the Constitution. It also bears mentioning that not only the Chief Justice Iftikhar Chaudhry but Chief of Army Staff, General Ashfaq Kayani, on more than occasion, categorically spoke of

An alarming new trend of media being influenced by foreign donors has begun. Large scale funds are being provided to mainstream news media by international donor agencies to run various campaigns; contrary to all media norms, these funds and their usage is neither publicly declared nor acknowledged.

respecting Constitution of Pakistan. The check of the Court is so great that when the present Parliament passed the Contempt of Court Act to grant immunity to key Government officials, the Supreme Court declared it as null and void on the grounds that it violated the Constitution.

The Constitutional framework continues to strengthen with time as the Government and Opposition add on more clauses to the Constitution to strengthen the democratic process. In 2012, the Government and the Opposition agreed on a “system of reaching consensus” on the appointment for the caretaker governments in the centre and the provinces in the 20th Amendment to the Constitution which was passed unanimously by the Parliament.

The sub-pillar of **Electoral Process and Management** received the highest scores – **58.5%**, reposing trust that the processes administering elections are being taken care of.

The Government and all its departments deserve accolades for laying out the ground work for conducting elections all over the country. The deadlock over the appointment of the new Chief Election Commissioner of Pakistan was finally overcome in 2012 with the appointment of Honourable Justice (Retd.) Fakhruddin G. Ibrahim, a man of integrity, as the new CEC on July 9, 2012. It was the first time in the history of Pakistan that a CEC was

being appointed through a bi-partisan process; The Election Commission of Pakistan also released the Final Electoral List (FER), underlining that many old inconsistencies of the 2008 Election have been removed.

The new voters list put the total number of voters as 84.36 million voters. Compared to the Electoral Rolls of 2007, the Final Electoral Rolls 2012 indicate significant variations. While the number of voters in FATA, Khyber-Pakhtunkhwa and Punjab has registered an increase of 31 %, 12 % and 8 % respectively, the number of voters in Sindh and Balochistan provinces has registered a decline of 7 % and 22 % respectively. Although 2007 Electoral Rolls are a rather weak reference to compare 2012 Electoral Rolls with, there are bound to be questions about these variations. It is important that the ECP should make the 2012 Electoral Rolls widely and easily available for the scrutiny of political parties, civil society and media.

In order to ensure the registration process more accessible, the voting details are provided via a cellular SMS.

The new Code of Conduct released by the ECP for the upcoming elections is superfluous at some places and vague at others. That the draft Code refers to selective clauses of election laws creates an impression as if those clauses of the election laws which are not covered by the draft Code are clauses of lesser significance. The Code, as a primer, is a document over and above the law which is already in place.

Insertion of the Twentieth Constitutional Amendment further removed fears pertaining to the neutrality of players who will run the country when Election will be conducted; both the Government and Opposition agreed on a mechanism to install a neutral caretaker Government that will run affairs of the country when elections are held, after the current Government completes its term.

However, many point out that the credibility of the polls can be questioned if they are conducted under the incumbent President of Pakistan who also holds the political office of the co-chairmanship of Pakistan Peoples Party, key party in the ruling alliance in the centre. It is also pertinent to mention that the ECP, in its new Code of Conduct, has finally included the President and Governors in the list of other elected executive officials, who are asked not to *“combine their official visits with election campaign.”* However, the scope under which the President and Governors, among other public office holders, have been

covered is very limited, leading to the implication that other than campaign visits, if the President or Governors run election campaign or conduct meetings at their offices, it will not be considered a violation.

APPENDICES

APPENDIX A

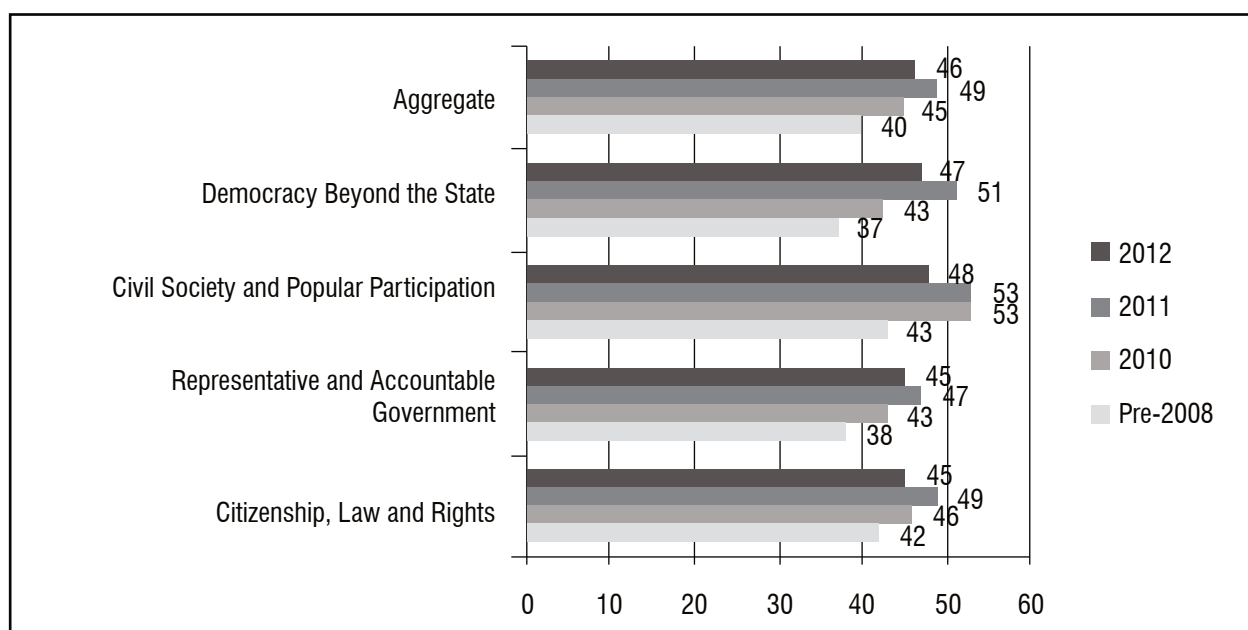
Assessment of the Quality of Democracy in Pakistan based on IDEA Framework

Analysis of Democracy Score (2008-2012):

At the end of 2012, assessment scores of quality of democracy record a declining trend when compared with the previous year. Quality of democracy received a score of **46%** in 2012, which is a decrease of 3% from previous year. Since 2008, however, the aggregate scores on quality of democracy have increased; in 2008, the score was 40%; in 2010, 45% and 2011, 49%.

Assessment of the quality of democracy in Pakistan has been carried based on the following 4 key areas of the framework:

Figure 1: Assessment Scores of Quality of Democracy in Pakistan: 2008-2012



- Rule of Law and Citizens Rights
- Representative and Accountable Government
- Civil Society and Popular Participation
- Democracy Beyond the State

1. Citizenship, Law and Rights in Pakistan

The assessment is based on four (4) overarching questions to determine the state of citizenship, law and rights in Pakistan during the period: These are:

- i. Is there public agreement on a common citizenship without discrimination?
- ii. Are state and society consistently subject to the law?
- iii. Are civil and political rights equally guaranteed for all?
- iv. Are economic and social rights equally guaranteed for all?

The weakest aspect of Citizenship, Law and Rights in Pakistan: Protection of the Population's Health in all spheres and stages of life: The weakest aspect of citizenship, law and rights in Pakistan was evaluated to be the inability of the state to provide protection to the health of the population. The question *“What extent is the health of the population protected, in all*

spheres and stages of life?” received the lowest combined score i.e., **32%** under the assessment category of Citizenship, Law and Rights in Pakistan. This represents the combined average of the pre-2008 period and the years 2010, 2011 and 2012 getting an assessment score of 34% in pre-2008, 33% in 2010, 32% in 2011 and 29% in 2012.

The strongest aspect of Citizenship, Law and Rights in Pakistan: Consensus on State Boundaries and Constitutional Arrangement: The strongest aspects of the citizenship, law and rights in Pakistan is assessed to be the societal consensus on state boundaries and Constitutional arrangements. The question **“How much consensus is there on state boundaries and constitutional arrangements?”** received the highest combined score of **63%**. The pre-2008 period was assessed at 55% whereas it was assessed to improve considerably in the post-2008 period: in 2010, it received a score of 61%; in 2011, 67% and in 2012, 69%.

Overall assessment of the state of Citizenship, Law and Rights in Pakistan

The overall assessment score of the state of Citizenship, Law and Rights in Pakistan got a score of **46%**. The pre-2008 period received 42% score. It has increased considerably since then: in 2010, it was scored at 46%; in 2011, 49%; and in 2012, it was scored at 45%. This displays a marked improvement in the quality of democracy after the February 2008 General Election.

The sub-category of **Economic and Social Rights in Pakistan** got the weakest combined score of **39%** (pre-2008: 40%; 2010: 40%; 2011: 40%; and 2012: 38%) while the state of **Nationhood and Citizenship in Pakistan** is assessed to be the highest at the combined score of **53%** (pre-2008: 42; 2010: 54%; 2011: 59; 2012: 55%).

2. Representative and Accountable Government

The assessment is based on six (6) overarching questions to determine the Representative and Accountable Government in Pakistan during the period: These are:

- i. Do elections give the people control over governments and their policies?
- ii. Does the party system assist the working of democracy?
- iii. Is government effective in serving the public and responsive to its concerns?
- iv. Does the Parliament or Legislature contribute effectively to the democratic process?
- v. Are the military and police forces under civilian control?
- vi. Is the integrity of conduct in public life assured?

The weakest aspect of Representative and Accountable Government: lack of public confidence in public officials and public services to be free from corruption: The weakest aspect of representative and accountable Government was evaluated to be lack of confidence in people that public officials are corruption-free. The question **“How much confidence do people have that public officials and public services are free from corruption?”** received the lowest score i.e., **28%** under the assessment category of Representative and Accountable Government. This represents the combined average of the pre-2008 period and the years 2010, 2011 and 2012 getting an assessment score of 30% in pre-2008, 28% in 2010, 27% in 2011 and 26% in 2012.

The strongest aspect of Representative and Accountable Government: Freedom of Political Parties to form and recruit members, engage with the public and campaign for office: The strongest aspect of the representative and accountable Government in Pakistan has been assessed to be the freedom of political parties form and recruit members, engage with the public and campaign for office. The question **“How freely are parties able to form and recruit members, engage with the public and campaign for office?”** received the combined highest score of **66%**. The pre-2008 period was assessed at 47% whereas it was assessed to improve considerably in the post-2008 period: in 2010, it received a score of 63%; in 2011, 66% and in 2012, 71%.

Overall assessment of the state of Representative and Accountable Government in Pakistan

The overall assessment score of the state of Representative and Accountable Pakistan got a score of **43%**. The pre-2008 period received 38% score. It has increased considerably since then: in 2010, it was scored at 43%; in 2011, 47%; and in 2012, it was scored at 45%.

The sub-category of **Integrity in Public Life** got the weakest combined score of **33%** (pre-2008: 32%; 2010: 34%; 2011: 33%; and 2012: 31%) while **Free and Fair Elections** in Pakistan is assessed to be the highest at the combined score of **55%** (pre-2008: 43; 2010: 50%; 2011: 58%; 2012: 58%).

3. Civil Society and Popular Participation

The assessment is based on three (3) overarching questions to determine the Civil Society and Popular Participation in Pakistan during the period: These are:

- i. Do the media operate in a way that sustains democratic values?
- ii. Is there full citizen participation in public life?
- iii. Are decisions taken at the level of government that is most appropriate for the people affected?

The weakest aspect of Civil Society and Popular Participation: lack of inclusion in local level policies and implementation by Government: The weakest aspect of civil society and popular participation was evaluated to be the lack of inclusion in local level policies and implementation by Government. The question “*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?*” received the lowest score i.e., **38%** under the assessment category of Representative and Accountable Government. This represents the combined average of the pre-2008 period and the years 2010, 2011 and 2012 getting an assessment score of 38% in pre-2008, 41% in 2010, 37% in 2011 and 35% in 2012.

The strongest aspect of Civil Society and Popular Participation: representation and accessibility of Media to different opinions and sections of society: The strongest aspect of the civil society and popular participation in Pakistan was assessed to be media's representation of different opinions and its accessibility to different sections of the society. The question “*How representative are the media of different opinions and how accessible are they to different sections of society?*” received the combined highest score of **67%**. The pre-2008 period was assessed at 52% whereas it was assessed to improve considerably in the post-2008 period: in 2010, it received a score of 67%; in 2011, 62% and in 2012, 65%.

Overall assessment of the state of Civil Society and Popular Participation

The overall assessment score of the state of Civil Society and Popular Participation got a score of **49%**. The pre-2008 period received 43% score. It has increased considerably since then: in 2010, it was scored at 53%; in 2011, 53%; and in 2012, it was scored at 48%.

The sub-category of **Decentralization** got the weakest combined score of **43%** (pre-2008: 40%; 2010: 47%; 2011: 44%; 2012: 40%) while **The Media in a Democratic Society** is assessed to be the highest at the combined score of **54%** (pre-2008: 47%; 2010: 58%; 2011: 56%; 2012: 55%).

4. Democracy Beyond the State

The assessment is based on two (2) overarching:

- i. Is the impact of external influences broadly supportive of the country's democracy?
- ii. Do the country's international policies contribute to strengthening global democracy?

The weakest aspect of Democracy Beyond the State: Effective Parliamentary Oversight and Public Influence on Government's International Policy: The weakest aspect of democracy beyond the state was ineffective parliamentary

oversight and public influence on Government's international policy. The question "***How far is the government's international policy subject to effective parliamentary oversight and public influence?***" received the lowest score i.e., **35%** under the assessment category of Representative and Accountable Government. This represents the combined average of the pre-2008 period and the years 2010, 2011 and 2012 getting an assessment score of 31% in pre-2008, 34% in 2010, 39% in 2011 and 36% in 2012.

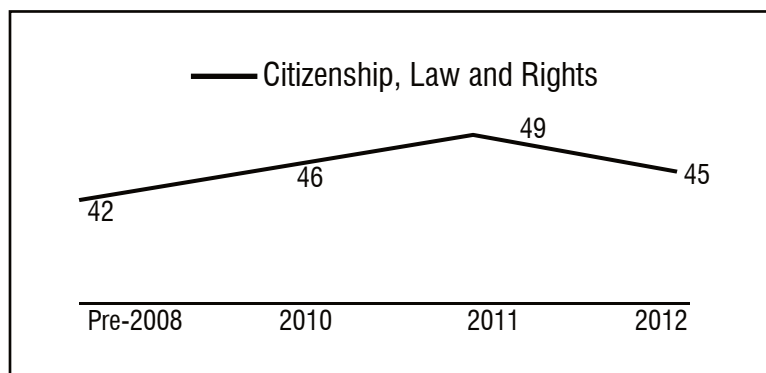
The strongest aspect of Democracy Beyond the State: Support to UN and Respect for International Rule of Law: The strongest aspect of democracy beyond the state has been Government support to the UN and respect for international rule of law. The question "***How far does the government support the UN and agencies of international cooperation, and respect the rule of law internationally?***" received the combined highest score of **59%**. The pre-2008 period was assessed at 50% whereas it was assessed to improve considerably in the post-2008 period: in 2010, it received a score of 54%; in 2011, 65% and in 2012, 66%.

