

STATE OF DEMOCRACY IN PAKISTAN 2023

One Step Forward, Two Steps Backward?

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Pakistan's democracy is a product of complex historical and contemporary factors. Power distribution is often imbalanced, and the nation's political culture exhibits tension between authoritarian rule and democratic governance.



Coupled with parliamentary continuity and greater citizen participation in the electoral process, the country's social and economic profile has undergone significant changes along with challenges for democracy.



Challenges to the state of democracy in Pakistan include disparities in voter participation, concerns about electoral credibility, and issues within political parties.



The practical realization of fundamental rights remains a key challenge in strengthening democracy.



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Acronyms

| | |
|-------|--|
| ACE | Anti-Corruption Establishment |
| ADR | Alternative Dispute Resolution |
| AGP | Auditor General of Pakistan |
| AIC | Asia Internet Coalition |
| AMLA | Anti-Money Laundering Act |
| ANP | Awami National Party |
| ARY | Abdul Razaq Yaqub (TV channel) |
| CJP | Chief Justice of Pakistan |
| CNIC | Computerized National Identity Card |
| CPI | Consumer Perception Index |
| CSO | Civil Society Organisation |
| DIG | Deputy Inspector General |
| EA | Extradition Act |
| EAD | Economic Affairs Division |
| EBDO | Elected Bodies Disqualification Order |
| ECP | Election Commission of Pakistan |
| EIU | Economic Intelligence Unit |
| EMB | Election Management Body |
| ETO | Electronic Transaction Ordinance |
| FAFEN | Free and Fair Election Network |
| FATF | Financial Action Task Force |
| FBR | Federal Board of Revenue |
| FES | Friedrich-Ebert-Stiftung |
| FIA | Federal Investigation Agency |
| HR | Human Rights |
| ICT | Information and Communication Technology/Islamabad Capital Territory |
| IDEA | International Institute for Democracy and Electoral Assistance |
| IDP | Internally displaced persons |
| IMF | International Monetary Fund |

| | |
|--------|--|
| INGO | International Non-Government Organisation |
| JI | Jamaat-e-Islami |
| KII | Key Informant Interviews |
| KP | Khyber Pakhtunkhwa |
| LFO | Legal Framework Order |
| MQM | Mutahida Qaumi Movement |
| NA | National Assembly |
| NAB | National Accountability Bureau |
| NADRA | National Database and Registration Authority |
| NAO | National Accountability Ordinance |
| NGO | Non-Government Organisation |
| NWFP | North West Frontier Province |
| PAC | Public Accounts Committee |
| PPC | Pakistan Penal Code |
| PCER | Parliamentary Committee on Electoral Reforms |
| PDM | Pakistan Democratic Movement |
| PECA | Prevention of Electronic Crimes Act |
| PEMRA | Pakistan Electronic Media Regulatory Authority |
| PFUJ | Pakistan Federal Union of Journalists |
| PILDAT | Pakistan Institute of Legislative Development and Transparency |
| PML | Pakistan Muslim League |
| PMLN | Pakistan Muslim League Nawaz |
| PNA | Pakistan National Alliance |
| PPF | Political Party Finance |
| PPP | Pakistan Peoples Party |
| PPRA | Public Procurement Regulatory Authority |
| PTA | Pakistan Telecommunication Authority |
| PTI | Pakistan Tahreek-e-Insaf |
| PTM | Pashtun Tahafuz Movement |
| PWD | Persons With Disabilities |
| QSO | Qanoon-e-Shahadat Order (Law of Evidence) |
| RTI | Right to Information |
| SDPI | Sustainable Development Policy Institute |

| | |
|---------|--|
| S & GAD | Services & General Administration Department |
| SSP | Senior Superintendent of Police |
| TLP | Tehreek-i- Labbaik Pakistan |
| TTP | Tehreek-i- Taliban Pakistan |
| UNCAC | United Nations Convention against Corruption |
| US | United States |
| USIP | United States Institute of Peace |

Foreword

From 2008 to 2023, Pakistan has witnessed a positive democratic development. During this period, three National Assemblies completed their five-year tenures. Additionally, elections were held, and power was transferred to newly elected civilian governments. This indicates greater citizen participation in the democratic processes.

Coupled with parliamentary continuity and greater citizen participation in the electoral process, the country's social and economic profile has undergone significant changes along with challenges for democracy. A rapidly urbanising and relatively young population, including a vibrant middle class with greater access to electronic media, and digital technologies, represents a more demanding constituency requiring an adequate representation in legislative bodies.

This report on the "State of Democracy in Pakistan 2023" is by no means the final effort on the subject. But, it is a serious endeavour by a dedicated team of researchers to compile the most relevant data for a comprehensive analysis of this subject. We hope it will inspire additional research and analysis, generating a broader debate on the performance and relevance of democratic institutions in the country.

As an organisation with extensive experience consolidating democratic culture and institutions in more than 100 countries worldwide, FES Pakistan is pleased to present the study at hand, which is a beneficial contribution to this discussion. Nazeer Mahar, Tarik Malik and Usama Bakhtiar have put this report together which is a serious endeavor to compile the most relevant data for a comprehensive analysis on this subject.

We sincerely hope it will contribute to a fruitful debate to further strengthen democracy in Pakistan.

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Executive Summary

The state of democracy in Pakistan is shaped by a complex interplay of historical evolution and contemporary sociopolitical dynamics. Power is distributed among many different actors and institutions which are oftentimes imbalanced. The nation's political culture reflects an uneasy compatibility with democratic norms, with public opinion divided between support for a more authoritarian rule and democratic governance. This cultural discord is underscored by a propensity for disinformation amplified by widespread social media usage, undermining informed political discourse and impacting democratic processes.

The rise of an urban middle class challenges the traditional power dynamics, leading to political conflicts that disrupt stability. The intensification of climate change effects, as demonstrated by frequent severe floods, further strains Pakistan's nascent democracy. Economic losses and exacerbated poverty rates are among the consequences, intensifying public discontent and eroding trust in the government.

The socio-demographic shifts that have unfolded in Pakistan since the dawn of the new millennium have cast profound ripples across society, echoing within the realms of politics and governance. This transformation is marked by heightened awareness of social, political, and economic rights among diverse segments of the populace. Concurrently, an upsurge in political consciousness has been manifested, birthing opportunities for democratic progress. Nevertheless, this panorama is not devoid of challenges. Particularly, reaching out to and harmonizing the political aspirations of the youth and educated electorate has become a formidable task, given their disillusionment with the democratic system. The digital revolution, while transformative, has ushered both empowerment and disparities, fuelling online political polarization. The dynamic of urbanization has further sculpted the political canvas, adding layers of complexity. Crucially, a nuanced comprehension of the diverse shades of religiosity is indispensable for policy architects and political actors to navigate Pakistan's ever-evolving sociopolitical terrain. The pursuit of these opportunities and the confrontation with challenges will invariably chart the course towards a more resilient, equitable, and inclusive democratic future for Pakistan.

These multifaceted drivers collectively shape Pakistan's democracy, raising questions about the nation's future political trajectory. As the nation grapples with power imbalances, cultural discord, technological advances, economic shifts, and the impacts of climate change, the delicate balance of democratic governance is put to the test. The intricate interplay of these factors highlights the need for comprehensive strategies to fortify democratic institutions and ensure the nation's continued progress on the path to sustainable governance.

In this research study, through a blend of historical analysis and contemporary context, we delve into the multifaceted dimensions that have steered Pakistan's democratic journey. Our approach combines an extensive review of existing literature with other qualitative research methods.

Rather than succumb to a reductionist quantitative lens, our methodology aspires to unearth the underlying 'why questions' that hold pivotal significance for informed political decision-making. To construct our framework, we draw inspiration from four prominent global indices that hold sway within academic, journalistic, and policy circles: the Democracy Index by the Economist Intelligence Unit, the Global State of Democracy Initiative by International IDEA, the Annual

Democracy Report by the Varieties of Democracy (V-Dem) Institute, and the Annual Freedom in the World Report by Freedom House.

These indices provide the bedrock for our conceptual framework, which aligns with globally recognized norms of modern liberal democracy. Moreover, it ensures rigor through robust research and analysis, retains relevance amidst evolving political dynamics at global and regional levels, and maintains an impartial stance within Pakistan's domestic landscape.

Our framework encompasses key attributes like representative governance, participatory engagement, access to information, accountability, and the rule of law. This approach facilitates an insightful exploration of Pakistan's democratic health, identifying both strengths and vulnerabilities.

The 18th Constitutional Amendment and the 2017 Election Act marked a pivotal advancement in Pakistan's electoral reform initiatives, bestowing greater autonomy and accountability on the Election Commission of Pakistan (ECP). The Act aimed to enhance democracy by encouraging women's participation, streamlining voter registration, and increasing transparency in campaign financing. However, the path to fully realizing free and fair elections in Pakistan is intertwined with persistent challenges that necessitate strategic attention and steadfast dedication.

While the Election Act empowered the ECP with decision-making autonomy and financial control, historical incidents have left lingering doubts about the electoral process's credibility. Maintaining the ECP's integrity remains essential, as it maneuvers the delicate balance between independence and accountability. The progress in the selection process of the Chief Election Commissioner and Members, involving government-opposition consultations, is noteworthy. However, concerns regarding pre-poll manipulation and external influences endure. Upholding the ECP's reputation is vital to ensuring that elections are not only credible but also respected.

Voter participation, a fundamental aspect of free elections, demonstrates promising trends in Pakistan. Recent general elections showed an increased overall turnout, indicating progress. Yet, discrepancies persist, challenging the principle of inclusivity. Gender disparities, with lower women's turnout, and obstacles faced by individuals with disabilities underline the need for equitable engagement. The disillusionment of the youth further compounds the challenge. Bridging these gaps is pivotal to realizing true democratic representation.

Although dispute resolution mechanisms exist, their effectiveness is hampered by ambiguity and delays. Clear legal parameters and timelines are essential to ensure swift and efficient resolution of electoral disputes, upholding the credibility of Pakistan's electoral journey.

Pakistan's Parliament has witnessed transformative shifts in legislative performance, empowerment, and continuity over the years. The 18th Constitutional Amendment reinforced the legislative arm. Legislative endeavors have spanned a spectrum of pressing concerns, though certain areas beckon further attention and augmentation. Enduring obstacles such as low women's voter turnout and gender imbalances in political representation warrant targeted interventions.