Overall assessment of the state of Democracy beyond the State

The overall assessment score of the state of Democracy beyond the State got a score of **44%**. The pre-2008 period received 37% score. It has increased considerably since then: in 2010, it was scored at 43%; in 2011, 51%; and in 2012, it was scored at 47%.

The sub-category of **External Influences on the Country's Democracy** got the weakest combined score of **42%** (pre-2008: 34%; 2010: 40%; 2011: 49%; and 2012: 43%) while **The Country's Democratic Impact Abroad** is assessed to be the highest at the combined score of **47%** (pre-2008: 40%; 2010: 45%; 2011: 53%; 2012: 50%).

1. Rule of Law, Rights and Citizenship



The scores under this pillar have been increasing since 2008, but this year, it saw a decline of 4% when compared to the previous year. In 2008, it received 42%; in 2010, 46%, in 2011, 49%; and in 2012, 45%.

Major highlights include:

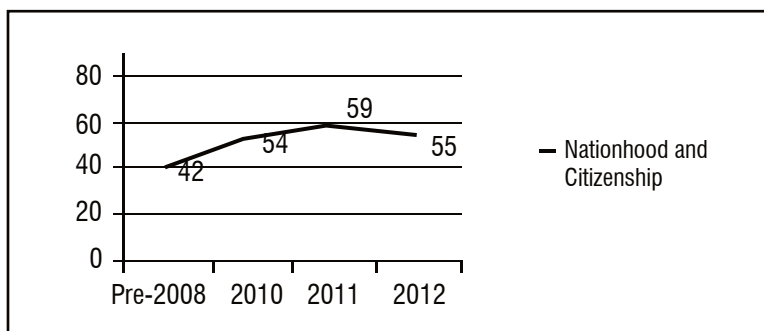
- 1) Several legislators including President's Media Adviser and Interior Minister were disqualified from the Parliament for holding dual nationalities
- 2) Election Commission of Pakistan mandated contestants for the Parliament to fill a nationality declaration form
- 3) For the first time, four (4) seats were reserved for religious minorities in the Senate of Pakistan.
- 4) Supreme Court called in the Inspector General (IG) of Frontier Corps, a paramilitary organization, to appear before the court to answer into allegations of "kill and dump" policy in Balochistan.
- 5) Opinion is divided on whether to integrate FATA into KP or make it a separate province
- 6) The President of Pakistan announced to introduce Local Government System in FATA
- 7) The centrally-controlled Gilgit Baltistan Council can still override the ruling of the elected Gilgit Baltistan Legislative Assembly
- 8) Violence in Karachi routinely broke out as turf war among key political parties present in Parliament and Government
- 9) A movement in favour of Hazara province partially raised its head
- 10) Incidents of target killing along sectarian lines were routinely recorded in Balochistan, Parachinar (FATA) and Gilgit Baltistan
- 11) Hindus in Sindh were reported to be migrating from the country
- 12) A Parliamentary Commission on the Creation of Southern Province in Punjab was formed in response to resolutions in Punjab Assembly to create new provinces in Punjab
- 13) Supreme Court struck down the Contempt of Court Act which sought to provide immunity to key government officials
- 14) Voluntary repatriation of Afghans in Pakistan still incomplete
- 15) Executive-Judiciary row emerged over whether or not to write a letter to the Swiss authorities to open up graft cases against the President of Pakistan
- 16) SC disqualified the parliamentary membership of the Prime Minister for committing contempt of court, resulting into his dismissal from the post of premiership
- 17) Parallel judicial structure like jirga and Frontier Crime Regulation ruled judgments which violated human rights
- 18) Chief Justice of the Peshawar High Court shared that nearly 92 percent of the disappeared people have been recovered
- 19) A test for judicial independence came when the son of the chief Justice was accused of taking money from a business tycoon to influence cases pending against the businessman
- 20) The Bill for National Commission for Human Rights which bars security organs from violating human rights abuses was enacted
- 21) Attack on a 12-year old pro-education girl shot, assassination on senior Provincial Minister, KP, killings of NGO and polio workers among the high profile terrorist attacks in the country

- 22) Social media increasing its clout among the modes of media
- 23) Growing influence of donors on the media, which remains unacknowledged by the media
- 24) Government placed restrictions on access to social media sites including Twitter and You Tube
- 25) Section 144 of Pakistan Penal Code imposed in Punjab for a while to control the strike observed by Young Doctors Association
- 26) Misuse of blasphemy laws reported when one cleric was exposed as lying that a 12-year old Christian girl had committed blasphemy
- 27) Flood and economic crises further increased food insecurity

1.1. Nationhood and Citizenship

Overarching Question: Is there public agreement on a common citizenship without discrimination?

This sub-pillar saw a decrease of 4% from the previous year when it was scored at 59%. The trend overall since 2008 has been



of increase in the scores (2008: 42%; 2010: 54%; and 2012: 55%).

1.1.1. How inclusive is the political nation and state citizenship of all who live within the Territory?

This question was assigned a score of 49% by Democracy Assessment Group, which is a significant decline of 8% from 2011. In 2010, it was evaluated at 51%. Its pre-2008 score was 43%.¹⁴

For the Senate elections held in 2012, the Election Commission of Pakistan, the body that administers election, for the first time, mandated contestants to fill a nationality declaration form. It was during that time that membership of several parliamentarians including serving Interior Minister was suspended for holding “dual nationalities” other than that of Pakistan's. PILDAT's Democracy Monitor provides a brief timeline to this end:

“The Supreme Court of Pakistan directed the Secretaries of the National Assembly and the Senate on May 8, 2012 to submit a comprehensive report on the Parliamentarians who hold dual nationality. On May 26, the Supreme Court suspended PPPP MNA Farahnaz Ispahani's membership of the National Assembly for holding the nationality of the USA. On June 5 the Supreme Court suspended the Senate membership of Rehman Malik, Federal Minister for Interior, as he failed to prove that he was not a British national. On June 6, the Supreme Court ruled that the federal and provincial legislators who possessed dual citizenship at the time of filing their nomination papers and did not validly renounce it then were disqualified to hold office. On June 26, the Supreme Court suspended the membership of PPPP MNA Zahid Iqbal for apparently holding dual nationality.”¹⁵

A bill mandated to allow legislators to hold dual nationality couldn't see consensus among political parties in the ruling alliance. It was one of the rare occasions when a key government ally, Awami National Party, refused to support the government.

1.1.2 How far are cultural differences acknowledged, and how well are minorities and vulnerable social groups protected?

This question was awarded a score of 39% by Democracy Assessment Group, staying around the previous scores awarded in 2011 (41%) and 2010 (40%). Its pre-2008 score was 43%.¹⁶

In Balochistan, an ethnic nationalist-turned insurgency continues; in 2012, the Baloch representatives attached the first step of negotiation with releasing Baloch missing persons, who were allegedly abducted by Pakistan's security organs – a charge denied by them. In 2012, the Supreme Court issued notices to the concerned authorities to produce missing persons.

Now that the political parties are for the first time allowed to operate in FATA, the debate over how to mainstream FATA reverberated in 2012: some like the Awami National Party argue that given the geographical contiguity and ethnic similarities, FATA should be merged into the KP; others, however, argue that FATA's unique tribal culture demands that it must be given the status of a separate province.

In 2012, the government stepped further ahead by introducing local bodies system in FATA.¹⁷ Although it will result into elected institutions, “the Governor KP is the ultimate authority on dismissal.”¹⁸

Although a legislative assembly is constituted in Gilgit Baltistan, the centrally-controlled GB Council can override the ruling of the GBLA – an anomaly which was actively criticized by legislators of GBLA in 2012.

Punjab's Provincial Assembly passed resolutions in favour of a new province in southern Punjab. In the last week of August, a parliamentary commission tasked to recommend suggestions on the creation of a new province in south Punjab was constituted.

In the northern east part of Khyber Pakhtunkhwa known as the Hazara, where the dominant language is Hindko, a movement in favor of a separate province for Hazara also appeared in 2012. Advocates of Hazara province claim that they are distinct from the Pashtun in the socio-cultural and historical context.

When it comes to religion, the sectarian rivalry surfacing out of Muslim exclusivity continues to rock Pakistan every now and then. In 2012, several sectarian attacks against Shia populace occurred in Gilgit Baltistan, Parachinar and parts of Balochistan – all the three have dense concentration of Shia Muslims. The nature of the attacks that involved shooting of the passengers taken out off a bus raised fears of persecution of a sectarian group. In one of the rare incidents of violence, a madrassah belonging to Sunni-Deobandi school of thought was bombed in the city of Quetta. (So far the perpetrators are untraced).

Yet despite the air of discrimination, cases of mutual harmony do emerge on and off. Although several cases of misuse of blasphemy law were reported, in one case, Muslim residents of a locality openly opted to side with a disabled minor, who was accused of committing blasphemy. Likewise, the issue of alleged Hindu migration was taken up by the legislators of the ruling party, PPP, who formed a committee to look into the issue and suggest remedies to the ills. The Committee set aside the migration story and suggested that “elements behind forced conversion of Hindu girls should be exposed regardless of their party affiliation.”¹⁹ Moreover, in one the buses ambushed by militants in northern areas of the country, four passengers who refused to identify the sectarian identity of passengers, resulting into their deaths.²⁰

1.1.3 How much consensus is there on state boundaries and constitutional arrangements?

This question was awarded a score of 69% by Democracy Assessment Group, which is two percent higher than in 2011 (67%). In 2012, it was evaluated at 60%; its pre-2008 score was 55%.²¹

Amendments made in 2012 were also made out of rapprochement with key political leaders. The President of Pakistan sent a reference to the Speaker to form a Commission mandated with the task of creation of new provinces, after resolutions were

passed by both the National Assembly and Provincial Assembly. When asked about the need for providing representation to those parties in the commission tasked to create a new province in southern Punjab, the chairperson of the commission said that the change in administrative unit require constitutional amendment, possible only when all political players are on board. Earlier, the ruling party couldn't pass an amendment that allowed dual national Pakistanis to contest election owing to resistance by its main coalition partner, Awami National Party.

1.1.4 How far do constitutional and political arrangements enable major societal divisions to be moderated or reconciled?

This question was awarded a score of 51% by Democracy Assessment Group, a decline by 8% from 2011. In 2010, it was scored at 56% and in pre-2008, at 41%.²²

Another forum to mitigate and oversee economic relations is the National Economic Council (NEC) that reviews the overall condition of the country; in one of the meetings of the NEC in 2012, it turned out that the total developmental allocation outlaid by the four provinces in their budget exceeded the amount set by the central government for them.²³

1.1.5 How impartial and inclusive are the procedures for amending the Constitution?

This question was awarded a score of 71% by Democracy Assessment Group, which is one percent decline than allotted in 2011. In 2010, it was scored at 62% and in pre-2008, at 41%.²⁴

It is said that a reason why the rival political parties agreed on passing 20th Amendment stemmed from the fact that the amendment also provided their legislators constitutional security to avoid disqualification; this has led some to question the intent behind amendment in the first place.

For a smooth sail, the endorsement of key parties is a must. In one of the rare occasions of lack of consensus among government parties, the Awami National Party (ANP) refused to support the government in its presentation of a bill that allowed dual nationality holders to contest elections in Pakistan.

Consensus doesn't however always make an amendment tenable. Although the Contempt of Court Act was passed by the Parliament, the Supreme Court struck it down on the grounds of its constitutionality.

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?

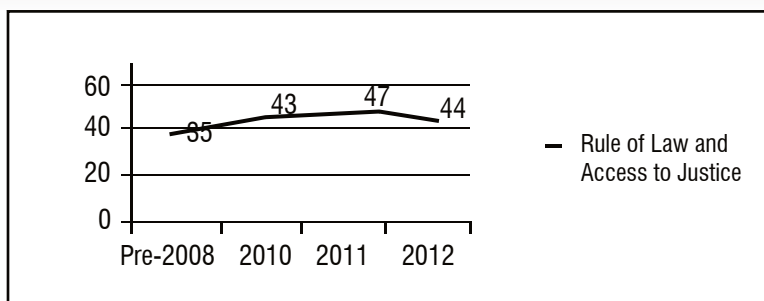
This question was awarded a score of 59% by Democracy Assessment Group, a two percent decline from 2011. In 2010, it was evaluated at 58% and in pre-2008, at 54%.²⁵

Deadlines of the return of Afghan refugees to repatriate to Afghanistan continue to be extended. In 2012, the UNHCR unveiled a new strategy aimed at voluntarily repatriating 150,000 Afghans. By the end of 2012, the Proof of Registration (PoR) would expire thereby putting the legal status of Afghan²⁶ refugees in further doldrums.²⁷ Pakistan, it is reported, will not renew their cards.

1.2 Rule of law and access to justice

Overarching Question: Is there public agreement on a common citizenship without discrimination?

Although there has been an increase in scores since 2008, the score sees a 3% decline since the last year. In 2008, it received a 35% score which jumped to 43% in 2010 and 47% in 2011; in 2012, it declined to 44%.



1.2.1. How far is the rule of law operative throughout the territory?

This question was awarded a score of 36% by Democracy Assessment Group, a decline of seven percent from 2011 but nearly the same – 33% - as in 2010 as well as in pre-2008 evaluation.²⁸

The controversial code, through which FATA is administered, came into limelight in 2012 when one Dr. Shakil Afridi was convicted by a tribal court. Although Dr. Afridi was nabbed for colluding with the Central Intelligence Agency (CIA) in its manhunt against bin Laden in 2011, he was put on trial for abetting a militant in the tribal areas. Some argue that the way he was denied the right to hire a lawyer, sentenced by a local public administrator, and denied the right to appeal were some gaps evident in his trial sanctioned by the code, Frontier Crimes Regulation (FCR.) Others point to the fact that while there is nothing wrong in the law, it was wrongly applied.

Likewise, in Balochistan province, a nationalist-turned-secessionist movement is up in the arms against the state, challenging law of the land. There, Pakistan's security organs have also been accused of either conducting or ignoring “kill and dump” policy. Illegal detention of people is another concern. A change was in the offing in 2012 when the apex court called in Inspector General (IG) of Frontier Corps to appear before the court.

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?

This question was awarded a score of 36% by Democracy Assessment Group, a decrease of four percent from 2011 and one percent in 2010. Its pre-2008 score was 39%.²⁹

In 2012, the Supreme Court issued notices to several parliamentarians, including President's media advisor and Interior Minister, for violating Constitution by contesting election as dual nationality holder. The Constitution of Pakistan, as answered above, debars dual nationality holders from becoming lawmakers. Moreover, arrest warrants were also issued against the would-be Prime Minister, Makhdoom Shahbuddin, and son of the then Prime Minister. The incumbent Prime Minister, Raja Pervaiz Ashraf, was also questioned for answering into allegations of receiving kickbacks in installing rental power plants when he was Minister of Water and Power.

The court also inquired into the conduct of the military, which otherwise has been considered an off-limit topic. It conveyed Inspector General of Frontier Corps – a serving General – in the court to answer about allegations of the role of FC in illegal detention and abduction of people in Balochistan province. Moreover, former Chief of Army Staff and DG of Inter-Services of Intelligence also appeared in the dock to respond to accusation of them having disbursed money among favourites during their tenures.

To what extent, if at all, of the court's ruling is followed by the officials is another ball of the game. Despite the pronouncement to arrest the son of the former Prime Minister, “bureaucratic hurdles”³⁰ were cited as inhibiting any action against him.

A dispute also emerged if the President of Pakistan can be subject to any legal proceedings. One school of thought argued that

the President is constitutionally immune from any proceedings whereas another argued that every public official, be it the President, is to be brought before the law. A tipping point was reached when the Prime Minister of Pakistan was disqualified after being declared guilty of committing contempt of court by not following the court's order to write a letter to the Swiss authorities to open up graft cases against the President. The new Prime Minister however ultimately agreed to write a letter.

The fear of dismissal of the prime minister is believed to have forced sitting legislators to draft a bill providing immunity to prime ministers and cabinet members. Although passed by the parliament, the Contempt of Court Act was dismissed by the SC on the grounds of its violation of the Constitution.

1.2.3. How independent are the courts and the judiciary from the executive, and how free are they from all kinds of interference?

This question was awarded a score of 70% by Democracy Assessment Group, which is three percent higher than 2011. In 2010, it was scored at 60%. Its pre-2008 score was 33%. There is thus a significant increase of this question under the democratic government.³¹

Although Pakistan's judiciary has a mixed record of acceding to the executive influence, it has, at the higher level, over the years tried to assert its independence. The present judiciary asked several public officials including two prime ministers to present themselves in the court of law. One prime minister even stood dismissed when the SC suspended his parliamentary membership; later, the Court even annulled the Contempt of Court Act, aimed at securing top public officials from any criminal proceedings. The Court also took notice of the allegations of human rights violation by the Frontier Corps.

Lately, so assertive have been the apex courts that some have criticized them for interfering in legislative and executive business. The indictment of the Prime Minister at the hands of SC was termed by some commentators as "judicial coup."³² Some quarters expressed over the SC's questioning of the absolute power³³ of parliament. Likewise, even the opposition questioned the rationale of the SC's comment that questioned the opposition for providing an open route for the passage of a controversial act, the Contempt of Court Act.

It is pertinent to mention that judicial independence is largely observed at the higher level, the apex courts. At lower level, where majority of cases are pending, the influence of executive in the form of local administrators cannot be denied.

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?

This question was awarded a score of 40% by Democracy Assessment Group, which nearly stays within the range marked in 2011 and 2010. DAG scored it 45% in 2011 and 43% in 2010. Its pre-2008 score was 35%.³⁴

Notwithstanding the alacrity, judgments of jirga especially pertaining to social issues openly violate fundamental human rights. The verdicts are known for their strong misogynist odour: in one of the high profile cases in 2012, a jirga in Kohistan allegedly ordered the death of five women, accusing them of dancing with men in a wedding celebration.

As discussed above, the tribal areas, officially known as FATA, is administered by the controversial FCR, which empowers jirga to adjudicate upon matters of dispute by denying them the right to appeal to the people and bases the diversely-interpreted culture as the substance of judgment. Although the overall mechanism is still in place, the right to appeal was granted in 2011.

1.2.5. How far do the criminal justice and penal systems observe due rules of impartial and equitable treatment in their operations?

This question was awarded a score of 42% by Democracy Assessment Group, staying within the range marked in 2011 and 2010. DAG scored it 41% in 2011 and 40% in 2010. Its pre-2008 score was 38%.

Law-enforcement agencies are often accused of inhumane treatment. The issue of enforced disappearances alleged by state agencies remained a burning issue throughout the year. What was positive this year was some progress was made on the missing persons issue due to a strong judicial response. The CJ of the Peshawar High Court was reported to have said that nearly 92 percent of the disappeared people have been recovered.³⁵ Furthermore, the apex court also asked IG FC to appear in the court.

1.2.6. How much confidence do people have in the legal system to deliver fair and effective justice?

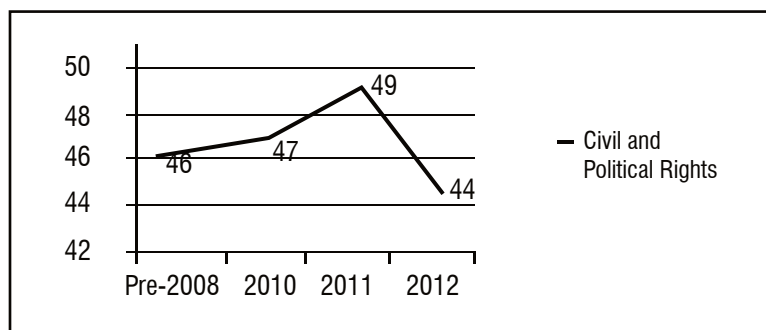
This question was awarded a score of 40% by Democracy Assessment Group, which is seven percent from 2011. For 2010, it was evaluated at 40% and in pre-2008, at 35%.³⁶

That the SC brought top public officials to the court of law may further improved its image; on the other hand, some accused the SC of meting preferential treatment to the CJ's accused son, Arsalan Iftikhar, who was allegedly bribed by a business tycoon to influence cases pending against the businessman.

1.3 Civil and political rights

Overarching question: Are civil and political rights equally guaranteed for all?

This year, this sub-pillar received the lowest score among scores for other years. The scores increased from 46% in 2008 to 47% and 49% in 2010 and 2011 but declined tremendously in 2012 to 44%.



1.3.1. How free are all people from physical violation of their person, and from fear of it?

This question was awarded a score of 39% by Democracy Assessment Group, which is 2% decline from 2011 (41%). For 2010, it was evaluated at 34% and in pre-2008, at 39%.³⁷

The Constitution of Pakistan guarantees protection of life to the citizen of the state, ensuring that “no person shall be deprived of life or liberty, saves in accordance with law.”³⁸

Despite constitutional guarantees, physical violation of citizens is not uncommon in the country. Pakistan's social dynamics has often spilled out into violence, with non-state actors gunning against the lives of those who fall within the vulnerability matrix. These include women and minorities who are often at the lowest rung of society in terms of social emancipation. Sectarianism, ethnic strife, religious violence, gender-related crimes – are all such examples which come out of the widening social imbalance. Taliban too have resorted to killings and kidnappings of civilians in the country.

In late 2012, a 12-year old Malala Yusufzai, who championed the cause of girls education was shot in the head by Taliban in Swat. On December 22, senior provincial minister, Bashir Bilour, was killed in a suicide attack in Peshawar. The worst to hit in the

year 2012 were the Shia living in Balochistan and Gilgit Baltistan. Radical groups took the Shia passengers off the bus and killed them on the spot, creating a fear of persecution among those around them.

Karachi continued to witness violence throughout the year. Individuals hailing from different groups aligned along political lines were involved in target killing, kidnappings, and cold-blooded murder.

An attempt to bar security organs from violating human rights abuses was somewhat achieved in word with the passage of law to constitute the National Commission for Human Rights, which also attempts to deal with intelligence- and military-related violations.

1.3.2. How effective and equal is the protection of the freedoms of movement, expression, association and Assembly?

This question was awarded a score of 52% by Democracy Assessment Group, which is 7% from 2011 (59%). For 2010, it was evaluated at 56% and in pre-2008 at 47%.³⁹

Although mainstream media, print and electronic, enjoys freedom and have been speaking up their minds, the fast-emerging social media has been subject to censorship – lately – precisely on the same grounds as the Article 19 states. Social media sites such as YouTube and Twitter were shut down, ostensibly to stop airing of news that offends religious feeling. The government has been on and off mulling to censor blasphemous and pornographic websites.

On ground, however, Section 144 of Pakistan Penal Code limits association of the people. Punjab government also invoked Public Maintenance Order to “maintain public order” amidst the strike observed by Young Doctors Association (YDA.)

1.3.3. How secure is the freedom for all to practice their own religion, language or culture?

This question was awarded a score of 45% by Democracy Assessment Group, which is two percent decline from 2011 and three percent decline from 2010. Its pre-2008 score was 54%.⁴⁰

The country's blasphemy laws are open to abuse against the country's different religious group, including Muslims. A glaring example of the irony to this end surfaced in 2012 when one cleric, who accused a 12-year old Christian girl of blasphemy, ended up as blasphemer.

Sectarianism raised its ugly head in 2012. Members of the Shia faith were killed in Balochistan and Kohistan in the northern areas.

Baloch nationalists repeatedly accused government of collusion over its inability in stopping killings of Baloch people. The word missing persons is often evokes memories of Baloch nationalists. At the same time, many non-Baloch immigrants were either killed or forced to leave Balochistan out of fear of persecution in a tussle that smelled of ethnic strife.

1.3.4. How free from harassment and intimidation are individuals and groups working to improve human rights?

This question was awarded a score of 44% by Democracy Assessment Group; it was evaluated at 50% in 2011; 48% in 2010; and 44% under pre-2008 evaluation.⁴¹

In Kohistan, a fatwa (religious edict) was issued NGOs; another fatwa declared the money of NGO as un-Islamic. In FATA, a leading woman rights activist Ms. Farida Afridi was gunned down by Taliban.

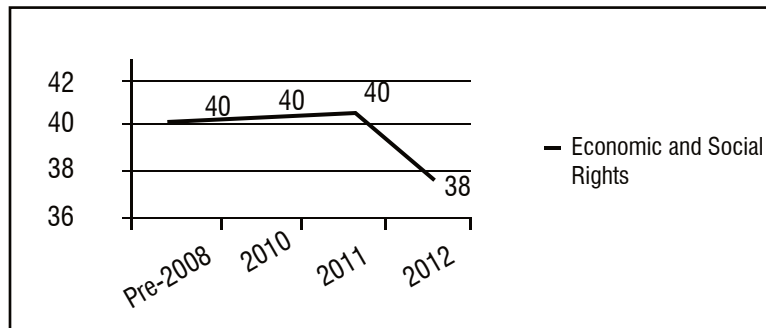
Many missing persons, alleged to be abducted by security organs, also happen to be human rights activists. Pakistan's prominent human rights activists, Ms. Asma Jehangir, even accused the state's security organs for hatching a conspiracy against her life.

1.4 Economic and Social Rights

Overarching Question: Are economic and social rights equally guaranteed for all?

This year, the score awarded has been the lowest compared to those awarded in other years. For three consecutive years, it received score of 40%; this year, it declined by 2% to 38%.

1.4.1 How far is access to work or social security available to all, without discrimination?



This question was awarded a score of 35% by Democracy Assessment Group, which is 2 percent decline from 2011, 4 percent decline from 2010 as well as pre-2008 score card.⁴²

1.4.2 How effectively are the basic necessities of life guaranteed, including adequate food, shelter and clean water?

This question was awarded a score of 31% by Democracy Assessment Group, which is the same as in 2010. In 2011, it was evaluated at 35%; its pre-2008 score was 39%.⁴³

According to the Assessment Mission of the UN on Impact of Food Crisis, Pakistan is one of the 32 countries predicted to have a severe food crisis in the coming years; as a result the poorer class will switch to cheaper and less nutritional food.⁴⁴

Amongst the 148 countries included in the Food Security Risk Index, Pakistan is the 11th most susceptible state expected to be confronted with extreme food shortage⁴⁵. Whereas there is food available in the country, people either cannot afford it due to poverty or lack access to it.

Flood and economic crises have increased food insecurity. Since 2008, the economy has been affected by a serious financial crisis with a deteriorating exchange rate, dwindling foreign exchange reserves and a highly negative balance of payment compounded by law and order situation. Worsening energy availability in the country further compounded the sources of revenue for the family, thereby denying them access to food.

Pakistan ranks 145 out of 177 countries with a human development index of 0.456. Basic necessities of life including safe drinking water and shelter have been affected by the high commodity prices and unstable inflation rate in Pakistan.

1.4.3 To what extent is the health of the population protected, in all spheres and stages of life?

This question was scored at 29%; in 2011, 32% and 2012, 33%. Its pre-2008 score was 34%.⁴⁶

1.4.4. How extensive and inclusive is the right to education, including education in the rights and responsibilities of citizenship?

This question was scored at 35%, a decline of 5% from 2011 and 6% percent from 2012. Its pre-2008 score was 40%.⁴⁷

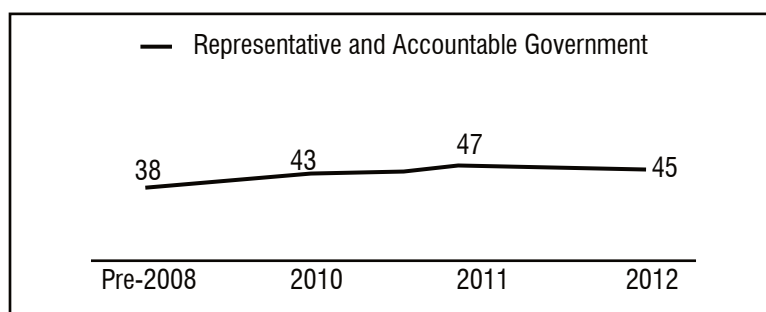
1.4.5. How free are trade unions and other work-related associations to organize and represent their members' interests?

This question was awarded at 46% during 2012 which is closer to the one marked in 2011 (48%) and 2010 (49%). Its pre-2008 score was 38%.⁴⁸

1.4.6. How rigorous and transparent are the rules on corporate governance and how effectively are corporations regulated in the public interest?

This question was awarded at 49% during 2012 which is also closer to the one marked in 2011 (50%) and 2010 (48%). Its pre-2008 score was 44%.⁴⁹

2. Representative and Accountable Government



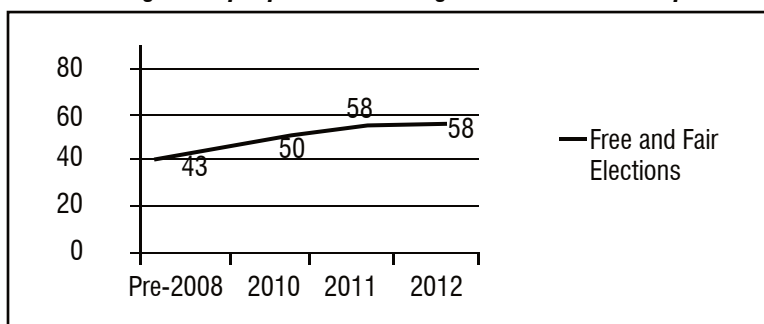
The scores have been increasing since 2008 when it received a score of 28%, but this year's score has been a decrease of 2% from 2011 when it was awarded 47%. In 2010, it was awarded 43%.