In the realm of political parties in Pakistan, a host of challenges pertaining to internal dynamics, inclusivity and accountability persists. The concentration of authority within key leaders obstructs internal democratic processes, while inclusivity struggles curtail the representation of marginalized demographics. Lacking public funding and lax enforcement of financial regulations elicit anxieties concerning party financing and transparency. Tackling these predicaments is crucial to strengthening democratic institutions, fostering inclusiveness, and resurrecting public trust in political parties and the larger electoral mechanism of Pakistan.

Participatory engagement and civic involvement stand as linchpins for reinforcing democracy in Pakistan. Nonetheless, civil society organizations and NGOs encounter a plethora of challenges ranging from legal constraints and fiscal limitations to the deficiency of state capacity and public trust. These impediments curtail their ability to effectively engage with citizens, champion their rights, and hold authorities accountable. To unleash their potential, the fostering of an enabling environment for civic engagement assumes paramount significance, driving transparency, accountability, and resource optimization for the collective betterment of society.

While Pakistan has charted strides in enacting Right to Information (RTI) laws, particularly at the provincial echelon, the operational implementation and enforcement of these laws confront stumbling blocks. Access to information and accountability stand as linchpins for thriving democracies, and redressing the fissures in the RTI framework stands imperative to fortify transparency, citizen engagement, and effective governance. Concerted efforts to bolster information commissions, channelize requisite resources, and ensure RTI law compliance are paramount to empowering citizens with information, facilitating their capacity to hold leadership accountable, and actively engage in democratic processes.

The freedom of speech in Pakistan faces an evolving set of challenges spawned by recent legislative developments and proposed bills that wield far-reaching implications for digital rights and civil liberties. The sanctioning of the E-Safety Bill 2023 and the Personal Data Protection Bill 2023 has garnered international apprehension about potential economic repercussions and foreign investments. Concurrently, suggested amendments to the Prevention of Electronic Crimes Act (PECA) 2016 and social media regulations kindle concerns of potential misuse, throttling critique, and intruding upon journalism and independent reporting. The advent of the Contempt of Parliament Act 2023 augments worries of media and civil society restrictions, further complicating the landscape of freedom of expression.

Despite burgeoning internet access, Pakistan's digital landscape remains afflicted by pronounced digital skill disparities, with education, income, age, gender, and regional variables exerting their influence. The contours of internet freedom remain curtailed in the face of assertive online regulations, internet shutdowns, and platform blockades. The absence of a whistleblower protection law further dampens transparency and accountability. Addressing these challenges is pivotal for cultivating an all-encompassing and transparent digital arena, upholding citizens' right to information, and facilitating their participation in democratic processes.

Corruption continues to cast its long shadow over Pakistan, as evidenced by its downslide in the Corruption Perception Index. While Pakistan has instituted anti-corruption legislation and birthed institutions such as the National Accountability Bureau, the persistence of feeble enforcement, political interferences, and a culture of immunity cast shadows over effective anti-corruption endeavors. Navigating these intricacies and ameliorating transparency and accountability emerges as a decisive stride towards rehabilitating the anti-corruption landscape in the nation.

The Rule of Law, a bedrock for democracy, stands pivotal for engendering a just and accountable society. Nevertheless, the present state of the Rule of Law in Pakistan falls short of the prerequisites for a robust democratic ecosystem.

The judicialization of politics has become a notable trend, with courts playing an increasingly pivotal role in public policy and settling complex political disputes. This judicial intervention ranges from reviewing legislative decisions to redefining constitutional principles, often leading to significant legal and political ramifications. Pakistan's history is replete with instances where courts have influenced major political shifts, from government dismissals to legitimizing military coups.

Access to justice in Pakistan grapples with challenges emanating from affordability, availability of legal aid, alternative dispute resolution mechanisms, and the mounting backlog of cases in the judicial pipeline. These impediments erect barriers for individuals striving to access justice, particularly those hailing from marginalized and underprivileged sectors. Countering these obstacles entails a comprehensive portfolio of reforms and initiatives to ensure that justice is accessible to all citizens, ensuring timely and equitable resolution of disputes. Augmenting access to justice is a lynchpin in upholding the Rule of Law and buttressing democratic foundations in Pakistan.

Pakistan's constitutional framework enshrines fundamental rights, but the practical realization of these rights faces recurring encumbrances. The state's approach to counter-terrorism, while vital, often straddles a delicate balance between safeguarding national security and preserving individual liberties. Respecting the constitutional fabric and upholding citizens' rights presents a quintessential stride towards strengthening the democratic ethos and ensuring the protection of individual liberties in Pakistan.

1. Introduction

Pakistan witnessed its longest stretch of uninterrupted democratic governance between 2008 and 2023. However, according to reports the country has experienced significant democratic erosion. According to Freedom House's annual index, Pakistan's democratic score has gradually declined by 6 points to 37 (out of 100) from 2017 to 2023.¹ Thus, Pakistan is neither considered completely authoritarian nor meaningfully democratic.

The relatively predictable electoral exercise remains unsupported with institutional arrangements that ensure supremacy of the Constitution, the rule of law, civil and political rights and freedoms of the people. While the Election Commission of Pakistan has been significantly empowered by the 18th Amendment to the Constitution of Pakistan in 2010, the election outcomes have seldom been without controversy. Of the last four elections since 2002, credible international observer groups termed the first (2002) and last (2018) as controversial.² Moreover, there is a worrisome trend of apathy among the youth towards the democratic project. As per a Gallup Pakistan exit poll, only 22 percent of new voters (aged 18-24 years) voted in the 2018 elections which was 30 percent lower than the national turnout.³

Pakistan's rankings have deteriorated on multiple global indices relating to fundamental rights and civil liberties. Pakistan only ranked 150 out of 180 countries on the World Press Freedom Index in 2023. On the Freedom of the Net Index in 2023, Pakistan scored an abysmal 26/100 with frequent shutdowns of the internet. Moreover, the controversial Citizens Protection (Against Online Harm) Rules in 2020 gave the authorities sweeping power to censor online content and undermine encryption.⁴ Women, religious minorities, and transgender people continued to face violence, discrimination, and persecution.⁵ Access to information efforts by civil society were continued to be stonewalled by an endemic culture of secrecy among the government functionaries, notwithstanding robust legislation on the subject. There was a politically motivated and lopsided 'corruption crusade' against several political figures as the Corruption Perceptions Index for 2021 highlighted growing the incidence of corruption in the government ranks placing it at 140 out of 180 countries – three places down compared with the preceding year.⁶

Primary institutions of the state – government and judiciary – continue to battle each other for supremacy. Higher judiciary has also shown willingness to engage in politically targeted actions. There is limited parliamentary oversight of government functions. The quality of political discourse has degenerated to outright hostility, creating governance deadlock and intensifying polarizing tendencies in a polity already fraught with religio-ethnic fault lines.

This democratic erosion coupled with depleted and compromised accountability mechanisms therefore makes it a subject fit for research and exploring pathways towards a stable and democratic Pakistan.

¹ Freedom in the World 2023. Freedom House. <https://freedomhouse.org/country/pakistan/freedom-world/2023>.

² European Union Election Observation Mission Islamic Republic of Pakistan General Elections. (July 25, 2018). https://www.eeas.europa.eu/sites/default/files/final_report_pakistan_2018_english_0.pdf; Pakistan National and Provincial Assembly election. (10 October 2002). EU Election Observation Mission Final Report. https://www.eods.eu/library/FR%20PAKISTAN%202002_en.pdf.

³ Pakistan's 11th General Elections, Who Voted for Whom and Why, Gallop Pakistan, p. 20.

⁴ Freedom on the Net 2020. Freedom House. <https://freedomhouse.org/country/pakistan/freedom-net/2020>.

⁵ World Report 2021, Events of 2020. Human Rights Watch. P. 518. <https://www.hrw.org/world-report/2021>.

⁶ Corruption Perception Index, 2021. Transparency International. <https://www.transparency.org/en/cpi/2021>.

The V-Dem Institute's Democracy in the World 2022 Report⁷ (that divides countries into four types of regimes: Closed Autocracy, Liberal Autocracy, Electoral Democracy and Liberal Democracy)⁸ categorizes Pakistan as one of the countries that remain 'electoral autocracies' since the resumption of multi-party elections in 1988. However, it highlights the insufficiency of fundamental requisites such as freedom of expression, association, and genuinely free and fair elections. With a score of 0.26, Pakistan currently ranks 106th out of 179 countries in terms of democracy, according to the report. Analyzing Pakistan's progress between 2012 and 2022, the report reveals a gradual regression in its ranking, consistently placing it in the bottom 50 percent of the countries on the Liberal Democracy Index.⁹

With the foregoing in mind, this study aims to evaluate Pakistan's state of democracy by examining key pillars that underpin democracy: representative government, access to information and accountability, the rule of law, and participatory engagement.

1.1 Conceptual framework for State of Democracy in Pakistan Report

Contextualization of International Democracy Indicators

This study takes a slightly different approach from global indices due to specific issues associated with international rankings. These rankings are largely quantified, often simplifying complex matters and emphasizing problems rather than solutions. Moreover, they tend to overlook historical contexts, including recent events that hold significant relevance. Given these limitations, the authors have developed a Pakistan-specific framework based on attributes and indicators from four prominent international democracy indices. The following broad criteria were employed to identify, evaluate, and select key variables for constructing the framework used to assess the state of democracy in Pakistan in 2023.

Scope of leading global indices of democratic performance

Four global indices are among the most widely quoted and analyzed among academic, journalistic and policy circles:

- a) The Democracy Index by the Economist Intelligence Unit
- b) The Global State of Democracy Initiative by International IDEA
- c) The Annual Democracy Report by the Varieties of Democracy (V-Dem) Institute
- d) The Annual 'Freedom in the World' Report by Freedom House

Variables covered by these indices formed the primary basis for the conceptual framework adopted for this study. This ensured that the foundational themes and precepts included in the framework are:

- a) Built on a globally mainstream¹⁰ understanding of the defining constituents of modern liberal democracy.
- b) Grounded in sound research and analysis.
- c) Relevant in terms of political and policy developments at the global and regional levels.
- d) Politically neutral in the domestic context of Pakistan.

⁷ Democracy in the World 2022. V-Dem Institute. (2023). <https://www.v-dem.net/publications/democracy-reports/> . p.39.

⁸ Ibid. p. 12.

⁹ Ibid. p.43.

¹⁰ There is no universal consensus on a collectively exhaustive list of variables or attributes that characterize liberal democracies.