Major highlights include:

- 1) Provincial Governments continued to postpone elections for local governments
- 2) The 20th Amendment to the Constitution provides for a mechanism to install a consensus-backed neutral caretaker government
- 3) Courts questioned the conduct of political activities by the President of Pakistan
- 4) The ECP finally released the voters list for the upcoming elections; a total of 84.36 million voters are documented
- 5) Justice (Retired) Fakhruddin Ibrahim was appointed as the new Chief Election Commissioner, by the consensus of Government and Opposition
- 6) Pakistan Tehreek-e-Insaf led a peace march against drone attacks, stopping at the borders of the tribal areas
- 7) Tehreek-e-Taliban Pakistan issued warnings to the PPP and ANP
- 8) Political parties continue to suffer from weak organizational structures
- 9) Bilal Bhutto Zardari, son of Asif Ali Zardari launched as the new heir of the party
- 10) Pakistan Tehreek-e-Insaf announced and conducted intra-party elections at the lowest tier of administration, the Union Council
- 11) The country continued to suffer from energy crises
- 12) Senate Committee on Defence and Defence Production started dialogues on key issues aimed at bridging civil-military disconnect.
- 13) Corruption regarded as one of the key problems of the Government
- 14) Supreme Court's assertive role witnessed in statements and incidents grilling Parliamentarians
- 15) Parliamentary Committee on National Security deliberated upon Pakistan's understanding of agreements with the United States
- 16) Passage of the fifth budgets by both national and provincial assemblies was as usual a ritualistic event
- 17) Public Accounts Committee continued to ensure oversight of public spending
- 18) The SC found two former military officers guilty of disbursement of funds among favourite politicians in the 1990 Election
- 19) The son of former Prime Minister Yusuf Raza Gilani was accused of violating law by allocating extra quotas of ephedrine, a drug-related substance
- 20) The son of chief Justice Iftikhar Chaudhry was accused of taking money by a business tycoon to influence cases in favour of the tycoon
- 21) Prime Minister constituted a high-level committee to probe into the allegation that an annual loss of Rs 5 billion is incurred upon the national exchequer
- 22) SC upheld the legal provisions of expense limit for candidates contesting for national and provincial legislatures
- 23) Police continues to be perceived among the top corrupt departments

2.1 Free and Fair Elections

Overarching Question: Do elections give the people control over governments and their policies?



The score under this sub-pillar, starting off at 43% in 2008, has increased enormously every year. In 2011 and 2012, it has been awarded the high scores of 58%.

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?

This question was awarded at 58% during 2012; for 2011, it was scored at 54%; for 2010, 51%; and 39% during pre-2008 evaluation.⁵⁰

Although there is a Constitutional obligation to conduct elections at the local level, provinces kept on pushing ahead their plans for going for elections. A change was also offered in Pakistan's FATA with the announcement, in 2012, of local government system. This way, the people of the area will elect their own local setup. Although the draft of the local government regulation was placed on the web for comments, there was speculation as to whether the Federal Government will be able to hold wider consultation on the issue among the stakeholders.

As per new rules, a neutral caretaker government is to be appointed based on the consensus with the outgoing National Assembly's Leader of the House and Leader of the Opposition after the dissolution of the Assembly or completion of its term.

On June 27, 2012, a full bench of the Lahore High Court called upon the President of Pakistan to give up his partisan political activities by September 5 in accordance with a May 12, 2011 judgment given by a larger bench against the holding of the office of PPP co-chairman also by him. The Court also said that "in the present case, the respondent (President) has also accepted the judgment (May 12, 2011) by not challenging the same."

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?

This question was awarded at 61% during 2012. For 2011, it was scored at 61%; for 2010, 53%; and 50% under pre-2008 evaluation.⁵¹

For the upcoming elections in 2013, the ECP has ensured registration of a voter through his or her national identity card. Despite pronouncements of releasing electoral rolls at one time or another, the ECP kept on delaying the release during the first half of 2012. The voters list was finally released in July 2012.

Given the cumbersome process often involved in official registration, it has been advised that a one window opportunity be provided to citizens by offering both CNIC and vote registration service at one place. Both the two tasks are, so far, separately

carried out; the CNIC registration is the task of National Database Registration Authority.

In order to ensure the registration process more accessible, the voting details are provided via a cellular SMS.

The new voters list put the total number of voters as 84.36 million voters. Gender is another component when it comes to calculation of votes. Some also argued that total of registered women voters is not reflective of their population in the country.⁵²

After the 18th Constitutional Amendment, Article 213 has been amended and defines a process of consultation involving the Prime Minister and the Leader of the opposition who will “forward 3 names for the appointment of the CEC to a Parliamentary Committee for hearing and confirmation of any person.”⁵³ The appointment of Justice Farkhrudin Ebrahim, through the consensus of government and opposition, has been lauded as a positive step in free and fair elections.

Moreover, the 18th Constitutional Amendment has changed the composition of the Election Commission and, in addition to the CEC four (4) members from each Province have been appointed to constitute the Election Commission.

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?

This question was awarded at 71% during 2012, a decline of 4% from 2011 but a significant improvement from 2010 when it was evaluated at 53%. Its pre-2008 score was 53%.⁵⁴

The ECP also led awareness-raising initiatives by coming up with posters, media ads, etc that persuaded citizens to vote in the upcoming election. Details about voter registration are also provided through the SMS service.

Media in Pakistan tend to be free and report about all the political parties. However, the fact that it is based in certain urban areas of the country make it vulnerable to the news that come from those areas; some even argue that it has resulted in tilting the access towards promotion of certain views which may be of secondary concern to the electorate. Likewise, the state TV enjoying penetration in all the cities is often tilted in favour of the ruling party.

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?

This question was awarded at 54% during 2012 which is also closer to the one marked in 2011 and 2010. For 2011, it was scored at 55%; for 2010, 51%. Its pre-2008 score was 40%.

Many a times, political parties sharing similar views align together so as not to be withered out in divided support. In 2012, in the by-elections in Multan, nearly all opposition parties joined hands together to contest election against the candidate of the ruling party.⁵⁵

2.1.5. How far does the legislature reflect the social composition of the electorate?

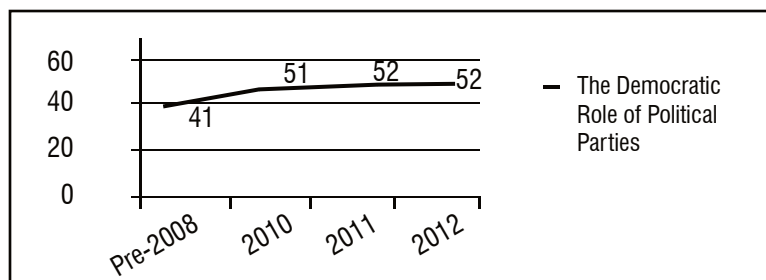
This question was awarded at 47% during 2012, which is a decline of 3% from 2011 (50%) but improvement of 5% from 2010 (42%). Its pre-2008 score was 35%.⁵⁶

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?

This question was awarded at 54% during 2012 which is also closer to the one marked in 2011 and 2010. For 2011, it was scored at 53%; for 2010, 50%. Its pre-2008 score was 40%.⁵⁷

2.2 The Democratic Role of Political Parties

Overarching Question: Does the party system assist the working of democracy?



The scores has been increasing every year since 2008 when it was awarded 41%. In 2010, it received a score of 51% whereas in 2011 and 2012, it received a score of 52%.

2.2.1. How freely are parties able to form and recruit members, engage with the public and campaign for office?

This question was awarded at 71% during 2012, an increase of 5 percent from 2011 and 8 percent from 2010. Its pre-2008 score was 47%.⁵⁸

In Pakistan's tribal areas – constitutionally, the Federally-Administered Tribal Areas – political parties were prohibited to operate and disseminate their message in the area. It was only in 2011 that they were allowed to do so. Whether or not all political parties are able to operate is another question. For, militants have threatened leaders of many liberal political parties resulting into an open space for other parties. Even Pakistan Tehreek-e-Insaf, which has been critical of America's policy in the region, was warned by the Tehreek-e-Taliban Pakistan not to lead a march to the Waziristan Agency.⁵⁹ In Karachi too, in 2012, the Tehreek Taliban Pakistan warned people against joining Awami National Party, a Pashtun nationalist party.⁶⁰

2.2.2. How effective is the party system in forming and sustaining governments in office?

This question was awarded at 56% during 2012, which was the same as in 2011 and 2010. Its pre-2008 score was 45%.⁶¹

The presence of coalition parties or the absence of any clear majority victor also makes it difficult for a party to sustain, if not form, a party. The present government was constantly speculated to be packing its bag, should any single party lose its support. The fear of such a fall was high in 2012 when the ruling party's Prime Minister, Yusuf Raza Gilani, was sent home by the Supreme Court.

2.2.3. How far are parties effective membership organizations, and how far are members able to influence party policy and candidate selection?

This question was awarded at 40% during 2012, which is the same as in 2011 and a significant decline of 19% from 2010. Its pre-2008 score was 36%.⁶²

In practice, majority of Political parties in Pakistan suffer from weak organisational structures. Structures exist in theory but in practice national and provincial levels of a party function sporadically at the call of the top leader. In fact, when in 2012, media reported that the membership of a key leader of the PPP has been suspended from the CEC, the party's spokesperson clarified that the committee never existed formally to the extent that someone could be inducted or removed as its member.⁶³ Further, political career of the son of President Asif Ali Zardari was launched at the fifth death anniversary of his mother on December 27, 2012, smacking more of hereditary politics. On the other hand, Pakistan Tehreek-e-Insaf announced and started conducted its intra-party elections, starting off from the capital city Islamabad and Khyber Pakhtunkhwa province.

Organisational structures are usually non-existent and dysfunctional except at the time of an election when party candidates activate local party units with their loyalists and supporters, thus replicating at the local level organisational structures dominated by local leaders.

Lacking institutionalisation, party organisation suffers from internal feuds based on personal factors, region and political jealousies, intensification of which results in factions that break apart to become another party. Since local factions are dominated by different leaders, most of whom have strong constituencies and do not require party support to win an election, but more influenced by personal ties, local rivalries, material gains and how to strengthen their clout in local power structures than some abstract political ideology.⁶⁴

Strict compliance to party policy is expected from the members. A perception also persists that party's top chief's decision is not to be contradicted with; in case, someone does, he or she may have to cost the job.

In 2012, the ruling Pakistan Peoples Party removed its key member Babar Awan from all the key positions including Secretary Finance⁶⁵ and Vice President of the party.⁶⁶

2.2.4. How far does the system of party financing prevent the subordination of parties to special interests?

This question was awarded at 40% during 2012, which is the same or closer to the ones awarded in 2011 (40%), 2010 (39%) and pre-2008 evaluation (38%).⁶⁷

Political parties are often accused of being led by corrupt leadership, which when given power would gorge taxpayers' money. Whereas political parties label such charge as political victimization, the stigma has remained – and flouted during political rallying.

One party, Pakistan Tehreek-e-Insaf, has been trying to gather public support among people who are frustrated with what they see as corruption of the leading parties. Later, Pakistan Muslim League (Nawaz) accused the PTI's Chairman, Imran Khan, of financing his political campaigns from the funds endowed by the people of Pakistan to a cancer-treatment hospital also built by Khan. The PTI denied all such allegations.

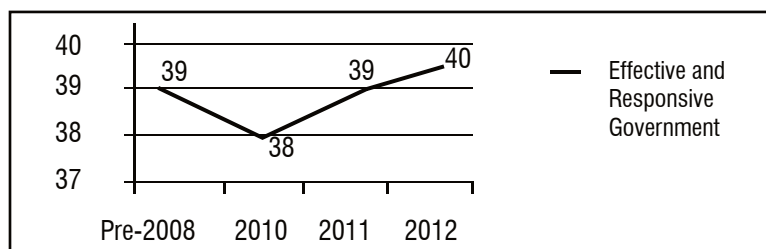
It is often said that different interests group hold political parties hostage to their interests. While there remains a debate over the extent of their influence, what is not denied is that the parties are hesitant in showing any policy off the sleeve that might affect those elite which are represented in their constituencies. The PPP for its presence in rural areas, once again refused to levy any agricultural tax; although the PML-N also did the same in the Punjab province, they have been asking for easing income tax.⁶⁸

2.2.5. To what extent does support for parties cross ethnic, religious and linguistic divisions?

This question was awarded at 51% during 2012, 54% in 2011; 56% in 2010; and 41% under pre-2008 evaluation.⁶⁹

2.3 Effective and Responsive Government

Overarching Question: Is government effective in serving the public and responsive to its concerns?



This sub-pillar, awarded 39% in 2008, decreased to 38% in 2010 but increased to 39% and 40% in 2011 and 2012 respectively.

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?

This question was awarded a score of 47% in 2012, which is a decline by 6 points from 2011 but 11 percent improvement from 2010. Its pre-2008 score was 40%.⁷⁰

Despite commitments by the Government, the country's energy shortage has worsened with time. Power outages continued in 2012, with protests breaking out in various cities of the country. Several riots against power outages in Punjab province also spilled into violence.

Given meagre resources, the State has to rely on foreign aid which also fluctuates with the winds of global pressures and geostrategic choices of the lending states. Thus, for instance, when in late 2011, Pakistan suspended the Afghanistan-bound NATO supply line in response to the attacks inside the country's territory, the United States Senate Appropriations Sub Committee suggested to cut funds from Pakistan by 58 per cent.⁷¹

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?

The scores under this question remained within range of 41-46%; in 2012, it received 45%, in 2011, 46%, in 2010, 44%; and 41% in pre-2008 scorecard.⁷²

On the one hand, Parliamentarians have often complained bureaucrats for not being in their control; on the other hand, Parliamentarians have often sidelined bureaucracy and administrative staff.

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?

It received a score of 40% in 2012, which is a 4% decrease from 2011, but 1% increase from 2010. Its pre-2008 score was 36%.⁷³

There is a trend in the Parliament that the meetings of the Committees are held in open hearing. Even sensitive committees like the Defence have held open public hearings.

In July 2012, the FATA Secretariat sought the opinions of the general public and interested stakeholders over the draft of the proposed FATA Local Government Regulation. Although the draft of the regulation was placed on the web for comments,⁷⁴ it remains to be seen whether the Federal Government was able to hold wider consultation on the issue among the stake holders. Interestingly, the local government was introduced only within a few days.

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?

The scores under this question remained in the range of 33-39%; in 2012, it received 33%; in 2011, 35%, in 2010, 34%; in pre-2008 evaluation, at 39%.⁷⁵

The country was faced with multiple energy crises and soaring fuel costs. The government owes money to the power plants to run them. The power plants need the money to pay to the PSO to buy fuel to run the plants. The government has been unable to generate money, creating the circular debt in the power sector.

2.3.5. How comprehensive and effective is the right of access for citizens to government information under the constitution or other laws?

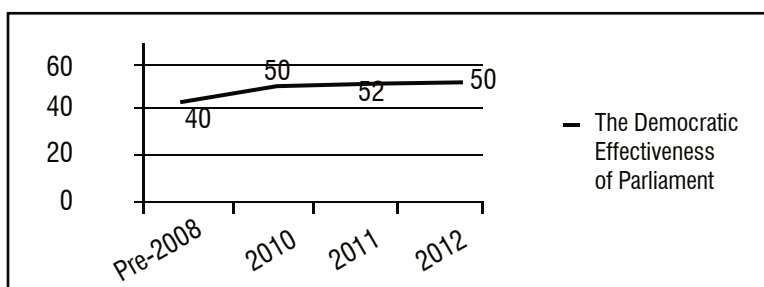
This question received a score of 45% in 2012. In 2011, it received a score of 40% and 43% in 2010. Its pre-2008 score was 39%.⁷⁶

The Pakistan Peoples Party, upon assuming power in 2008, has been vocal in its support for the right to information and both the President and Prime Minister referring to it in their inaugural speeches.⁷⁷ In 2012, the Senate Standing Committee on Information conducted several deliberations to come up with some sort of code or right to information mechanism.

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?

The score under this question for 2012 is 30%. In 2011, it was awarded 29%; in 2010, it received a score of 31%. Its pre-2008 score was 38%.⁷⁸

2.4 The Democratic Effectiveness of Parliament



Overarching Question: Does the Parliament or legislature contribute effectively to the democratic process?

This year's score of 50%, like those of the previous year, has been the higher ones compared to those awarded in other years. In 2008, it received a score of 40% and in 2010, it received a score of 50%.

2.4.1. How independent is the Parliament or legislature of the executive, and how freely are its members able to express their opinions?

This question received a score of 59%, 6% higher than 2011 and 5% higher than 2010. Its pre-2008 score was 38%.⁷⁹

There are certain limitations to what the legislators can express; the SC convicted the PM for being guilty of contempt of court by not writing letter to the Swiss authorities as asked by the Supreme Court, resulting into his dismissal from the Parliament. This resulted into disqualification of Gilani from the parliament for five (5) years. The National Assembly passed 113 Bills in the past five years; a total of 173 Private Member's Bills were laid during the same time frame.

2.4.2. How extensive and effective are the powers of the legislature to initiate, scrutinize and amend legislation?

This question received a score of 58%, which is 2% below than previous year (2011) and 3% than in 2010. Its pre-2008 score was 41%.⁸⁰

Two instances continued to ignite the scope of powers of the Parliament. In May 2012, the Speaker of National Assembly refused to send a reference to the ECP to disqualify the indicted Prime Minister. The SC, however, set aside Speakers' ruling.

Likewise, the SC annulled the Contempt of Court Act, 2012 which was passed by both the houses of Parliament earlier in July.

The Contempt of Court Act, 2012 had provided immunity from contempt proceedings to the public office holders including prime minister, governors, chief ministers, federal ministers and state ministers.

The SC judges, in their remarks, took exception to the walkout by the opposition in the Parliament as well and stated that the opposition should have stayed in the House and resisted the passage of the bill. Chaudhry Nisar Ali Khan, MNA, Leader of the Opposition in the National Assembly questioned these remarks as to and how could an opposition, outnumbered in a House, have prevented the passage of the bill.

2.4.3. How extensive and effective are the powers of the legislature to oversee the executive and hold it to account?

This question was evaluated at 47%, staying closer to the last year's score of 46%; in 2010, it was scored at 44%. Its pre-2008 score was 38%.⁸¹

The National Assembly also has a Public Accounts Committee (PAC) with powers to "examine the accounts showing the appropriation of sums granted by the Assembly for the expenditure of the Government, the annual finance accounts of the Government, the report of the Auditor-General of Pakistan and such other matters as the Minister for Finance may refer to it."⁸² Until March 2012, the leader of the Public Account Committee (PAC) was Leader of the Opposition in the House.

One significant role played by parliamentary committee in 2012 was that of the Parliamentary Committee on National Security (PCNS), which deliberated upon Pakistan's understanding of agreements with the United States. In April 2012, Pakistan's Parliament had unanimously passed a resolution, based on recommendations by the Parliamentary Committee on National Security, guiding the elected Government on how to conduct relations with the US. On July 31, Pakistan and United States finally signed a Memorandum of Understanding over the supply of cargo to and from Afghanistan, establishing "principles and procedures for the quick and efficient transit of U.S. cargo to and from Afghanistan through the territory of Pakistan for the purpose of supporting international efforts for ensuring the security, stabilization, and reconstruction of Afghanistan."

It is, however, the prime responsibility of the elected public representatives to represent public opinion and Parliament was well within its jurisdictions to forward policy advice to the executive. The executive may or may not heed to the advice given. For instance, the MoU signed between Pakistan and United States on NATO supply lines does not entirely correspond to the Parliamentary resolution.

2.4.4. How rigorous are the procedures for approval and supervision of taxation and public expenditure?

This question was evaluated at 38%, which is 1% lower than previous year and same as in 2010. Its pre-2008 score was 39%.⁸³

The passage of the fifth budgets by both national and provincial assemblies was as usual a ritualistic event. Once again Parliament and Provincial Assemblies neither had a chance to influence budget while it was prepared nor were their respective Standing Committees referred with departmental budget for scrutiny. As usual, Pakistan's public representatives merely signed on the dotted line drawn by the Executive.

One institution which enjoys vast power to oversee public expenditure is the Public Accounts Committee. By all reported accounts, the PAC has continued to play a pro-active role under the new chair by exercising oversight on the use of public funds.

2.4.5. How freely are all parties and groups able to organize within the Parliament or legislature and contribute to its work?

This question was scored at 55%, which is 2% below than in 2011 and 1% lower than in 2010. Its pre-2008 score was 38%.⁸⁴

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?

This question received a score of 39%, witnessing a significant decline from 47% in 2012 but staying closer to 42% awarded in 2010. Its pre-2008 score was 37%.⁸⁵

A trend of Parliamentary Committees taking up the issue is setting up; the problem, however, is that despite meetings, the Committees are unable to resolve issues. They have conducted open hearings but not public one to invite views of the public.

The Supreme Court of Pakistan receives about 1000 petitions every day directly from common people regarding their grievances which are then handled by the Supreme Court by approaching various institutions of the executive. This is a job which could and should have been handled by the Parliamentary Committees as these are supposed to act as the link between the public and the state institutions.

2.4.7. How accessible are elected representatives to their constituents?

This was scored at 58% in 2012, 61% in 2011; 60% in 2010; and 47% under pre-2008 evaluation.⁸⁶

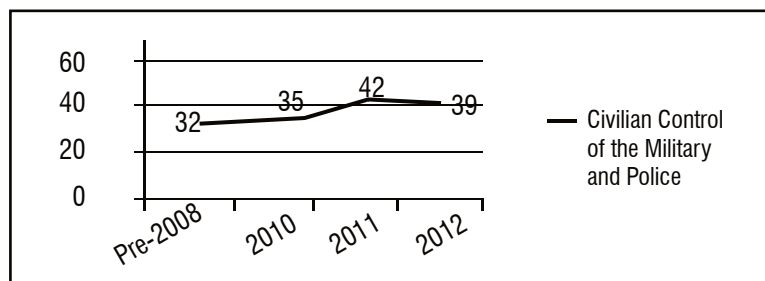
The nature of politics in a developing country like Pakistan is different from developing democracies. In Pakistan legislators have to act as a channel or a broker between the state and the constituents for provision of basic services. Their 'electability' depends on maintaining linkages with their constituents.

2.4.8. How well does the parliament or legislature provide a forum for deliberation and debate on issues of public concern?

This was scored at 58% in 2012, 55% in 2011; 48% in 2010; and 40% under pre-2008 evaluation.⁸⁷

The parliament discussed resumption of NATO supply lines. It became an issue of public concern as there was much noise over it. In April 2012, Pakistan's Parliament had unanimously passed a resolution, based on recommendations by the Parliamentary Committee on National Security, guiding the elected Government on how to conduct relations with the US.

2.5. Civilian Control of the Military and Police



Overarching Question: Are the military and police forces under civilian control?

This year's score of 2012, with 39%, has been a 3% decrease from the one awarded in 42%. Overall the score has seen increase since 2008 when it was awarded 32%. In 2010, it was awarded 35% score.

2.5.1. How effective is civilian control over the armed forces, and how free is political life from military involvement?

This was awarded a score of 39% in 2012, 35% in 2011, 26% in 2010 and 25% under pre-2008 evaluation.⁸⁸

In Pakistan's specific scenario, the question of civilian oversight arises only for the military as Police is already firmly under the control of civilian elected governments.

The Supreme Court is the only institution that continues to question the agencies on the case of missing persons in Balochistan. The Court's direction to Inspector General Frontier Corps to appear before the court to answer accusations against the FC for either conducting or ignoring 'kill and dump' policy in Balochistan are noteworthy. Former Prime Minister Gilani and his Cabinet had announced multiple times that the FC has been placed under the Provincial Government of Balochistan but Balochistan Chief Minister complained about lack of control. Two, in what is termed as the Mehran Bank scandal, the Court found two former military officials guilty of disbursing funds to his favourites in the 1990 Elections.

2.5.2. How publicly accountable are the police and security services for their activities?

It was scored at 40% in 2012, 37% in 2011; 33% in 2010; and 29% under pre-2008 evaluation.⁸⁹

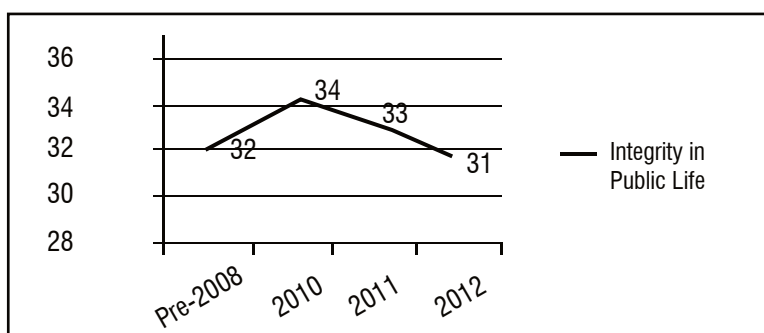
After more than seven years of its drafting, a bill aimed to create National Commission for Human Rights mandated to look into human rights abuses across the country has finally been passed. However, the Commission has not been constituted by the Government till the end of 2012.

2.5.3 How far does the composition of the army, police and security services reflect the social composition of society at large?

It was evaluated at 49% in 2012, 56% in 2011; 51% in 2010; and 41% under pre-2008 evaluation.⁹⁰

2.5.4. How free is the country from the operation of paramilitary units, private armies, warlordism and criminal mafias?

It was scored at 28% in 2012, 36% in 2011; 33% in 2010; and 36% under pre-2008 evaluation.⁹¹



2.6 Integrity in Public Life

Overarching Question: Is the integrity of conduct in public life assured?

While the score under this sub-pillar increased in 2010 (34%) from 2008 (32%), the scores have been receding in 2011 (33%) and 2012 (31%).

2.6.1 How effective is the separation of public office from the personal business and family interests of office holders?

This was scored at 31% in 2012, 31% in 2011; 36% in 2010; and 32% under pre-2008 evaluation.⁹²

A test for judicial independence made headlines in early June when a business tycoon and owner of Bahria town, Malik Riaz, accused Dr. Arsalan Iftikhar, son of Chief Justice, for taking money from Malik Riaz Hussain to influence cases pertaining to Bahria town. Dr. Arsalan Iftikhar denied all these allegations. Malik Riaz Hussain also acknowledged that the Supreme Court or the Chief Justice did not give any favour to him.

Furthermore, the son of former Prime Minister Yusuf Raza Gilani was accused of disbursing quotas of ephedrine. In August 2012, the son of Gilani and Shahabuddin's assets were put on freeze due to their involvement in the ephedrine scandal.

2.6.2. How effective are the arrangements for protecting office holders and the public from involvement in bribery?

This was scored at 29% in 2012, 32% in 2011, 33% in 2010, and 31% under pre-2008 evaluation.⁹³

An uproar was created when Chairman of National Accountability Bureau declared that a daily loss of Rs 5 billion is incurred upon the national exchequer due to corruption. Ascertaining into the allegation, the Prime Minister constituted a high-level committee to probe into the losses mentioned by the Chairman of NAB.

As such there is no mechanism which can gauge the protection of office holders and public from involvement in bribery. In some cases the powerful government officials get away with accusations.⁹⁴ Five years down the road and the Government couldn't forge consensus with the key opposition party on the constitution of an accountability mechanism, tasked to tackle corruption cases.

2.6.3 How far do the rules and procedures for financing elections, candidates and elected representatives prevent their subordination to sectional interests?

This was scored at 35% in 2012, which is 1% lower than in 2011 and 2010. In pre-2008 score card, it was awarded at 33%.⁹⁵

The ECP has asked for putting a new limit on the finance but it is only Parliament that can make changes in the law to this end. Many argue that the limit set is unrealistic in any case.

Earlier, the ECP directive issued for bye-election in NA-151 Multan-IV and which the ECP suggested will be implementable in all future elections included putting in place hitherto untested mechanism such as sending teams of 'constituency monitors' by the ECP, mandatory opening of single election expense accounts by candidates and providing weekly statements to the ECP and ban on the provision of transport to the voters by the candidates on the election day, among other things.

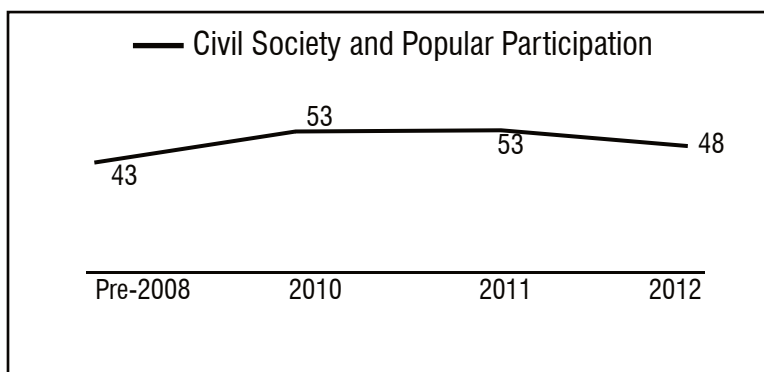
2.6.4. How far is the influence of powerful corporations and business interests over public policy kept in check, and how free are they from involvement in corruption, including overseas?

This was scored at 35% in 2012, which is 4% lower than in 2011, and 2% lower than in 37%. In the pre-2008 evaluation, it received a score of 35%.⁹⁶

2.6.5. How much confidence do people have that public officials and public services are free from corruption?

It received a low score of 26%, staying closer to the previous one: 27% (2011); 28% (2010); and 30% (pre-2008 evaluation).⁹⁷

3. Civil society and Popular Participation



As with other pillars, this pillar too saw an overall increase since 2008 but a decrease since 2011. In 2008, it was awarded 43%; in 2010, 53%; in 2011, 53%, and in 2012, 48% score was awarded.