As a first step, the study developed an inventory of these variables across these four indices to identify common themes and map out the thematic landscape for a global democratic performance assessment.

Table 1: Inventory of variables across four democracy indices

| Key variables | Global Democratic Performance Indices | | | |
|--|---------------------------------------|-----|-------|---------------|
| | IDEA | EIU | V-Dem | Freedom House |
| a) Credibility of elections | | | | |
| b) Universal suffrage for adults | | | | |
| c) Effectiveness of parliament | | | | |
| d) Subnational democracy | | | | |
| e) Access to justice and equality under law | | | | |
| f) Protection of civil liberties | | | | |
| g) Freedom of the press | | | | |
| h) Judicial independence and effectiveness | | | | |
| i) Security of persons and property | | | | |
| j) Exclusion/discrimination based on social/political groups | | | | |
| k) Freedom of political parties (especially opposition parties) | | | | |
| l) Access to basic welfare services | | | | |
| m) Degree of public transparency and accountability | | | | |
| n) Freedom of civil society and civic engagement | | | | |
| o) Civil service capacity and neutrality | | | | |
| p) Freedom from undue military influence | | | | |
| q) Freedom from the influence of foreign powers | | | | |
| r) Political power/influence of special interests | | | | |
| s) Extent of government control over territory | | | | |
| t) Public confidence in government | | | | |
| u) Democratic political culture (or social attitudes toward democracy) | | | | |
| v) Predictability of law enforcement | | | | |
| w) Degree of deliberation/consultation in decision-making | | | | |
| x) Equality of resource distribution | | | | |

The thematic landscaping exercise illustrated in the matrix above covers the major themes or pillars by these indices, though the specific indicators, data sources and measurement methodologies may differ (at times considerably). But in broad thematic terms, this represents a fairly comprehensive overview of elements that are considered integral to the assessment of democratic performance for any given polity. Elements that are common to most or all indices are prioritized higher for the national assessment of democracy in Pakistan.

1.2 National context

The national context covers both the historical evolution and contemporary development of Pakistan's democratic institutions, as well as the sociopolitical context within which these changes have taken place. This context informs the relative relevance of democratic variables or elements covered above for an assessment of Pakistan's current democratic health, and they have been

screened accordingly. Unpacking this national context, the study has identified the following key drivers that have shaped Pakistan's political development:

1.2.1 Political culture incompatible with democratic norms

Pakistan has existed far longer as a military rule than an electoral democracy. The military has held a significant share of power over state institutions, policies and resources even in democratic times, a condition labelled by Mohammad Waseem as an 'establishmentarian democracy'.¹¹

A recent analysis of the 4th round of the World Values Survey found that acceptability for military rule in Pakistan was more or less equal to support for democratic government among citizens.¹² Similarly, the 2022 EIU Report scores Pakistan at 2.5 (on a scale of 0-10) for their Political Culture dimension, which constitutes indicators that measure societal consensus and cohesion, preference for military rule and rule by technocrats, perceived merits of democracy, and support for a democratic system of governance.¹³ Cultural proclivities against democracy are not new and may be traced back to the origins of the Pakistani state.¹⁴ However, recent demographic and technological shifts may have further popularized and foregrounded such attitudes, as discussed below.

1.2.2 Penetration of social media and platformed disinformation

Internet penetration in Pakistan currently sits at 36.7 percent with over 87 million internet users in early 2023. An estimated 4.4 million more citizens began using the internet between 2022 and 2023 reflecting growth of nearly 5.4 percent.¹⁵ Though this still lags behind certain other South Asian countries – for example, Indian internet penetration reached 48.7 percent in 2023¹⁶ – the pace of growth has allowed social media usage to become nearly ubiquitous among the urban population. Pakistan is now home to over 71 million social media users, roughly 30 percent of the total population.

With these advances in technological access, disinformation has become a major problem in terms of its adverse impacts on public discourse particularly as it relates to political narratives. A 2021 public opinion survey found that 90 percent of Pakistanis felt that disinformation is a problem and 70 percent believed that platforms such as Facebook have become vehicles for fake news.¹⁷

Pakistan is not an isolated case. Since at least as early as 2017, political communications researchers have been warning policymakers about the adverse impacts of the fake news industry which has managed to penetrate nearly every internet platform to varying degrees. Social media platforms have been used by populist leaders to push political narratives unsupported by facts to a wide audience in the USA, the UK, France, India and Spain.¹⁸ Experts now consider such 'weaponized disinformation' as a major challenge to democracy in Asia Pacific with at times devastating consequences.¹⁹

¹¹ Political Conflict in Pakistan, Mohammad Waseem, 2021.

¹² Faiza Azhar Khan. Analysing attitudes towards democracy in Pakistan using world values survey <https://issrapapers.ndu.edu.pk/site/article/view/56/31>.

¹³ Democracy Index 2022. Economist Intelligence Unit. <https://www.eiu.com/n/campaigns/democracy-index-2022/>.

¹⁴ For instance, Farzana Shaikh notes that M.A. Jinnah, Pakistan's first head of government made decisions that would set the stage for a: 'post-independence political culture of intolerance. In time it would also stifle a culture of dissent and strengthen the politics of 'hegemonic discourse' in Pakistan.' Making Sense of Pakistan, 2009.

¹⁵ Simon Kemp. Digital 2023: Pakistan. (Feb 2023). <https://datareportal.com/reports/digital-2023-pakistan>.

¹⁶ Simon Kemp. Digital 2023: India. (Feb 2023). <https://datareportal.com/reports/digital-2023-india#:~:text=The%20state%20of%20digital%20in%20India%20in%202023&text=There%20were%20692.0%20million%20internet,percent%20of%20the%20total%20population>.

¹⁷ Ghani, A. & Khan, S. (2021). Misinformation in the public eye. Media Matters for Democracy.

¹⁸ (Metzger and Flanagin, 2017; Sunstein and Bobadilla-Suarez, 2016; Greenhill, 2017.

¹⁹ Democracy in Asia And The Pacific Outlook 2023 Discussion Paper 1/2023. <https://www.idea.int/sites/default/files/publications/democracy-in-asia-and-the%20pacific-outlook-2023.pdf>.

1.2.3 Rise of urban middle class

While the economic definition of ‘middle-class’ is methodologically problematic, most experts agree that the number of middle-income earners in Pakistan has been growing over the last decade, both in terms of absolute strength and in proportion to the rest of the labor force. Using the World Bank’s threshold of ‘individuals earning more than \$10 per day’, the number of people earning in excess of this threshold has grown by 16.2 percent per year from 1999 (2.4 percent of the labor force) to 2018 (20.6 percent of the labor force).²⁰ This new middle class subscribes to political attitudes that are different and often at odds with what Mohammad Waseem describes as the traditional ‘political class’ composed of the landed and tribal elite who constitute political leadership in Pakistan. The ensuing political conflict between these two power centers has manifested in growing national instability and unrest, especially since 2014, with serious and lasting effects on Pakistan’s nascent democracy.²¹

1.2.4 Intensification of climate change impacts

The Global Climate Risk Index (2021) ranks Pakistan as the eighth in the world among countries most vulnerable to long-term climate risks. Pakistan has been hit repeatedly by severe, national-scale floods over the past decades. In 2022, Pakistan again experienced extreme monsoon rains that caused flooding across all provinces costing a total of \$14.9 billion in damages and \$15.2 billion in economic losses, according to the World Bank. They also affected 33 million people and claimed over 1700 lives with Sindh reporting the worst losses. Ultimately, the floods will cost Pakistan 2.2 percent of its GDP for the fiscal year 2021-22.²² Experts agree that these extreme weather phenomena are driven by global climate change and the trend is only likely to intensify in future. These climate-induced disasters apply additional stresses to an already fragile democratic setup in a number of ways.

Aside from the losses in assets (homes, businesses, livestock, harvests), lower national output and slower growth will ultimately translate into fewer jobs and lower incomes which will shrink the middle class and make lives more difficult at the bottom end of the income spectrum. Longer term impacts such as losses in human capital and land productivity will be difficult to reverse. The World Bank estimates that the poverty rate may rise from 3.7 to 4 percent, pushing up to 9 million more people into poverty.

Destruction of public infrastructure will further widen the infrastructure investment gap which will be difficult to bridge for fiscally constrained federal and provincial governments. The World Bank estimates the bill for rehabilitation and reconstruction in the aftermath of the 2022 floods to be as high as \$16 billion, which represents a mammoth challenge for the Government of Pakistan.

Food security will become a challenge, given that agriculture and livestock was one of the hardest hit sectors in the 2022 floods, especially with rising food inflation driven by disruptions in supply.

These factors will raise expectations from a government with dwindling fiscal and political capital and an inability to respond adequately will only stoke anti-government sentiment among the population.

²⁰ Farooq Tirmizi. How big is the Pakistani middle class?. Pakistan Today. (Sep 2020). <https://profit.pakistantoday.com.pk/2020/09/19/how-big-is-the-pakistani-middle-class/>

²¹ Political Conflict in Pakistan, Mohammad Waseem, 2021.

²² Pakistan: Flood Damages and Economic Losses Over USD 30 billion and Reconstruction Needs Over USD 16 billion - New Assessment. World Bank. (Oct 2022). <https://www.worldbank.org/en/news/press-release/2022/10/28/pakistan-flood-damages-and-economic-losses-over-usd-30-billion-and-reconstruction-needs-over-usd-16-billion-new-assessment>.

1.2.5 Judicialization of politics

The judicialization of politics is a global trend where national courts play an increasingly significant role in shaping public policy and political decisions. This often involves judicial review, where courts assess the conformity of executive, legislative, and administrative actions with constitutional principles. This practice can limit government discretion and promote fair policymaking. Courts may also interpret the constitution or laws in ways not explicitly stated, leading to judicial activism.

In the USA, for example, courts declared numerous laws unconstitutional over a five-year period, spanning topics such as banking, taxation, elections, healthcare, and civil rights. In India, the Supreme Court established privacy as a fundamental right, even though it wasn't explicitly mentioned in the constitution. The term 'judicial activism' describes instances where courts nullify laws, administrative decisions, or enact policy changes by overstretching their review powers.²³

This phenomenon becomes especially important when courts settle broad societal debates.²⁴ Legal experts refer to this as the judicialization of 'mega-politics.'²⁵ In Pakistan, the judiciary has historically played a pivotal role in politics and policymaking. They have struck down laws, dismissed elected governments, and sanctioned military coups. Notably, a 2016 judgment redefined the role and powers of the Prime Minister. In 2022, the Supreme Court was influential in a successful no-confidence motion against the Prime Minister, showcasing the continued impact of judicialization on political dynamics.

Pakistan State of Democracy Report (PSDR) and global indices

Using this national context as a screener, the following attributes (See the flow chart below) have been adapted from global democratic performance indices:

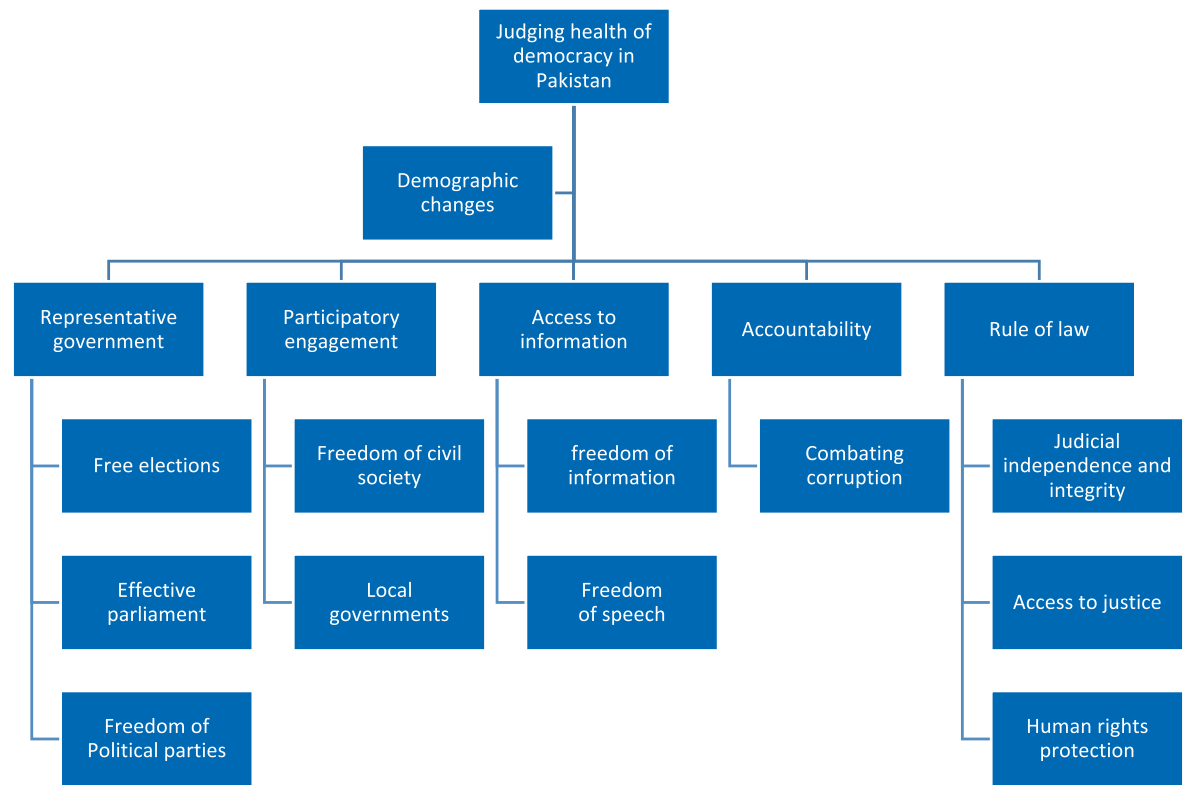
- A) Representative Government
 - a) Free elections
 - b) Effectiveness of Parliament
 - c) Freedom of political parties
- B) Participatory Engagement
 - a) Freedom of civil society
 - b) Local governments
- C) Access to Information
- D) Accountability
- E) Rule of law
 - a) Judicial independence and integrity
 - b) Access to justice
 - c) Human rights protection

²³ Table of Laws Held Unconstitutional in Whole or in Part by the Supreme Court. <https://constitution.congress.gov/resources/unconstitutional-laws/>.

²⁴ The Judicialization of Mega-Politics and the Rise of Political Courts. Annual Review of Political Science Vol. 11:93-118 (Volume publication date 15 June 2008). <https://www.annualreviews.org/doi/pdf/10.1146/annurev.polisci.11.053006.183906>.

²⁵ Ran Hirschl. The Judicialization of Politics. Oxford Academic. (Sep 2013). <https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199604456.001.0001/oxfordhb-9780199604456-e-013>.

Figure 1: Flowchart: Thematic pillars, attributes and key indicators



1.3 Methodology

Literature Review: Information and findings from both primary and secondary sources were analyzed to determine the state of democracy in Pakistan. This analysis aimed to identify the causes of political decay, democratic backsliding, the existence of an entrenched power structure, as well as gains and losses for the political project. Furthermore, the literature review served as a means to triangulate information and views gathered during Key Informant Interviews (KIIs).

Qualitative Research: To gain insights into the strengths and weaknesses of the democratic system and to identify potential areas of improvement, we conducted Key Informant Interviews (KIIs) with senior researchers, politicians, and other relevant stakeholders. These interviews were an essential part of the qualitative research approach. These interviews helped us explore public perceptions of democracy, experiences with democratic institutions and processes, and suggestions for improvement.

Finally, the choice of attributes was also determined on the basis of access to accurate, up-to-date datasets from reliable sources. This is similar to methodological approaches adopted by global democratic performance assessment indices. For instance, the Global State of Democracy Initiative by International IDEA includes only those indicators that include scores for at least 140 countries from different regions going back at least 30 years.

1.4 Thematic pillars, attributes and indicators

Table 2: Description of thematic pillars, attributes and key indicators

| Thematic Pillars | Attributes | Key Questions |
|------------------------------|---------------------------------|--|
| 1. Representative government | 1. Free elections | <p>1.1 EMB autonomy: Does the election management body (EMB) have autonomy from government to apply election laws and administrative rules impartially in national elections?</p> <p>1.2 EMB capacity: Does the EMB have sufficient staff and resources to administer a well-run national election?</p> <p>1.3 Election irregularities: In the most recent national elections, was there evidence of other intentional irregularities by incumbent and/or opposition parties and/or vote fraud?</p> <p>1.4 Election voter registry: In this national election, was there a reasonably accurate voter registry in place and was it used?</p> <p>1.5 Election turnout (for men and women).</p> |
| | 2. Effectiveness of parliament | <p>2.1 Parliament's empowerment: Is parliament independent in carrying out legislative business?</p> <p>2.2 Parliament continuity: Was the timely transition of power between democratically elected governments as observed between 2013 and 2018 in danger?</p> <p>2.3 Legislative performance: How many laws were promulgated by the parliament during the tenure of 15th National Assembly and how does it compare with the previous assemblies?</p> |
| | 3. Freedom of political parties | <p>3.1 Party structure and internal democracy: How are political parties organized?</p> <p>3.2 Parties membership and citizen-party linkages: What mechanisms exist to create citizen-party linkages? Are parties inclusive in membership and decision making?</p> <p>3.3 Party financing and transparency: Are parties transparent in reporting funding and expenditure to the EMB?</p> |
| 2. Participatory engagement | 4. Freedom of civil society | <p>4.1 CSO entry and exit: To what extent does the government achieve control over entry and exit by civil society organizations (CSOs) into public life?</p> <p>4.2 CSO repression: Does the government attempt to repress civil society organizations?</p> <p>4.3 CSO consultation: Are major civil society organizations routinely consulted by policymakers on policies relevant to their members?</p> <p>4.4 Engagement in independent political associations: What share of the population is regularly active in independent political interest associations, such as those for women and minority rights groups?</p> |
| | 5. Local governments | <p>5.1 How effective is local government legislation?</p> <p>5.2 Devolution of power: Are there elected local governments, and if so to what extent can they operate without interference from unelected bodies at the local level or from higher-level governments?</p> <p>5.3 How effective are the local governments in ensuring service delivery?</p> <p>5.4 Do the local governments ensure citizen engagement and participation in governance?</p> |

Table 2: Description of thematic pillars, attributes and key indicators

| Thematic Pillars | Attributes | Key Questions |
|--------------------------|--|---|
| 3. Access to information | 6. Freedom of information (Fol) | 6.1 Do the Fol laws translate into unimpeded access to information for citizens and journalists? |
| | 7. Freedom of speech | 7.1 Print/broadcast censorship effort: Does the government directly or indirectly attempt to censor the print or broadcast media? 7.2 Harassment of journalists: Are individual journalists harassed, i.e., threatened with libel, arrested, imprisoned, beaten or killed, by governmental or powerful non-governmental actors while engaged in legitimate journalistic activities? 7.3 Media self-censorship: Is there self-censorship among journalists/media houses when reporting on issues that the government or its institutions considers politically sensitive? 7.4 What is state of digital media access and legislation to regulate online content? |
| 4. Accountability | 8. Combating corruption | 8.1 How does Pakistan fare on the Corruption Perception Index and other related indices? 8.2 How effective are the anti-corruption legislative and institutional mechanisms? |
| 5. Rule of law | 9. Judicial independence and integrity | 9.1 Independent judgments: The extent to which the judiciary is either not independent, partially independent, or generally independent of control from other sources, such as another branch of the state or the military. 9.2 Does the parliament have the right to oversee the appointment of judges in the higher judiciary? 9.3 How does the 'judicial overreach' as increasingly experienced after the success of 2007 Lawyers' Movement impact governance? |
| | 10. Access to justice | 10.1 Access to justice: Do citizens enjoy secure and effective access to justice? 10.2 Fair trial: Extent to which citizens have the right to a fair trial in practice, that is, they are not subjected to arbitrary arrest, detention or exile; they have the right to recognition as a person before the law, the right to be under the jurisdiction of, and to seek redress from, competent, independent and impartial tribunals, and the right to be heard and to be entitled to trial without undue delays if arrested, detained or charged with a criminal offence. |
| | 11. Human rights (HR) protection | 11.1 Freedom of peaceful assembly: To what extent do state authorities respect and protect the right of peaceful assembly? 11.2 Women's and marginalized groups fundamental rights: What is the state of human rights protection? How effectively does the government enforce the HR laws? |

2. Socio-demographic developments

Pakistan has undergone significant socio-demographic changes since the turn of the millennium, shaping various aspects of society, including politics and governance. These changes have brought about both opportunities and challenges, affecting the country's path towards democratic development. This chapter examines key socio-demographic shifts, focusing on the increased awareness of political and economic rights among different segments of the population, the growing political consciousness, and the challenges in connecting with and responding to the political aspirations of this new electorate.