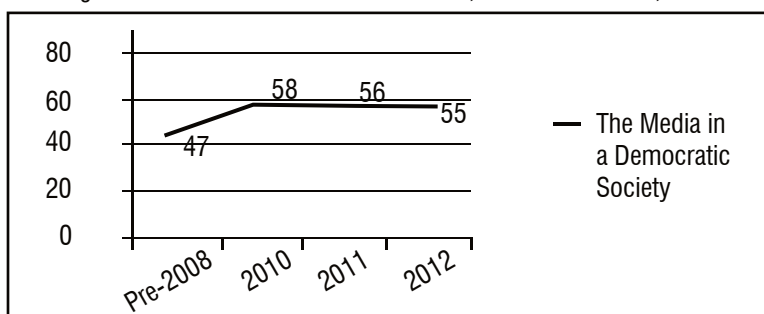
Major highlights include:

- 1) Media are accused of violating several codes overlooking their conduct
- 2) Media are not disclosing their increasing dependence on donors
- 3) Opposition accused Government of transferring money to media to influence opinion
- 4) Media in Pakistan is present on diverse platforms and is expanding
- 5) Media followed several stories of financial misappropriation to report the truth
- 6) Pakistan continues to be one of the dangerous places for journalists
- 7) Media reporting dangerous in conflict-zone areas like Balochistan and FATA
- 8) GEO TV drafted and launched its code of conduct
- 9) Shakeel Afridi's disguise as an anti-polio vaccination officer deepened the extremists' suspicion about NGO workers
- 10) Fatwa against NGO workers issued in Kohistan
- 11) Local Government system still not put in place in the provinces
- 12) In Sindh, agreement was reached to place local government system in five selected districts

3.1. The Media in a Democratic Society

Overarching Question: Do the media operate in a way that sustains democratic values?

The scores have been increasing since 2008 when it was awarded 47%; in 2010 and 2011, it received a score of 58% and 56% respectively.



This year's score has been a slight decline from the previous year's one; in 2012, it is scored at 55%.

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?

This was scored at 63% in 2012, 56% in 2011, 56% in 2010, and 53% under pre-2008 evaluation.⁹⁸

Despite several codes overlooking media's conduct, media are accused of not following standards set in reporting and portrayal of news and imagery.

Leader of the Opposition accused the government of disbursing money among its favoured journalists. During a case hearing the alleged money transferred by a businessman to media personnel, the SC was reminded that the government's "secret fund", amounting to Rs. 4 billion, is often misused to buy off journalists. The SC asked to suspend the funds.

There are many media outlets owned by numerous people, but the popular ones are run a few families. The same media houses own TV channel and Urdu and English newspapers.

Many argue that media is increasingly coming under the influence of donors; moreover, this dependence is hardly disclosed by the media for public scrutiny.

In its attempt to score high TRP ratings, media are accused of being irresponsible in terms of content and format of their programs.

3.1.2 How representative are the media of different opinions and how accessible are they to different sections of society?

This was scored at 65% in 2012, which is 3% higher than in 2011 but 2% decline than in 2010. Its pre-2008 score was 52%.⁹⁹

In 2012, a petition was filed in the Supreme Court against media's airing of indecent or immoral programs on TV network, as a result of which the SC asked PEMRA if there is any mechanism to check immorality on TV. This stirred a debate of what constitutes morality or immorality in the first place – the English press had one view, the Urdu another.

Similarly, when asked to comment on a past scandal that involved the military chief, Pakistan Army Chief Ashfaq Kayani said that media should avoid jeopardizing country's interests.

There, however, is a realization to give due coverage to all the views. In 2012, a leading private channel Geo TV also came up with its code that vows to uphold diverse views among its viewers. The network even said that instead of projecting biases from its different school of thoughts, it will stay neutral.

3.1.3. How effective are the media and other independent bodies in investigating government and powerful corporations?

This was scored at 63% in 2012, which is closer to the scores in 2011 and 2010 at 62%. Its pre-2008 score was 51%.¹⁰⁰

Several cases pertaining to financial misappropriations were recorded in 2012:

One of the most well-known case – Bahriagate – involved the son of the Chief Justice of Pakistan who, it is alleged, received money from a business tycoon to influence cases in favour of the businessman. It was through media that the said businessman first leaked the documentary evidence of his monetary favours to CJ's son.

The media actively pursued the case that involved the son of former Prime Minister. It was alleged that he relaxed rules in favour of the import of ephedrine, a drug that has severe side effects.

It must be borne in mind that accused officials may not succumb to the chase by resigning from their positions. Often, they point the fingers towards the media for doing wrong to them.

Moreover, media is still denied access in areas such as defence issues, war against militancy, etc. and has to depend on official and military sources. Even if someone reports independently to these ends, the risks of his life from state and non-state actors cannot be denied.

Practising journalism is also hazardous in some parts of the country (north and west) than in other parts;¹⁰¹ fear factor with political groups as well as stage agencies also hinders in-depth and independent reporting.

The Government also follows a carrot and stick approach through advertisement revenue to the media. As discussed above, the government can exercise law-enforcement tactics to deal with media that excessively dog it.

3.1.4. How free are journalists from restrictive laws, harassment and intimidation?

This was scored at 43% in 2012, 51% in 2011, 48% in 2010, and 46% under pre-2008 evaluation.¹⁰²

In conflict-prone areas like Balochistan and FATA, journalists often face double intimidation both from the state and the non-state actors. One senior journalist, Ayub Tareen, was warned by the Baloch Liberation Army for reporting in favour of the state.

3.1.5 How free are private citizens from intrusion and harassment by the media?

This was scored at 40% in 2012, 49% in 2011, 52% in 2010, and 40% under pre-2008 evaluation.¹⁰³

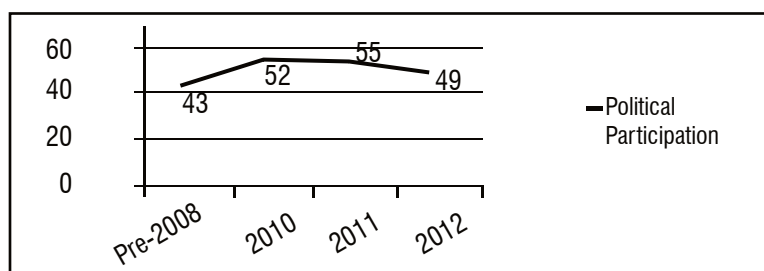
In 2012, a TV host was sacked from the channel when she and her crew chased young couples in the park, portraying them to be indulging in an immoral act on their part as the couples were strolling together openly without a certificate of marriage. Many couples refused to answer the host's intruding question on their meet-up; some women held a hand in front of their faces to blockade airing of their faces.

Likewise, reporting on violence against women in specific are criticized for violating ethical norms of reporting. It would, for instance, share the confidential information of the survivors of violence against women, sensationalize their miseries, and often portray the survivors as the guilty one.

Lately, in 2012, the Geo TV has developed its own Code of Conduct but the absence of a one collective Code of Conduct that all media voluntarily agrees to and through which there is a Complaints Commission results in lack of uniform professional standards in the media.

3.2 Political Participation

Overarching Question: Is there full citizen participation in public life?



The scores under this sub-pillar increased from 2008 when it was scored at 43%. In 2010 and 2011, it was awarded 52% and 55%, whereas in 2012 it has been scored at 49% which is a decrease of 6% from the previous year.

3.2.1. How extensive is the range of voluntary associations, citizen groups, social movements, etc., and how independent are they from government?

This was scored at 60% in 2012, 65% in 2011, 63% in 2010, and 48% under pre-2008 evaluation.¹⁰⁴

Several aid workers and organizations have been threatened during 2012. One veteran human rights activist, Ms. Farida Afridi, was gunned down outside her home in Khyber Agency in the tribal areas. In December 2012, several anti-polio vaccination worker were also killed.

3.2.2. How extensive is citizen participation in voluntary associations and self-management organizations, and in other voluntary public activity?

This was scored at 53% in 2012, 56% in 2011, 53% in 2010, and 45% under pre-2008 evaluation.¹⁰⁵

Despite growth of non-government organizations, in some areas in KP and FATA, citizens are generally scared of working in NGOs which are increasingly being targeted verbally or physically by militants. In 2012, a cleric in Kohistan area issued a fatwa against those who work in the NGO, calling their source of income as un-Islamic.

3.2.3. How far do women participate in political life and public office at all levels? (AF)

This was scored at 44% in 2012, 54% in 2011, 49% in 2010, and 45% under pre-2008 evaluation.¹⁰⁶

Although the Final Electoral Rolls 2012 show a huge gap between men and women registered voters, the women voter for 2012 increased in comparison to the 2007 one.¹⁰⁷ The Government also abolished the fee for CNIC, in a step to encourage people to register their vote.

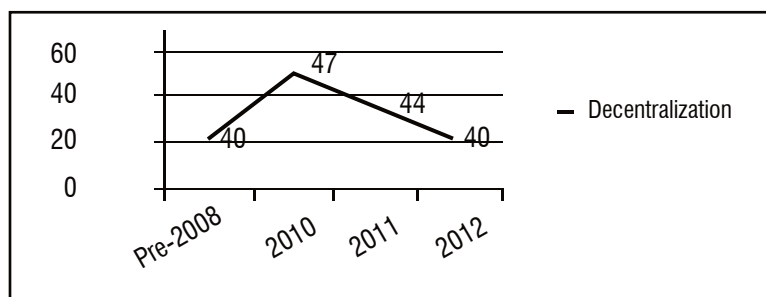
3.2.4. How equal is access for all social groups to public office, and how fairly are they represented within it?

This was scored at 39% in 2012, 43% in 2011, 42% in 2010, and 39% under pre-2008 evaluation.¹⁰⁸

According to a PILDAT research dating to 2011, the current average value of assets held by an MNA stands at Rs. 94.6 million, based on the 2009-2010 declarations. This figure demonstrates an increase of 16.9% from the 2008-2009 figure of Rs. 80.89 million.

3.3. Decentralization

Overarching Question: Are decisions taken at the level of government that is most appropriate for the people affected?



Although the score under this sub-pillar increased by 7% from 2008 to 2010 (from 40% to 47%), the scores have declined ever since. In 2011, it received a score of 44%; in 2012, it received a score of 40%.

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?

This was scored at 43% in 2012, 48% in 2011, 53% in 2010, and 43% under pre-2008 score card.¹⁰⁹

In one of the key developments, sub-state levels have got much more resources and powers than ever before in Pakistan. That declining scores now indicate that provinces have not devolved powers further to local tier.

In 2012, Minister for Inter-Provincial Coordination, Mian Raza Rabbani, said that the intent to create some central coordinating mechanisms go against the spirit of devolution – and should be done away with. In 2012, the ANP passed a resolution that energy exploration and distribution should be left for provinces, as the Centre has no right to claim it.

In Sindh, an agreement was reached on the introduction of local government system in its five cities: Karachi, Hyderabad, Sukkar, Larkana, Mirpur-khaas.¹¹⁰ Rest of the province was to be run by District Council. This virtual bifurcation was opposed by Sindh nationalists and ANP, a party in the ruling alliance.

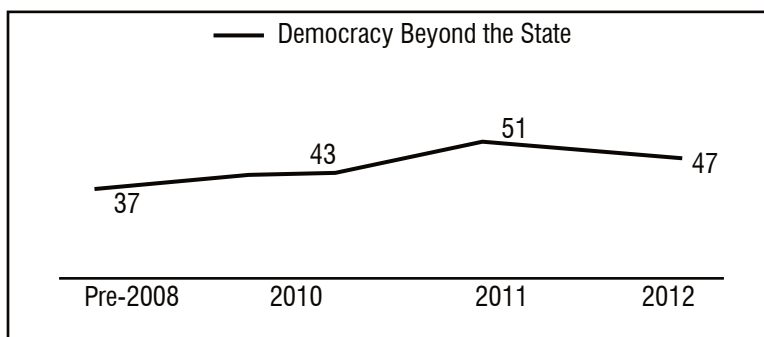
3.3.2. How far are these levels of government subject to free and fair electoral authorization, and to the criteria of openness, accountability and responsiveness in their operation?

It was scored at 43% in 2012, 46% in 2011, 48% in 2010, and 40% under pre-2008 evaluation.¹¹¹

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?

It was scored at 35% in 2012, 37% in 2011, 41% in 2010, and 38% under pre-2008 evaluation.¹¹²

4. Democracy Beyond the State



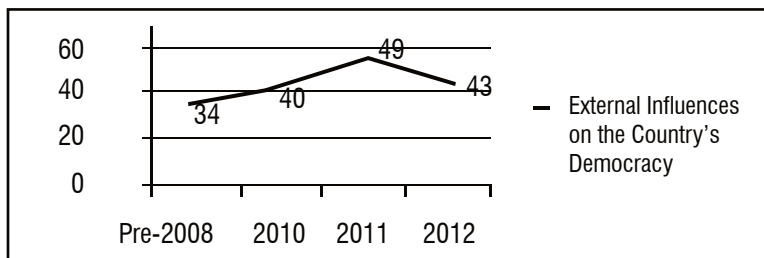
The scores under this sub-pillar have been increasing since 2008 though for 2012, a decline compared to previous year was witnessed. In 2008, it received 37%; in 2010, 43%; 2011, 51%; and in 2012, 47%.

Major highlights include:

- 1) Parliament took a pro-active role by analysing and putting forward its consensus views on revisiting agreement with the US
- 2) IMF conditioned the release of next tranche of aid to Pakistan by asking the President of Pakistan to become a signatory to the deal
- 3) Pakistan sided with the Syrian Government in its fight against the rebels
- 4) Pakistan hosted a conference of Developing Eight Countries (D8)
- 5) Pakistan is sought as a key player on the future of Afghanistan
- 6) Some parties took to the streets against Pakistan's agreement to open NATO supply lines
- 7) Afghanistan and Pakistan accused one another over cross-border attacks
- 8) Domestic uproar was created over Pakistan's facilitation of the UN Working Body on Investigation into Enforced Disappearance to visit Pakistan

4.1. External influences on the country's democracy

Overarching Question: Is the impact of external influences broadly supportive of the country's democracy?



This sub-pillar has seen an increase in score since 2008 (34%). In 2010, it was awarded 40%, in 2011, 49%; and in 2012, 43% were awarded.

4.1.1. How free is the country from external influences which undermine or compromise its democratic process or national interests?

It was scored at 42% in 2012, 52% in 2011, and 35% in 2010, and 32% under pre-2008 evaluation.¹¹³

Although there has been a strategic relationship of Pakistan with United States since after 9/11, Pakistan's Parliament was not privy to the details of the bilateral agreement. It was only in April 2012 that the Parliament took a pro-active role by discussing and putting forward its consensus views in the form of a Parliamentary resolution on how the Government of Pakistan should conduct relations with the United States.

Pakistan continues to be engaged in a war within our ownership of the war. Taliban or extremists believe Pakistan Government and military are engaged in anti-national activities on the behest of US and the Western World, as a result ordinary Pakistanis are suffering.

There are also loud whispers that Dr. Tahir ul Qadri, a political figure who staged a sit-in in Islamabad in January 2013, is being supported by the west who wants him to have a prominent role in PK politics.

Opposition also criticize the Government for turning to the IMF for aid and acceptance of its conditions; the IMF even conditioned the release of any next tranche of aid to Pakistan to the President of Pakistan becoming a signatory to the deal.

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?

It was scored at 47% in 2012, which is a decline of 10% from 2011 but an increase of 6% from 2010. Its pre-2008 score is at 39%.¹¹⁴

Pakistan was on the side of the Syrian Government in its fight against the rebels; on this, Pakistan sided with China and Russia.