2.1 Youth and its disillusionment with democracy

Pakistan's population has reached 241.49 million.²⁶ As of May 2023, the Election Commission of Pakistan's (ECP) voter list indicates a total of 126 million registered voters. Among these voters, 54 percent are male, while 46 percent are female. The younger demographic, comprising voters below the age of 35, represents a significant portion, accounting for 45 percent of all registered voters.²⁷

With a median age of 21, Pakistan is the second youngest country in South Asia, with 64 percent of its population under 30 years old.²⁸ However, despite their significant numbers, youth voter turnout in Pakistan has historically remained low. According to data from Gallup Pakistan collected over eight General Elections, youth voter turnout averaged just 31 percent over²⁹ the last eight elections, which is 13 percentage points lower than the overall voter turnout.³⁰

Youth representation within political parties is also a matter of concern. Despite young voters constituting 45 percent of the total votes, only 19 percent of candidates fielded by ten major political parties in the 2018 elections were categorized as young (35 years and below). Parties like the PTI and PPP fielded a higher percentage of young candidates (16.78 percent and 36 percent, respectively), while the PML-N had a lower representation of young candidates (13 percent). The TLP stood out with 36 percent of young candidates in the 2018 elections.³¹

Youth Parliament Pakistan, in its symposium titled 'Why young people don't vote in Pakistan,' highlighted various factors contributing to this disillusionment. Young women face mobility constraints and household responsibilities that hinder their voting participation. Additionally, economic challenges, including a battered economy and terrorism, have made the youth

²⁶ Announcement of Results of 7th Population and Housing Census-2023 'The Digital Census'. Pakistan Bureau of Statistics. <https://www.pbs.gov.pk/sites/default/files/population/2023/Pakistan.pdf>.

²⁷ Age wise voter statistics. ECP. (May 2023). <https://ecp.gov.pk/erolls>.

²⁸ Ahmed Bilal Mehboob. Do parties understand youth bulge? Dawn. (Sep 2022) <https://www.dawn.com/news/1709346>.

²⁹ Waqas Ahmed. Country's brain drain situation accelerated in 2022. The Express Tribune. (Dec 2022). <https://tribune.com.pk/story/2390704/countrys-brain-drain-situation-accelerated-in-2022>.

³⁰ Abysmal Voter Turnout in Youth Must be Changed: PILDAT. (Nov 15, 2021). <https://pildat.org/youth1/abysmal-voter-turnout-in-youth-must-be-changed-pildat>.

³¹ Ahmed Bilal Mehboob. Do parties understand youth bulge? Dawn. (Sep 2022). <https://www.dawn.com/news/1709346>.

skeptical about the electoral system.³² The perceived lack of attention to core concerns, such as the affordability and quality of education, and rising unemployment among educated youth, has further disheartened young voters. The prevailing perception is that mainstream political parties primarily serve elite dynastic interests, discouraging aspiring youth from engaging in politics. The absence of internal democracy, organizational coherence, and policy discussions within parties also adds to the frustration among young individuals.³³

The disillusionment of the youth with Pakistan's democratic system has also resulted in a massive brain drain. Annually, around 445,000 students graduate from various universities in Pakistan, but more than 31 percent of those with professional degrees remain unemployed.³⁴ The unstable political and economic conditions have led more than 765,000 young, qualified professionals to leave the country in search of better opportunities overseas in 2022. An increasing number of young people aspire to study and work abroad, and this trend is likely to continue as the brain drain crisis escalates.³⁵

In conclusion, the youth bulge in Pakistan presents both opportunities and challenges for democracy. The disillusionment of the young electorate with the democratic system, coupled with low voter turnout, highlights the need for political parties to address the concerns and aspirations of this segment of the population. A more inclusive and responsive governance system that prioritizes youth empowerment, employment opportunities, and political representation will be vital in restoring faith in democracy and building a stronger and more sustainable future for Pakistan.

2.2 Educated voters' disillusionment

Over time, Pakistan has witnessed a remarkable transformation in its formal education sector, a momentous change that often goes unnoticed by politicians and development consultants. Prior to 2002, the number of undergraduate students in universities throughout the country was below 200,000. However, as the decade drew to a close, this figure skyrocketed to over two million. Concurrently, the average duration of education that a Pakistani child could expect to receive surged from less than three years to nearly eight years within this two-decade period. This represented a significant milestone, with approximately 85 percent of children having the opportunity to attend school at some point in their lives – a significant departure from the historical norms of the nation.³⁶

The increase in educational opportunities, along with the widespread availability of media and information, has given rise to a cohort of educated young individuals who are determined to challenge and transform Pakistan's current political system. This new generation is dissatisfied with anything that represents the existing status quo, and it aspires for active and meaningful involvement in politics. However, the persistence of dynastic politics and traditional patron-client

³² Experts highlight low voter turnout of Youth in Pakistan: Symposium frames recommendations to address low voter turnout of youth. PILDAT. (Nov 14, 2021). <https://pildat.org/youth1/experts-highlight-low-voter-turnout-of-youth-in-pakistan-symposium-frames-recommendations-to-address-low-voter-turnout-of-youth>.

³³ Ahmed Bilal Mehboob. Can the youth vote impact Pakistan's next election? Arab News. (Dec 16, 2022). <https://www.arabnews.pk/node/2217196>.

³⁴ Brain drain in Pakistan: a serious concern. Pakistan Today. (2023). <https://www.pakistantoday.com.pk/2023/03/23/brain-drain-in-pakistan-a-serious-concern/>; Zoya Nazir. Pakistan's brain drain crisis escalates as thousands leave. DW. (2023). <https://www.dw.com/en/pakistans-brain-drain-crisis-escalates-as-thousands-leave/a-65733569>.

³⁵ Waqas Ahmed. Country's brain drain situation accelerated in 2022. The Express Tribune. (Dec 2022). <https://tribune.com.pk/story/2390704/countrys-brain-drain-situation-accelerated-in-2022>.

³⁶ Bilal Gilani. The angry young Pakistani. TheNews. (April 2023). <https://www.thenews.com.pk/print/1062570-the-angry-young-pakistani>.

relationships in the country's voter politics have acted as obstacles, preventing this educated class from fully participating and making a significant difference in the nation's governance.³⁷

In the midst of this transformation, there is a troubling trend of disillusionment among the educated population regarding voting. Ironically, as the literacy rate has increased, voter turnout in Pakistan has shown a contradictory pattern. For instance, back in 1972, when the literacy rate stood at a mere 21.7 percent, voter turnout during elections was at its peak, reaching 61 percent. However, in subsequent elections held between 1988 and 2008, when literacy rates were on the rise, voter turnout remained stagnant in the range of 30s and 40s. Although there was a slight increase after 1997, the voter turnout did not exceed 55 percent.³⁸

This phenomenon can be attributed to the disillusionment experienced by educated voters who feel that their participation in the electoral process is futile. The disillusionment is exacerbated by the perceived lack of a level playing field and the poor performance of political parties. This disillusionment is evident even in cities like Karachi, which boasts a significantly higher literacy rate than the national average but still posted a 12 percent lower turnout in the 2018 elections, as people felt indifferent due to the prevailing issues.³⁹

The transformative changes in Pakistan's formal education sector have given rise to a class of educated youth aspiring for political change. However, the continuation of traditional political practices and the growing disillusionment among educated voters have hindered their meaningful political participation. To harness the potential of this educated class and foster a truly representative and participatory democracy, it is essential for the political system to address their concerns and create an inclusive environment that encourages active civic engagement.

2.3 Digital revolution and gender disparity

The 2000s marked a decade of significant social and economic changes in Pakistan, especially with the advent of digital transformation. Among the notable social changes was the rapid proliferation of private media, primarily television networks. Towards the end of the decade, the internet started to gain prominence, giving rise to social media platforms where the younger generation actively participated. This shift not only exposed young people to new ideas but also allowed them to cultivate novel ideals and aspirations like never before. Additionally, social media platforms provided a glimpse of how political activism could be effectively undertaken.⁴⁰

However, it is crucial to recognize that access to digital information remains uneven across various segments of the population, with disparities arising from factors such as education, income, age, gender, and region. As of January 2023, approximately 37 percent (87 million) of Pakistanis had internet access, showing a 4.4 percent increase from the previous year. Despite this growth, certain groups, particularly women and rural residents, still face challenges in accessing and utilizing information and communication technology (ICT) capabilities.⁴¹

³⁷ Ibid.

³⁸ Nazeer Mahar et al. Changing patterns of political dynamics in Pakistan; exploring grassroots social and political realities. FES. (2021). P.9-10.. <https://library.fes.de/pdf-files/bueros/pakistan/18448.pdf>.

³⁹ Ibid.

⁴⁰ Bilal Gilani. The angry young Pakistani. TheNews. (April 2023). <https://www.thenews.com.pk/print/1062570-the-angry-young-pakistani>.

⁴¹ Data Reportal. [https://datareportal.com/reports/digital-2023-pakistan#:~:text=Pakistan's %20internet%20penetration%20rate%20stood,percent\) %20between%202022%20and%202023 ; Waqas Shair et al. Digital Divide In Pakistan: Barriers To ICT Usage Among The Individuals Of Pakistan. \(2022\). <https://www.scienceimpactpub.com/journals/index.php/jei/article/view/466/255>.](https://datareportal.com/reports/digital-2023-pakistan#:~:text=Pakistan's%20internet%20penetration%20rate%20stood,percent)%20between%202022%20and%202023%20;Waqas%20Shair%20et%20al.,Digital%20Divide%20In%20Pakistan%20Barriers%20To%20ICT%20Usage%20Among%20The%20Individuals%20Of%20Pakistan%20(2022).,https://www.scienceimpactpub.com/journals/index.php/jei/article/view/466/255)

The lack of access to a home-based internet connection is compensated for by the widespread use of mobile phones to access the internet. One of the most prominent changes has been the substantial increase in information consumption, especially among the youth who constitute a majority of the population. According to the 2017 census, 60 percent of households now rely on television, and an astonishing 97 percent depend on mobile phones for accessing basic information. These figures demonstrate a remarkable shift from the situation in 1998 when only 7 percent relied on television, and none used mobile phones.⁴²

However, it is essential to address the gender gap in mobile ownership and mobile internet use in Pakistan. According to the Mobile Gender Gap Report 2023 by GSMA, Pakistan has the widest gap in mobile ownership (among the assessed countries in Asia, Africa and Latin America) at 35 percent and a 53 percent gap in smartphone ownership between men and women.⁴³ The gender gap in mobile internet use stands at 38 percent. Although there has been progress with the number of women using mobile internet doubling from 2018 to 2021, the gender gap persists. The report reveals that 27 percent of women in Pakistan used mobile internet in 2022, while the rate was 45 percent for men. Women in Pakistan are still 38 percent less likely to use mobile internet than men, and the main barriers to mobile ownership for women include reading and writing difficulties, lack of family approval, and handset affordability.⁴⁴

Furthermore, social media usage in Pakistan has seen remarkable growth. As of January 2023, there were 71.7 million social media users in the country. However, there is a gender disparity in social media usage, with 28 percent being female and 72 percent male.⁴⁵

The digital transformation in Pakistan has brought about significant changes, particularly in terms of information consumption and access to digital technology. However, it is essential to address the disparities in digital skills and gender gaps in mobile ownership and internet usage to ensure that all segments of society benefit from the opportunities presented by the digital era. By bridging these gaps, Pakistan can harness the potential of its burgeoning youth population and foster a more inclusive and equitable society in the age of technology.

2.4 Exacerbating political polarization

Pakistan is a diverse nation with various ethnicities, religions, and sects, each holding distinct political views that can, at times, border on extremes. While these clashing worldviews have long existed, the advent of digital media has thrust them into the spotlight, amplifying the polarization within the society.

One of the most prominent platforms contributing to this polarization is Twitter, a micro-blogging platform that, until recently, was primarily used by the upper-middle class and English-educated urbanites. However, it has now become a battleground for competing narratives, providing various groups with a powerful tool to amplify their messages and ideologies. Every day, Twitter is dominated by either political interest groups or religious organizations, vying for attention and influence. These groups have recognized the potential of social media to reach a wider audience

⁴² Umair Javed. Four key trends. Dawn. (July 24, 2023). <https://www.dawn.com/news/1766451/four-key-trends>.

⁴³ Mobile Gender Gap Report 2023. GSMA. P.30-31. (2023). https://www.gsma.com/r/gender-gap/?utm_source=google&utm_medium=ads&utm_campaign=gender-gap-2023&gad=1&gclid=Cj0KCQjwiOmBhDjARIsAP6YhSWng3ThGqNhF1ypzi35ztusdP52gAB87ibJHZ4HqrHwJiXdU6a4w6laAvXSEALw_wcB.

⁴⁴ Ibid.

⁴⁵ Social media statistics for Pakistan in 2023, <https://datareportal.com/reports/digital-2023-pakistan#:~:text=More%20broadly%2C%2082.1%20percent%20of,while%2072.0%20percent%20were%20male>.

and further their agendas. Consequently, the platform is flooded with conflicting viewpoints, leading to heightened tensions and a polarized online discourse.

The ease of sharing information on digital media has allowed for the rapid spread of ideologies and opinions. While this can be beneficial in promoting public awareness and mobilizing support for worthy causes, it also creates echo chambers, where individuals are exposed only to views that align with their pre-existing beliefs. This reinforcement of existing biases deepens divisions and inhibits constructive dialogue.

Moreover, the anonymous nature of online interactions can lead to the proliferation of hate speech, intolerance, and misinformation. As users hide behind pseudonyms, they may feel emboldened to express extremist views, further fueling animosity and discord among different groups.

The rise of political and ideological polarization on digital media has significant implications for Pakistan's social fabric and democratic process. It can hinder the exchange of ideas, prevent consensus-building, and undermine efforts to address critical issues affecting the nation.

Addressing this polarization requires a multi-faceted approach. It involves fostering digital literacy to help individuals critically evaluate the information they consume and encouraging media literacy to promote responsible and ethical online behavior. Social media platforms also bear a responsibility in curbing hate speech and promoting diverse perspectives to reduce echo chambers.

Furthermore, it is crucial for political leaders and religious figures to emphasize the value of constructive discourse and respectful disagreement. By promoting dialogue and understanding, they can set an example for their followers and encourage a more inclusive and tolerant society.

In summary, the impact of digital media on political and ideological polarization in Pakistan cannot be understated. While social media platforms like Twitter offer unprecedented opportunities for expression and activism, they also pose significant challenges in maintaining a cohesive and harmonious society.

2.5 Women's empowerment through education and employment

Women's empowerment through education and employment has been a remarkable development in Pakistan's socio-demographic landscape. One notable achievement is the reduction of the gender gap in higher education, particularly among individuals aged between 20 and 35. Currently, both men and women hold university degrees at nearly the same rate, representing approximately 11 percent. In the age group of 20 to 30, women even surpass men slightly in college degree attainment. This stands in stark contrast to two decades ago when women's higher education attainment was 3 percent lower than that of men.⁴⁶

In terms of employment patterns, Pakistan's labor force has also witnessed notable changes over the past two decades. There has been a 10 percent increase in the proportion of people earning their livelihood through daily, weekly, or monthly wages, with much of this growth occurring in the informal economy, primarily in the services sector.⁴⁷

Despite these improvements, Pakistan still faces considerable challenges in achieving gender equality and promoting women's workforce participation. According to the Global Gender Gap Index Report 2022, the country ranks low at 145 out of 156 countries for economic participation

⁴⁶ Umair Javed. Four key trends. Dawn. (July 24, 2023). <https://www.dawn.com/news/1766451/four-key-trends>.

⁴⁷ Ibid.

and opportunity.⁴⁸ The workforce participation rate for women stands at only 20 percent, with even lower representation (10 percent) in the private formal sector among non-agricultural workers. The lack of specific amenities such as transportation, separate women's toilets, and childcare facilities poses significant barriers to enhancing women's participation in the workforce and promoting gender equality.⁴⁹

Furthermore, women continue to be underrepresented in leadership roles, encountering systemic challenges arising from patriarchal notions that restrict their access to the political and public sphere.⁵⁰ Pakistan's ranking in political empowerment of women stands at 93 among 152 countries. While the number of women candidates vying for general parliamentary seats has been increasing steadily since the 2008 elections, the number of women actually winning those seats has decreased. In the 2008 elections, there were 72 women candidates, and 16 of them emerged victorious. In the 2013 elections, only nine out of the 135 women candidates secured seats, and in the 2018 elections, only eight out of 183 women candidates were elected to the parliament.⁵¹ Notably, the majority of these successful women candidates came from well-established political families. Their candidature might have been due to the lack of eligible male candidates or a higher number of winnable seats than eligible male members in their families. The increase in the number of women candidates can be attributed to the Election Act 2017, which mandated that political parties allocate at least 5 percent of their total tickets to women. However, despite this requirement, the largest number of women candidates could only reach 7.5 percent of the total candidates.⁵² Further, this requirement was often merely met nominally, as most women candidates were fielded in constituencies where they had little chance of winning. Despite the progress made so far, concerted efforts are still necessary to ensure women's participation in Parliament is proportionate to the population they represent.

2.6 Women's rights movement

Regardless of the aforementioned challenges, the women's empowerment movement in Pakistan has evolved significantly. Unlike its predecessors, this new wave of activism around gender issues is characterized by a stronger focus on intersectionality, aiming to address the interconnectedness of economic, political and social institutions in the pursuit of a just world grounded in equality, inclusion, and freedom from exploitation.⁵³

At the forefront of this movement is the Aurat March, a significant event that brings together women from all walks of life to voice their demands and advocate for change. The Aurat March revolves around seven broad themes, encompassing a diverse range of issues that resonate with women on personal and political levels.⁵⁴

⁴⁸ UN Women Pakistan. <https://asiapacific.unwomen.org/en/countries/pakistan>.

⁴⁹ Supporting legal reforms to increase women's workforce participation in Pakistan. The World Bank. (July 8, 2022). <https://www.worldbank.org/en/results/2022/07/07/supporting-legal-reforms-to-increase-womens-workforce-participation-pakistan>.

⁵⁰ Ibid.

⁵¹ Nazeer Mahar et al. Changing patterns of political dynamics in Pakistan; exploring grassroots social and political realities. FES. (2021). P.26. <https://library.fes.de/pdf-files/bueros/pakistan/18448.pdf>.

⁵² Ibid.

⁵³ Dr Rubina Saigol. Contradictions and Ambiguities of Feminism in Pakistan Exploring the Fourth Wave. (Dec 2020). P.30. <https://library.fes.de/pdf-files/bueros/pakistan/17334.pdf>.

⁵⁴ Ibid.

In particular, the Aurat March demands economic justice, seeking equal pay for equal work and fair opportunities for career advancement; seeks reproductive justice, demanding a right to make informed choices about reproductive health; and advocates for reclaiming public spaces, promoting an environment where women can move freely and participate in public life without facing threats or intimidation.⁵⁵

The Aurat March serves as a powerful platform for women to unite, voice their grievances, and demand positive change. It aims to challenge patriarchal norms, dismantle discriminatory practices, and create an inclusive society that empowers women to thrive and contribute to all spheres of life. Through the Aurat March and other collective efforts, Pakistan is witnessing a growing wave of activism that seeks to reshape the narrative surrounding women's rights and gender equality.

Moreover, according to a 2021 study conducted by FES on shifting political dynamics in selected National Assembly and provincial assembly seats in Punjab and Sindh provinces, women who possess education or employment, or both, are playing a key role in transforming gender relations. Particularly in urban areas, these empowered women are more inclined to vote independently, and this trend is also gaining traction in rural constituencies.⁵⁶

2.7 Urbanization: A transformative force in Pakistan's social landscape

Urbanization stands as a significant and transformative factor influencing Pakistan's social fabric, with the official rate reported at approximately 39 percent.⁵⁷ However, evidence suggests that the actual urbanization rate may be even higher, making Pakistan the fastest urbanizing country in South Asia.⁵⁸ At a yearly urbanization rate of 3.06 percent, Pakistan is expected to have a population of 335 million by 2050, resulting in a rapid expansion of urban centers across the country.⁵⁹ Currently, the 10 largest cities in Pakistan house a population of 41 million, which accounts for approximately 20 percent of the total population. Notably, this figure has increased by a staggering 71 percent over the past 19 years. Projections indicate that by 2030, around 50 percent of the population is likely to be living in urban areas.⁶⁰

Urbanization brings with it vertical social mobility and behavioral shifts. In the urban areas, vertical patronage networks, spearheaded by labor contractors, traders, business elites, and bureaucratic figures, continue to wield influence over the dispensation of patronage to the urban poor. However, the educated urban youth, empowered by their increasing numbers, are increasingly demanding improved service delivery in exchange for their electoral support.⁶¹

This growing urbanization trend carries both opportunities and challenges for Pakistan's governance and politics. On one hand, urban centers serve as hubs for economic growth, innovation, and cultural exchange. They attract talent, foster entrepreneurship, and contribute significantly to the nation's development. On the other hand, rapid urbanization poses challenges in terms of infrastructure development, resource management, and addressing socio-economic disparities.