In 2012, Pakistan also hosted a summit of Developing Eight, including Turkey, Iran and Egypt with an attempt to influence global decision making. Pakistan is also eagerly sought on key international platforms when it comes to the future of Afghanistan.

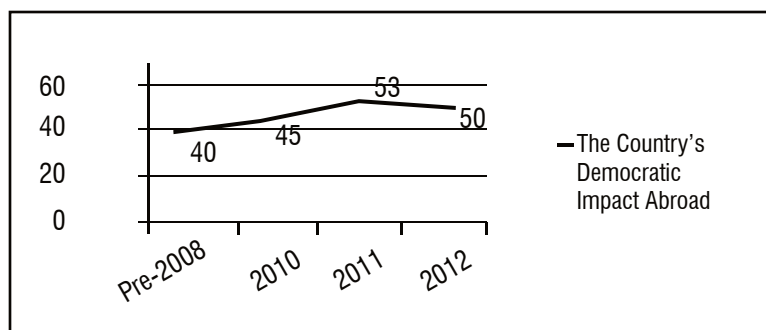
4.1.3. How far are the government's negotiating positions and subsequent commitments within these organizations subject to effective legislative oversight and public debate?

It was scored at 41% in 2012, 39% in 2011, 32% in 2010, and 32% under pre-2008 evaluation.¹¹⁵

For the first time in Pakistan, Parliament of Pakistan has begun to exercise oversight on Government's relationships in bilateral and multilateral spheres. All parties in the Parliament represented in the deliberations and later unanimously passed the draft that revisited agreement with the U.S. Although Parliament is influencing the Government on foreign policy issues, at the end of the day, the Govt is well within its rights to take executive decisions.

4.2 The Country's Democratic Impact Abroad

Overarching Question: Do the country's international policies contribute to strengthening global democracy?



In 2012, this sub-pillar has been awarded 50% score which is an increase of 10% from 2008 (40%) but a decrease of 3% from 2011 (53%). In 2010, it was scored at 45%.

4.2.1. How consistent is the government in its support for, and protection of, human rights and democracy abroad?

This was scored at 50% in 2012, 51% in 2011, 42% in 2010, and 38% under pre-2008 evaluation.

Pakistan remained in international spotlight for allegedly sympathizing or supporting with those elements in Afghanistan who are notorious for their inhumane excesses. Others have pointed towards the presence of militants of all hues and colour in Pakistan's tribal areas.

As an example, the Karzai government in Kabul continued to accuse Pakistani elements, especially the intelligence apparatus, of involvement in acts of terrorism in Afghanistan. While Pakistan was blamed for ignoring the anti-American Haqqani network, Pakistan counter-blamed Afghanistan for turning a blind eye on the militants who are based in Afghanistan and attack on Pakistani post. So bitter were the accusations that Pakistan even fired shells on the militant's camps in Afghanistan's territory. Another one of Pakistan's consistent demands has been bringing its arch-rival India to the dock for what it sees as violation of human rights in Indian-held Kashmir. The state media continues to report of the unearthing of mass graves in that part of the region.

Interestingly, Pakistan has been one of the few countries to have played a critical role in supporting the Sri Lankan government against the Tamil separatists.

At the meeting of the Organization of Islamic Countries, Pakistan's President Asif Zardari was among the first few dignitaries to have brought to attention the alleged massacre of Rohingya Muslims in Myanmar. There remained confusion as to whether or not to term alleged killings or discrimination of the Rohingyas as motivated by faith. Moreover, the authenticity of the massacre, let alone its scope, is often brought into question.

Despite differing claims to the veracity, the massacre issue on social media became so viral that the immigrants from India's north-eastern part of India to other parts of the country read it as an ethnic backlash in India's north-eastern part and started moving back to their hometowns. The Indian government later blamed Pakistan for allowing operation of the websites from Pakistan.

More interestingly, Pakistan was one of those countries which refused to support any humanitarian-based military intervention in Syria amidst reported violence and disruption in the country.

4.2.2. How far does the government support the UN and agencies of international cooperation, and respect the rule of law internationally?

It was scored at 66% in 2012, staying closer to the score in 2011 (65%) but witnessing an increase from 2010 (54%). Its pre-2008 score was 50%.¹¹⁶

In 2012, domestic uproar was created when it became apparent that Pakistan's Foreign Office facilitated the UN Working Body on Investigation into Enforced Disappearances to visit Pakistan. Critics read it as an indirect attempt to interfere in Pakistan. Succumbing to domestic backlash, Pakistan's Government distanced itself from owning the invitation. However, a few months later, Pakistan won a seat at the Human Rights Council, validating the view that Pakistan has been cooperating with international organizations to advance human rights.

On the terrorism front, Pakistan has been asked to respect the United Nations Security Council Resolution 1267, which declared individuals and groups as terrorist.

Pakistan's position on the operation of Unmanned Aircraft Vehicle (UAV), commonly known as drones, is legalistic in nature. In late August, Pakistan's Foreign Office "demarched"¹¹⁷ a US diplomat to protest against drone strike, arguing that it violated international law. The UN has also, upon the request of Pakistan, opened inquiry into the legality of the drone attacks.¹¹⁸

4.2.3. How extensive and consistent is the government's contribution to international development?

It was scored at 49% in 2012, 58% in 2011, 48% in 2010, and 39% under pre-2008 evaluation.¹¹⁹

Pakistan has been contributing to international relief efforts in disaster hit areas such as Sri Lanka during the final phases of its counter-insurgency drive some years ago. Lately, it has started investing in the infrastructure development of the neighbouring Afghanistan. Economic assistance from Pakistan to Afghanistan has been \$330 million for the reconstruction of Afghanistan in the field of education, health and communication. However, given limited resources, Pakistan has more been a recipient of international development rather than supplier.

4.2.4. How far is the government's international policy subject to effective parliamentary oversight and public influence?

This was scored at 36% in 2012, 39% in 2011, 34% in 2010, and 31% under pre-2008 evaluation.¹²⁰

One noticeable change in 2012 was the active involvement of the Parliament in revisiting Pakistan's bilateral arrangements and understanding with the United States vis-à-vis fighting militancy and extremism. Pakistan, in late 2011, suspended the supply line in its territory for NATO-bound trucks. During early 2012, Pakistan's Parliamentary Committee on National Security deliberated and produced its recommendations on the review, which was later endorsed by the Parliament and forwarded to the Defence Committee of the Cabinet (DCC), the competent body dealing with defence affairs.

APPENDIX B

Democracy Assessment Group
(Serial 1-20 in alphabetical order by last name)

No.	Names
1.	Mr. Omar Khan Afridi Former Caretaker Minister; former Chief Secretary NWFP
2.	Mr. Iftikhar Ahmad Senior Journalist
3.	Mr. Cyril Almeida Analyst; Assistant Editor, Dawn
4.	Dr. Huma Baqai Chairperson, Department of Social Sciences Institute of Business Administration (IBA)
5.	Dr. Kaiser Bengali Former Member, National Finance Commission
6.	Senator Mir Hasil Bizenjo Senior Vice President, Balochistan National Party
7.	Dr. Ijaz Shafi Gilani Chairman, Gallup Pakistan
8.	Justice (Retd.) Manzoor Gilani Former Chief Justice, Azad Jammu and Kashmir
9.	Lt. Gen. (Retd.) Moinuddin Haider Former Governor, Sindh; former Federal Minister for Interior
10.	Mr. Shahid Hamid Senior Advocate, Supreme Court; former Governor, Punjab
11.	Dr. Parvez Hassan Senior Advocate, Supreme Court
12.	Senator Javed Jabbar Former Federal Minister for Media Development
13.	Mr. Iqbal Zafar Jhagra Secretary General, Pakistan Muslim League (Nawaz)
14.	Mr. Wazir Ahmed Jogezi Former Deputy Speaker National Assembly

REPORT
Assessment of the Quality of Democracy in Pakistan
Year 2012

No.	Names
15.	Mr. Riaz Khokhar Former Foreign Secretary
16.	Dr. Hasan-Askari Rizvi Defence and Political Analyst
17.	Mr. Ghazi Salahuddin Senior Analyst
18.	Mr. Mujib-ur-Rehman Shami Editor in Chief, Daily Pakistan
19.	Mr. Illahi Bukhsh Soomro Former Speaker, National Assembly
20.	Senator S. M. Zafar Senior Advocate, Supreme Court; Constitutional Expert
21.	Mr. Ahmed Bilal Mehboob President, PILDAT
22.	Ms. Aasiya Riaz Joint Director, PILDAT

APPENDIX C

Democracy Score Card 2012: based on the Pakistan-Specific Framework

No.	Parameter and Sub-Area of Evaluation	%Score Assigned by DAG in 2012
	<i>How good is the quality of democracy in the country?</i>	45.0
	Processes How effective are democratic institutions and how effectively are democratic processes followed?	44.2
1.1	Parliament and Provincial Legislatures	44.2
1.1.1	How representative is the Parliament of the country's population?	52.7
1.1.2	How effective are the national and provincial assemblies in framing legislation to address the current issues?	45.0
1.1.3	How effective are the assemblies in exercising oversight of the executive?	37.0
1.1.4	How effective are the assemblies in providing a forum to diverse view points in the country for debate and developing consensus?	49.5
1.1.5	How transparent and accessible are the assemblies to common citizens?	42.3
1.2	Executive	34.3
1.2.1	How far is the unelected executive (bureaucracy) inducted, posted and promoted fairly based on merit and without influence of the powerful groups?	30.7
1.2.2	How far is the unelected executive (bureaucracy) allowed to function free from partisan considerations in accordance with law, rule and regulation?	29.1
1.2.3	How far is the independence of executive guaranteed through constitution and laws?	43.2
1.3	Judiciary (Access to Justice)	48.3
1.3.1	How independent is judiciary (all levels including SC, High Courts, district and session courts)?	58.4
1.3.2	How efficiently and economically do the courts dispense justice?	40.5
1.3.3	How readily and completely are judiciary's judgments implemented?	46.1
1.4	Media	50.1
1.4.1	How independent is the media from influence of the government?	61.8
1.4.2	How independent is the media of the influence of powerful interest groups within the country and outside?	38.6
1.4.3	How diverse are the media? (Diversity includes content, language, ownership, location, coverage, etc.)	52.7

REPORT
Assessment of the Quality of Democracy in Pakistan
Year 2012

1.4.4	How convenient is it for citizens to establish a TV channel and how equitable and fair is the process to grant permission?	47.3
1.5	Local Government	21.4
1.5.1	How far is a representative (elected) local government functional in the country?	16.7
1.5.2	How effective is the devolution of powers to various tiers of the local government?	23.3
1.5.3	How equitable and fair is the distribution of funds among the local governments by the provincial governments?	23.3
1.5.4	How effective are the local governments in providing the services included in their scope?	26.4
1.6	Constitutional Framework	57.7
1.6.1	How far does the country's constitution guarantee and protect a robust democratic order?	63.6
1.6.2	How far does the constitution guarantee equality of all citizens?	62.7
1.6.3	How far are the provisions of the constitution followed in letter and spirit?	40.9
1.6.4	How far does the constitution provide for an equitable treatment to all provinces and territories of the country?	63.6
1.7	Individual (Human) rights	44.5
1.7.1	How effective are the arrangements in protecting individual (human) rights and addressing violations, if and when they occur?	32.7
1.7.2	How effectively does the constitution guarantee individual (human) rights?	56.4
1.8	Rule of Law	28.6
1.8.1	How far is the rule of law established in the country?	27.3
1.8.2	How far is the security sector effectively controlled by the elected government?	32.3
1.8.3	How far are the intelligence agencies effectively controlled by the elected government?	26.4
1.9	Electoral Process and Management	58.5
1.9.1	How far does the constitution and laws provide for an independent and effective Election Commission?	65.9
1.9.2	How far is the ECP independent?	63.4
1.9.3	How far is the ECP free from partisan influences?	61.7
1.9.4	How far is the ECP effective and able to enforce its writ?	52.4
1.9.5	How accurate and up-to-date are the electoral rolls?	54.5

REPORT
Assessment of the Quality of Democracy in Pakistan
Year 2012

1.10	Political Parties	43.6
1.10.1	How far does the constitution guarantee the freedom of association across the country?	66.4
1.10.2	How far does the freedom of association actually practiced in the country?	54.5
1.10.3	How democratic are the political parties?	36.8
1.10.4	How far are the political parties free from the influence of undeclared interest groups?	37.3
1.10.5	How organized are the political parties in general?	37.7
1.10.6	How far are the political parties financially viable to carry out their activities?	38.6
1.10.7	How free are the parties from influence by funding from abroad?	34.1
1.11	Civil Society (Labour Unions, NGO Groups, etc.)	41.2
1.11.1	How far does the civil society represent the diversity of Pakistan?	45.5
1.11.2	How organized is the civil society?	38.6
1.11.3	How far does the civil society speak about the issues of the people of the country?	46.8
1.11.4	How effective is the civil society of Pakistan?	37.7
1.11.5	How independent is the civil society of Pakistan – of both domestic and foreign players?	39.3
2	PERFORMANCE <i>How far has democracy delivered to the people?</i>	20.9
2.1	Service Delivery	22.5
2.1.1	How successful is the democratic government in ensuring effective delivery of goods and services such as health, education, etc. to all citizens in an equitable manner?	25.5
2.1.2	How good is the Public Transport System (bus, rail, air, etc.) provided by the government?	20.5
2.1.3	How efficient is the health sector provided by the Government?	22.7
2.1.4	How far does the government ensure to provide free education at the primary level, as enshrined in the Constitution?	24.1
2.2	Transparency	23.0
2.2.1	How successful is the democratic set-up in putting in place an effective mechanism to curb corruption?	20.0
2.2.2	How well has the government practiced the policy of Merit in its dealings (Admissions to educational institutions, employment, promotions etc.)?	25.5
2.2.3	How effectively has government discouraged the practice of VIP Culture?	17.5
2.2.4	How effective was the System of Accountability especially for the holders of public offices?	21.8
2.2.5	How effectively is the citizen's right to information catered by law and practice?	30.5

REPORT
Assessment of the Quality of Democracy in Pakistan
Year 2012

2.3	Law and Order	25.0
2.3.1	How successful is the democratic set-up in maintaining peace and order?	21.4
2.3.2	How successful has been the democratic setup in containing radicalization in the country?	20.0
2.3.3	How well has the government maintained the Writ of the state and Law and Order in the territory under its responsibility?	24.1
2.3.4	How good is the Access, Effectiveness and Efficiency of the Justice System?	34.5
2.4	Public Spending	21.7
2.4.1	How well has is the democratic setup managed inflation?	26.8
2.4.2	How far has the Government been able to manage Economic Growth?	22.7
2.4.3	How effectively the government economized on the size of the Cabinet and public spending on High public officials?	20.0
2.4.4	To what level has any austerity measure been taken by the Government to manage economy?	17.3
2.4	Public Spending	21.7
2.4.1	How well has is the democratic setup managed inflation?	26.8
2.4.2	How far has the Government been able to manage Economic Growth?	22.7
2.4.3	How effectively the government economized on the size of the Cabinet and public spending on High public officials?	20.0
2.4.4	To what level has any austerity measure been taken by the Government to manage economy?	17.3
2.5	Social Justice	26.4
2.5.1	How effective is the Safety Net provided by the government for the marginalized segments of the society?	35.0
2.5.2	How far has the Government been able to address the issues of unemployment?	22.3
2.5.3	How well is the population growth managed in the country?	22.9
2.6	Human rights and security	26.8
2.6.1	How effective is the Government in protecting liberty of its citizens?	28.6
2.6.2	How effective is the Government in ensuring that the basic human rights of the citizens are not violated?	27.6