⁵⁵ Ibid.

⁵⁶ Nazeer Mahar et al. Changing patterns of political dynamics in Pakistan; exploring grassroots social and political realities. FES (2021). <https://library.fes.de/pdf-files/bueros/pakistan/18448.pdf>.

⁵⁷ ANNOUNCEMENT OF RESULTS OF 7TH POPULATION AND HOUSING CENSUS-2023 'THE DIGITAL CENSUS'. Pakistan Bureau of Statistics. *August 2023). <https://www.pbs.gov.pk/sites/default/files/population/2023/Press%20Release.pdf>.

⁵⁸ Umair Javed. Four key trends. Dawn. (July 24, 2023). <https://www.dawn.com/news/1766451/four-key-trends>.

⁵⁹ Nazeer Mahar et al. Changing patterns of political dynamics in Pakistan; exploring grassroots social and political realities. FES (2021). P.14-15. <https://library.fes.de/pdf-files/bueros/pakistan/18448.pdf>.

⁶⁰ Ibid.

⁶¹ Ibid.

2.8 Patterns of religiosity and political dynamics

Religiosity in Pakistan displays diverse patterns, with varying degrees of adherence and practice among different segments of the population. The middle class, particularly those from the 1980s era, aspire to become better Muslims and engage in Islamic rituals and simultaneously they also exhibit a partiality towards adopting 'Western' lifestyle choices and cultural consumption patterns. This dichotomy is reflective of non-linear trends in private lives, where religiosity may not always translate into all aspects of daily living.⁶²

Religious devotion and participation in religious festivals have experienced a notable increase in all strata of society, indicating a general upswing in religious fervor. However, this trend is most prominent among the upwardly mobile lower/middle classes. While they may adopt certain religious practices, such as Islamic banking, their cultural preferences, attitudes towards gender relations, and personal life choices, like free-will marriages, are not exclusively dictated by more conservative religious beliefs. This indicates a complex interaction between religious practices and various other social and cultural factors.⁶³

Surprisingly, the process of urbanization and increased education in Pakistan has resulted in a growth of conservatism among the urban youth, challenging the conventional belief that urban environments foster a more liberal outlook. Urban Islam is characterized by a more stringent adherence to religious texts, while rural Islam tends to focus more on rituals. This conservative outlook is shared by approximately two-thirds of men and women, spanning both urban and rural areas, who identify themselves as religious or conservative.⁶⁴

Even though there is a noticeable increase in social conservatism, religious political parties have not been able to secure substantial electoral support. The paradox lies in the fact that while these parties may attract significant backing from the middle classes, particularly on issues like blasphemy, this support rarely translates into electoral victories for them. Instead, it is the mainstream right-of-center political parties that have consistently emerged as clear winners in the last seven elections, successfully tapping into the conservative vote.⁶⁵

Summing it up, Pakistan's social and political landscape is shaped by a nuanced interplay of religiosity and various social, economic, and cultural influences. The diverse patterns of religiosity among different segments of the population pose both challenges and opportunities for the political landscape, making it a complex and ever-evolving phenomenon. Understanding these complexities will be crucial for policymakers and political actors to navigate and address the intricacies of Pakistan's dynamic sociopolitical fabric.

⁶² Views expressed by a KI in Lahore as reported in: Nazeer Mahar et al. Changing patterns of political dynamics in Pakistan; exploring grassroots social and political realities. FES (2021). P.20-22. <https://library.fes.de/pdf-files/bueros/pakistan/18448.pdf>.

⁶³ Views expressed by a KI in Lahore as reported in: Nazeer Mahar et al. Changing patterns of political dynamics in Pakistan; exploring grassroots social and political realities. FES (2021). P.20-22. <https://library.fes.de/pdf-files/bueros/pakistan/18448.pdf>.

⁶⁴ Ibid.

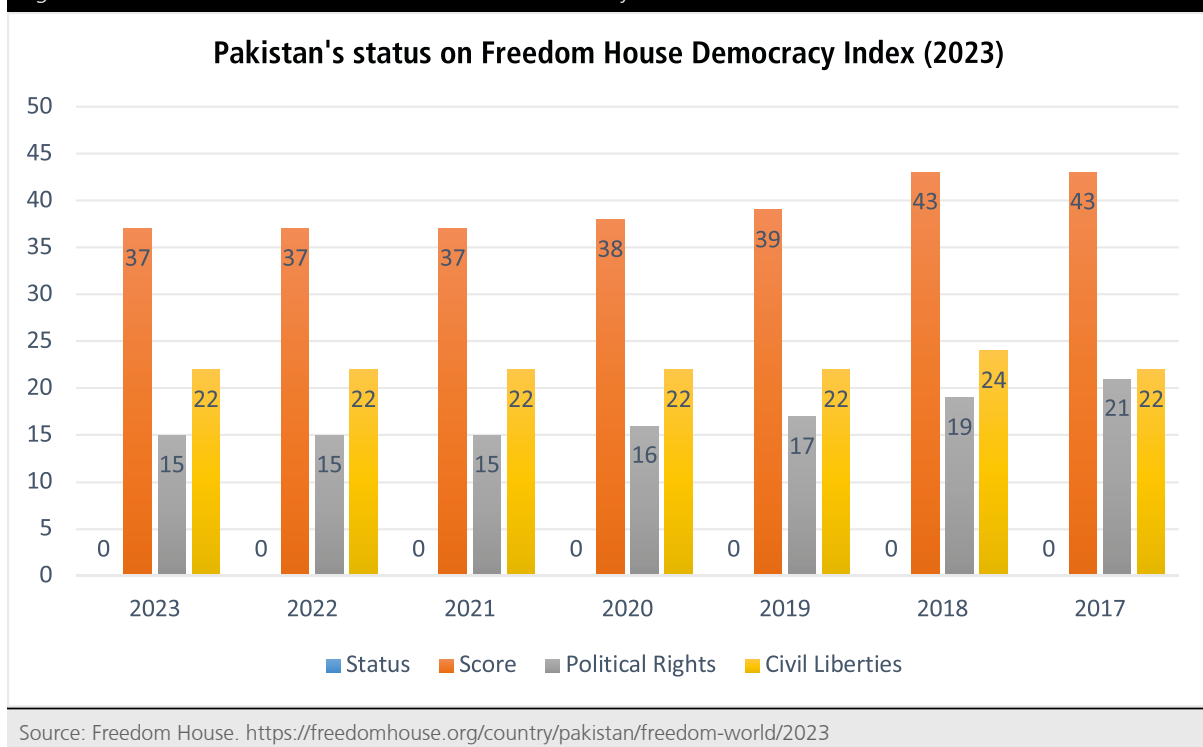
⁶⁵ Ibid.

3. Representative government

The pillar of representative government involves assessing the state of free elections, the performance of the parliament, and the role of political parties in Pakistan's democratic framework. Access to information focuses on the availability and transparency of information, media freedom and integrity. Accountability emphasizes transparency in governance, and the absence of corruption. Meanwhile, the rule of law examines the strength and impartiality of legal institutions in upholding democratic principles. Lastly, participatory engagement evaluates the role of civil society and local governments in shaping democratic processes.

By delving into these pillars and their corresponding indicators, this report seeks to provide a comprehensive understanding of the current state of democracy in Pakistan. Through a rigorous analysis of these crucial aspects, we can shed light on the democratic challenges faced by the country and identify potential areas for improvement and reform.

Figure 2: Pakistan's status in the Freedom House Democracy Index



Representative government stands at the core of democratic systems, epitomizing the collective will of the people and serving as a foundation for inclusive governance. As we delve into the multifaceted realm of representative government, a comprehensive analysis of its vital pillars becomes imperative. The efficacy and legitimacy of such a government are contingent upon the existence and effectiveness of free and fair elections, the progressive nature of electoral legislation, the independence of the election commission, voter participation and accessibility, the existence of political party competition, and the allowance of observer missions to ensure transparency. Moreover, the parliament's performance and responsiveness to the people's needs, alongside political parties' linkages with citizens, intra-party democracy, and transparent financial practices, become pivotal indicators in understanding the actual

realization of democratic ideals. This research endeavors to unravel the intricate interplay between these fundamental elements of representative government, and how they collectively contribute to the broader tapestry of a thriving and truly democratic society.

3.1 Free elections

Free elections are crucial for the health of democracy as they enable the expression of popular will, provide legitimacy and accountability to the government, facilitate the peaceful transition of power, protect civil liberties, promote representation and inclusivity, serve as a check on power, and contribute to the promotion of democratic values within society.

Pakistan's history with elections has indeed been fraught with challenges and concerns over their credibility. The two most recent general elections held in Pakistan in 2013 and 2018 were marked by controversy as opposition parties at the time refused to accept the results, alleging malpractices and uncalled for interventions.⁶⁶ While an independent election observer largely deemed the 2013 elections as satisfactory albeit with a number of allegations, and overall accepted the 'federal and provincial outcomes,'⁶⁷ it raised serious questions about the fairness of the 2018 elections.⁶⁸

In the light of the observations made by the election observers, several efforts were made by key stakeholders to improve the electoral landscape. We need to see whether these well-intentioned changes meaningfully contributed towards free and fair elections and the transfer of the true dividends of democracy to the grassroots level. The progress against some key indicators is discussed below:

3.1.1 Electoral administration and ECP's independence

Improved electoral administration:

Observers and political stakeholders alike agree that the Election Act 2017, which consolidated the existing eight separate laws, is a markedly improved piece of legislation.⁶⁹ In order to amend and enhance election-related legislation, the Parliamentary Committee on Electoral Reforms (PCER) was established on July 25, 2014. The committee included representatives from parties holding seats in the National Assembly and the Senate. Its objective was to review all election-related laws, eliminating redundancy by combining sections and replacing outdated provisions with new ones to ensure a more equitable, competitive, and peaceful electoral process.⁷⁰

The PCER also called for proposals on electoral reforms from civil society organizations, including lawyers from the bar councils and associations, as well as the general public through print and electronic media notices.⁷¹

⁶⁶ 'Rigging is alleged each time. But the sheer scale of it is what casts a shadow on these elections'. Dawn. (July 26, 2018). <https://www.dawn.com/news/1422775> ; Azam Khan. Probing 2013 elections: PPP takes U-turn on evidence. (The Express Tribune. (May2, 2015). <https://tribune.com.pk/story/879527/probing-2013-elections-ppp-takes-u-turn-on-evidence>.