APPENDIX D

REPORT
Assessment of the Quality of Democracy in Pakistan
Year 2012

Democracy Score Card: underbased on the IIDEA-Framework

No.	Parameter and Sub-Are of Evaluation	% Score Assigned in Pre 2008	% Score Assigned by DAG in 2010	% Score Assigned by DAG in 2011	% Score Assigned by DAG in 2012	Score % Combined
1	Citizenship, Law and Rights	42	46	49	45	46
1.1	Nationhood and Citizenship	42	54	59	55	53
	Overarching Question: Is there public agreement on a Common citizenship without discrimination?					
1.1.1	How inclusive is the political nation and state citizenship of all who lives in the territory?	43	51	57	49	50
1.1.2	How far are cultural differences acknowledged, and how well minorities and vulnerable social groups protected?	43	40	41	39	41
1.1.3	How much consensus is there on state boundaries and constitutional arrangements?	55	61	67	69	63
1.1.4	How far do constitutional and political arrangements enable major societal divisions to be moderated or reconciled?	41	56	59	51	52
1.1.5	How partial and inclusive are the procedures for amending the constitution?	41	62	72	71	61
1.1.6	How far the government does the respect its international obligations in its treatment of refugees and asylum seekers, and how free from the arbitrary discrimination is its immigration policy?	54	58	61	59	58
1.2	Rule of Law and Access to Justice	35	43	47	44	42
	Overarching Question: Are State and society consistently subject to law?					
1.2.1	How far is the rule of law operative throughout the territory?	33	33	43	36	36
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?	39	39	40	36	38
1.2.3	How independent are the courts and the judiciary from the executive, and how free are they from all kinds of interference?	33	60	67	70	57
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?	35	43	45	40	41

REPORT
Assessment of the Quality of Democracy in Pakistan
Year 2012

No.	Parameter and Sub-Are of Evaluation	% Score Assigned in Pre 2008	% Score Assigned by DAG in 2010	% Score Assigned by DAG in 2011	% Score Assigned by DAG in 2012	Score % Combined
1.2.5	How far do the criminal justice and penal systems observe due rules of impartial and equitable treatment in their operations?	38	40	41	42	40
1.2.6	How much confidence do people have in the legal system to deliver fair and effective justice?	35	40	47	40	40
1.3	Civil and Political Rights	46	47	49	44	47
	Overarching Question: Are civil and political rights equally guaranteed for all?					
1.3.1	How free are all people from physical violation of their person, and from fear of it?	39	34	41	39	38
1.3.2	How effective and equal is the protection of the freedoms of movement, expression, association and assembly?	47	56	59	52	54
1.3.3	How secure is the freedom for all to practice their own religion, language or culture?	54	48	47	45	49
1.3.4	How free from harassment and intimidation are individuals and groups working to improve human rights?	44	48	50	44	46
1.4	Economic and Social Rights	40	40	40	38	39
	Overarching Question: Are economic and social rights equal guaranteed for all?					
1.4.1	How far is access to work or social security available to all, without discrimination?	39	39	37	35	37
1.4.2	How effectively are the basic necessities of life guaranteed, including adequate food, shelter and clean water?	39	31	35	31	34
1.4.3	To what extent is the health of the population protected, in all spheres and stages of life?	34	33	32	29	32
1.4.4	How extensive and inclusive is the right to education, including education in the rights and responsibilities of citizenship?	40	41	40	35	39
1.4.5	How free are trade unions and other work-related associations to organize and represent their members' interests?	38	49	48	46	45
1.4.6	How rigorous and transparent are the rules on corporate governance and how effectively are corporations regulated in the public interest?	44	48	50	49	48

REPORT
Assessment of the Quality of Democracy in Pakistan
Year 2012

No.	Parameter and Sub-Are of Evaluation	% Score Assigned in Pre 2008	% Score Assigned by DAG in 2010	% Score Assigned by DAG in 2011	% Score Assigned by DAG in 2012	Score % Combined
2	Representative and Responsible Government	38	43	47	45	43
2.1	Free and Fair Elections	43	50	58	58	52
	Overarching Question: Do election give the people control over governments and their policies?					
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?	39	51	54	58	51
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?	50	53	61	61	56
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?	53	53	67	71	61
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 does the composition of the legislature and the selection of the executive reflect the choices they make?	40	51	55	54	50
2.1.5	How far does the legislature reflect the social composition of the electorate?	35	42	50	47	43
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?	40	50	53	54	49
2.2	The Democratic Role of Political Parties	41	51	52	52	49
	Overarching Question: Does the party system assist the working of democracy?					
2.2.1	How freely are parties able to form and recruit members, engage with the public and campaign for office?	47	63	66	71	62
2.2.2	How effective is the party system in forming and sustaining governments in office?	45	56	56	56	53
2.2.3	How far are parties effective membership organizations, and how far are members able to influence party policy and candidate selection?	36	59	40	40	44

REPORT
Assessment of the Quality of Democracy in Pakistan
Year 2012

No.	Parameter and Sub-Are of Evaluation	% Score Assigned in Pre 2008	% Score Assigned by DAG in 2010	% Score Assigned by DAG in 2011	% Score Assigned by DAG in 2012	Score % Combined
2.2.4	How far does the system of party financing prevent the subordination of parties to special interests?	38	39	40	40	39
2.2.5	To what extent do parties cross ethnic, religious and linguistic divisions?	41	56	54	51	50
2.3	Effective and Responsive Government	39	38	39	40	39
	Overarching Question: Is government effective in serving the public and responsive to its concerns?					
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?	40	36	41	47	41
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	44	46	45	44
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?	36	39	44	40	40
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?	39	34	35	33	35
2.3.5	How comprehensive and effective is the right of access for citizens to government information under the constitution or other laws?	39	43	40	45	42
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?	38	31	29	30	32
2.4	The Democratic Effectiveness of Parliament	40	50	52	52	48
	Overarching Question: Does the parliament or legislatures contribute effectively to the democratic process?					
2.4.1	How independent is the parliament or legislature of the executive, and how freely are its members able to express their opinions?	38	54	53	59	51
2.4.2	How extensive and effective are the powers of the parliament or legislature to initiate, scrutinize and amend legislation?	41	61	60	58	55

REPORT
Assessment of the Quality of Democracy in Pakistan
Year 2012

No.	Parameter and Sub-Are of Evaluation	% Score Assigned in Pre 2008	% Score Assigned by DAG in 2010	% Score Assigned by DAG in 2011	% Score Assigned by DAG in 2012	Score % Combined
2.4.3	How extensive and effective are the powers of the parliament or legislature to oversee the executive and	38	44	46	47	44
2.4.4	How rigorous are the procedures for approval and supervision of taxation and public expenditure?	39	38	39	38	38
2.4.5	How freely are all parties and groups able to organize within the parliament or legislature and contribute to its work?	38	56	57	55	52
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?	37	42	47	39	41
2.4.7	How accessible are elected representatives to their constituents?	47	60	61	58	56
2.4.8	How well does the parliament or legislature provide a forum for deliberation and debate on issues of public concern?	40	48	55	58	50
2.5	Civilian Control of the Military and Police	32	35	42	39	37
	Overarching Question: Are the military and police forces under civilian control?					
2.5.1	How effective is civilian control over the armed forces, and how free is political life from military	25	26	35	39	31
2.5.2	How publicly accountable are the security services for their activities?	29	33	37	40	35
2.5.3	How far does the composition of the army and security services reflect the social composition of society at large?	41	51	56	49	49
2.5.4	How free is the country from the operation of paramilitary units, private armies, warlordism and criminal mafias?	36	33	36	28	33
2.6	Integrity in Public Life	32	34	33	31	33
	Overarching Question: Is the integrity of conduct in public life assured?					
2.6.1	How effective is the separation of public office from the personal business and family interests of office holders?	32	36	31	31	33
2.6.2	How effective are the arrangements for protecting office holders and the public from involvement in bribery?	31	33	32	29	31

REPORT
Assessment of the Quality of Democracy in Pakistan
Year 2012

No.	Parameter and Sub-Are of Evaluation	% Score Assigned in Pre 2008	% Score Assigned by DAG in 2010	% Score Assigned by DAG in 2011	% Score Assigned by DAG in 2012	Score % Combined
2.6.3	How far do the rules and procedures for financing elections, candidates and elected representatives prevent their subordination to sectional interests?	33	36	36	35	35
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?	35	37	39	35	37
2.6.5	How much confidence do people have that public officials and public services are free from corruption?	30	28	27	26	28
3	Civil Society and Popular Participation	43	53	53	48	49
3.1	The Media in a Democratic Society	47	58	56	55	54
	Overarching Question: Do the media operate in a way that sustains democratic values?					
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?	53	56	56	63	57
3.1.2	How representative are the media of different opinions and how accessible are they to different sections of society?	52	67	62	65	62
3.1.3	How effective are the media and other independent bodies in investigating government and powerful corporations?	51	62	62	63	59
3.1.4	How free are journalists from restrictive laws, harassment and intimidation?	46	48	51	43	47
3.1.5	How free are private citizens from intrusion and harassment by the media?	40	52	49	40	45
3.2	Political Participation	43	52	55	49	50
	Overarching Question: Is there full citizen participation in public life?					
3.2.1	How extensive is the range of voluntary associations, citizen groups, social movements etc. and how independent are they from government?	48	63	65	60	59
3.2.2	How extensive is citizen participation in voluntary associations and self-management organizations, and in other voluntary public activity?	45	53	56	53	52

REPORT
Assessment of the Quality of Democracy in Pakistan
Year 2012

No.	Parameter and Sub-Are of Evaluation	% Score Assigned in Pre 2008	% Score Assigned by DAG in 2010	% Score Assigned by DAG in 2011	% Score Assigned by DAG in 2012	Score % Combined
3.2.3	How far do women participate in political life and public office at all levels?	45	49	54	44	48
3.2.4	How equal is access for all social groups to public office, and how fairly are they represented?	39	42	43	39	41
3.3	Decentralization	40	47	44	40	43
	Overarching Question: Are decisions taken at the level of government that is most appropriate for the people affected?					
3.3.1	How independent are the sub-central tiers of government from the centre?	43	53	48	43	47
3.3.2	How far are these levels of government subject to free and fair electoral authorization?	40	48	46	43	44
3.3.3	How extensive is the cooperation of government at the most local level with relevant partners?	38	41	37	35	38
4	Democracy Beyond the State	37	43	52	47	44
4.1	Eternal Influences on the country's democracy?	34	40	49	43	42
	Overarching Question: Is the impact of external influences broadly supportive of country's democracy?					
4.1.1	How free is the country from external influences which undermine or compromise its democratic process or national interests?	32	35	52	42	40
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?	39	41	57	47	46
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?	32	32	39	41	36
4.2	The Country's democratic Impact Abroad	40	45	53	50	47
	Overarching Question: Do the country's international policies contribute to strengthening global democracy?					

End Notes

1. The Democracy Assessment Group – DAG – has been formed by PILDAT to assess the quality of democracy in the country. It includes eminent Pakistanis from the field of politics, law, media and academia. **Appendix B** contains a list of DAG members.
2. For details of PILDAT-proposed reforms on strengthening Cabinet Committee on defence, please see: <http://www.pildat.org/events/12-09-19/pdf/PILDATRecommendationsonImprovingCMRSeptember2012.pdf>
3. This is based on a new book report by a journalist. Some parliamentarians contest the data. See: Taha Siddiqui, "Most Pakistani lawmakers dodge taxes as world gives aid, loans," The Christian Science Monitor, December 16, 2012, <http://www.csmonitor.com/World/Asia-South-Central/2012/1216/Most-Pakistani-lawmakers-dodge-taxes-as-world-gives-aid-loans>
4. Based on a press release by ISPR; see: Press Release No. R181/2012-ISPR, Inter-Services Public Relations, August 17, 2012, http://www.ispr.gov.pk/front/main.asp?o=t-press_release&date=2012/8/17
5. The division is based on Gregorian year starting from January. Parliamentary year starts in March.
6. The Committee held briefings on Defence budget, Pakistan's position in the wake of NATO withdrawal in 2014, national strategy document, etc.
7. This figure is based on the numbers told to Peshawar High Court. For details, see: "PHC told 1035 missing persons are being released," *Onepakistannews*, <http://pakistan.onepakistan.com.pk/news/city/peshawar/104347-phc-told-1035-missing-persons-are-being-released.html>
8. The Government has earlier argued that it increased CNG prices because of rise in international prices of petroleum-based commodities.
9. The Supreme Court question if the provincial government enjoys its writ in Balochistan.
10. For instance, both disagreed on whether or not to write a letter to the Swiss authorities to open up graft cases against the President. Likewise, whereas the Executive favoured a bill to grant immunity to key Government officials, the Judiciary struck it down.
11. In fact, while Executive spoke of reposing mandate of the people, the Judiciary ensured that democratic system won't be derailed.
12. The Government, at the end of the day, agreed to abide by the court's order. The Government's key officials also resigned from their posts for holding dual nationalities.
13. Likewise, Pakistan's *Daily Times* termed it 'virtual coup'; see: Editorial, "Virtual judicial coup," *Daily Times*, June 20, 2012, http://www.dailytimes.com.pk/default.asp?page=2012%5C06%5C20%5Cstory_20-6-2012_pg3_1
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15. See: *PILDAT Democracy Monitor*, PILDAT, August 08, 2012, 2012, <http://www.pildat.org/eventsdel.asp?detid=559>
16. For Background Information, see: Report, page 14-16
17. Zulfiqar Ali, "Reforms in Fata a hard nut to crack", *Dawn*, June 14, 2012, Zulfiqar Ali, "Reforms in Fata a hard nut to crack", *Dawn*, June 14, 2012, <http://dawn.com/2012/06/14/reforms-in-fata-a-hard-nut-to-crack/>
18. See: *PILDAT Democracy Monitor*, PILDAT, August 08, 2012, 2012, <http://www.pildat.org/eventsdel.asp?detid=559>
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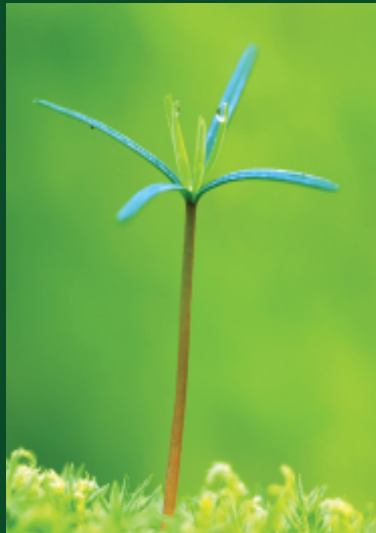
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