⁶⁷ EU Election Observation Mission, Pakistan 2013 General Elections – 11 May 2013. p.5. https://www.eods.eu/library/EUEOM%20FR%20PAKISTAN%2010.07.2013_en.pdf;

⁶⁸ European Union Election Observation Mission, Islamic Republic of Pakistan Final Report. General Elections, 25 July 2018. P.49. https://www.eeas.europa.eu/eom-pakistan-2018/eu-eom-final-report-general-elections-pakistan-2018_en.

⁶⁹ The Elections Bill 2017, FAFEN's Review and Recommendations. FAFEN. (2017). https://fafen.org/wp-content/uploads/2017/08/FAFEN-Review-and-Recommendations_Report.pdf ; Pakistan's National Assembly Passes New Election Bill. IFES. (2017). <https://www.ifes.org/news/pakistans-national-assembly-passes-new-election-bill>.

⁷⁰ Background Paper: Election Act 2017, An Overview. PILDAT. (2018). <https://pakvoter.org/wp-content/uploads/2018/06/Overview-of-Elections-Act-2602184.pdf> .p.7.

⁷¹ Ibid.

As a consequence of the Election Act 2017, the Election Commission of Pakistan (ECP) has been empowered to act independently. The Commission's directives have the same force of law as directives of a High Court. It has full administrative power to transfer or penalize election officials, has financial autonomy and can make its own rules without approval from the President of Pakistan. It is authorized to address grievances throughout the electoral process.⁷²

The law implemented special measures to promote and increase women's participation in the electoral process. Initiatives included voter registration campaigns, measures to reduce the disparity between male and female voters in constituencies, and transparent publication of voter data. To protect women's voting rights, the ECP has the authority to void polling in constituencies with less than 10 percent female voter turnout, assuming suppression or intimidation had occurred. Political parties were encouraged to boost women's membership and allocate at least 5 percent of party tickets to female candidates for general seats.⁷³ Whether these changes have improved women representation is discussed later in this chapter.

Moreover, the voter registration process underwent improvements by simplifying the procedure. The National Database and Registration Authority (NADRA) was granted authority to transmit pertinent data from every Computerized National Identity Card (CNIC) issued to the Election Commission of Pakistan (ECP). This ensured that every citizen who obtained a CNIC from NADRA would automatically be enrolled as a voter, either at their permanent or temporary address, based on their choice indicated during the CNIC application process.⁷⁴

Additionally, efforts were made to enhance accessibility to polling stations. Whenever feasible, the distance between a polling station and the assigned voters was limited to a maximum of one kilometer, ensuring convenience and ease of access for voters.⁷⁵

Moreover, the amendments made to the Election Act of 2017 aimed to streamline and increase the spending limits for candidates, as well as enforce mandatory submission of electoral expenses within specific timelines. Political parties were also required to submit annual accounts for transparency. However, despite these efforts, Pakistan's legal framework concerning political finance still exhibits regulatory shortcomings.⁷⁶ One notable gap is the absence of restrictions on political parties seeking funds from corporate entities, and there is no established cap on political party expenditures during election campaigns. Further the ECP has struggled to effectively enforce the prescribed spending limits for electoral candidates. The absence of a specified start date for the campaign period creates uncertainty in reporting campaign expenses and enforcing campaign rules.

Furthermore, in the Elections Act (Amendment) 2023, Section 232 (Qualifications and Disqualifications) of the Election Act of 2017 has been revised to impose a five-year period of disqualification. Amendments to Sections 57 and 58 granted the ECP the authority to set the election date without consulting the President and make necessary modifications to the election schedule.⁷⁷

72 Ibid. p.8-9.

73 Ibid.

74 Ibid. p.9.

75 Ibid.

76 Fernando Casal Bertoa and Nazeer Maharl. Political Finance and Public Funding of Political Parties in Pakistan, Challenges and Opportunities. (2023). <https://library.fes.de/pdf-files/bueros/pakistan/20160-20230331.pdf>, p.3-5.

77 Waqas Ahmed. NA approves major changes in Elections Act. The Express Tribune. (June 25, 2023). <https://tribune.com.pk/story/2423537/na-approves-major-changes-in-elections-act>.

Further amendments to the Elections Act 2017 were introduced through the Elections (Amendment) Act 2023. The recent amendment, known as the Elections (Amendment) Act 2023, was passed on July 26, 2023. Among other changes to the law, there is one amendment that adds a new clause, 2A, to Section 230. The clause states that certain limitations for the caretaker government, as outlined in sub-sections 1 and 2 of Section 230, will not apply when the caretaker government needs to take actions or make decisions concerning existing bilateral or multilateral agreements, or projects that were already initiated under the Public Private Partnership Authority Act 2017, the Inter-Governmental Commercial Transactions Act 2022, and the Privatisation Commission Ordinance 2000.⁷⁸

Opinions among legal experts about this recent amendment are divided. One perspective is that Section 230 of the Election Act 2017 had originally defined specific limits on the caretaker government's authority. For instance, it stated that the caretaker government should refrain from making major policy decisions unless they are urgent (Section 230(2)(a)), and from making policies that could impact the future elected government (Section 230(2)(b)).⁷⁹

ECP's Independence:

The ECP is a constitutional body comprising one Chief Election Commissioner (CEC) and four Election Commission Members. Its primary responsibility is to conduct free, fair and credible elections. The ECP operates independently from the government, both in decision-making and financial control. The executive side of the ECP is led by its Secretary.⁸⁰

Previously, the appointments of the CEC and Members were solely at the discretion of the President. However, after the 18th Amendment, the selection process involves consultation between the government and opposition, with final approval from the President. A Parliamentary Committee, consisting of 12 Members of Parliament nominated by both the government and opposition, plays a role in the selection process. In the event of a vacancy, the Prime Minister and Leader of the Opposition submit separate lists of candidates to the Parliamentary Committee, which selects a candidate by a majority vote for appointment.⁸¹

The ECP's operational funding is received from the federal budget through the Ministry of Finance. Additionally, the ECP has a supplementary budget for electoral activities and special projects. It has the flexibility to re-allocate its funds as necessary.⁸²

Despite the ECP's independent constitutional role, one of its key challenges is maintaining credibility. Past elections have experienced various issues that have undermined public trust in the electoral system. Instances such as repeated vote rigging allegations, political dharnas (sit-ins), and public demonstrations have damaged the perception of the electoral process.⁸³ Secondly, the ECP has limited control over pre-poll manipulation as witnessed during the periods between 2014-2018 and 2022-2023. As per an exercise, carried out between April 2017 and March 2018, PILDAT termed the pre-election process as unfair giving it a score of 51.5 on a scale of 100.⁸⁴

⁷⁸ Zebunnisa Burki. News Analysis: Dangerous precedent, warn legal experts. TheNews. (July 27, 2023). <https://www.thenews.com.pk/print/1094598-dangerous-precedent-warn-legal-experts>.

⁷⁹ Ibid.

⁸⁰ Fact Sheet. Election Commission of Pakistan. IFES. (2015). <https://www.ifes.org/publications/fact-sheet-election-commission-pakistan>.

⁸¹ Ibid.

⁸² Ibid.

⁸³ Ahmed Bilal Mehboob. The new ECP's challenges. Dawn. (Feb 16, 2020). <https://www.dawn.com/news/1534785>.

⁸⁴ Score Card on Perception of Pre-Poll Fairness. PILDAT. (May 2018). <https://pildat.org/wp-content/uploads/2018/07/PILDAT-Scorecard-on-Perceptions-of-Pre-Poll-Fairness-May-2018-010718.pdf>.

After the successful Vote of No Confidence move against the PTI government in April 2022, the PTI has made similar assertions as PML-N and has been blaming some of the afore-mentioned state institutions for attempting to oust the party from the electoral competition.⁸⁵ As highlighted earlier, as much as such perceptions as well as the acts of the state-institutions against political parties and their leaders impact ECP's credibility in the public's eyes, the commission had little jurisdiction to control it before an interim government is sworn-in.

3.1.2 Voter participation and accessibility

Voter participation and accessibility in Pakistan have experienced notable gaps in recent general elections. According to data compiled by IDEA, the voter turnout percentages for the past three elections were as follows: 2008 – 44 percent, 2013 – 53 percent, and 2018 – 50 percent,⁸⁶ which is one of the lowest internationally.

Gender disparity: There is a significant disparity between male and female voter turnouts. In the 2018 general election, the female voter turnout stood at approximately 47 percent, whereas the male voter turnout was 56 percent.⁸⁷

Political knowledge and mobilization play crucial roles in women's participation in elections. Research indicates that women's understanding of politics, elections, and the voting process directly impacts their likelihood of participating in the polls. USIP research findings reveal that women who possess a greater knowledge of the electoral process and politics in general are more inclined to engage in voting. However, there is a substantial gap in communication between political parties and women voters. This can be attributed to the gendered nature of mobilization efforts, where political parties often rely on men to mobilize the women in their households. As per the research, only 22 percent of women reported visits from political party representatives in the days leading up to the previous general election. Out of these visits, almost half (47 percent) reported that the party representative did not make an effort to engage with the women in the household. This trend was more prevalent when the party only sent male representatives. The failure of political parties to expand the involvement of women workers and leaders is a significant factor contributing to women's disengagement from politics, particularly in metropolitan areas.⁸⁸

Challenges to PWD's electoral participation: A Centre for Peace and Development Initiative (CPDI) 2019 report details several challenges to the inclusivity and accessibility of electoral processes for persons with disabilities (PWDs). These challenges include:⁸⁹

Lack of reliable data: The collection of accurate data on the numbers and status of PWDs is hindered by institutional mandates and varied definitions and interpretations of disabilities. The national census process also fails to capture the full range of factors and manifestations of disabilities.

Social constructs and discrimination: Assumptions and invalid assumptions about disabilities within the socio-cultural context of Pakistan affect the calculation of statistics and the recognition of the

⁸⁵ 'Pak govt trying to eliminate PTI party': Imran Khan. The Week. (May19, 2023). <https://www.theweek.in/news/world/2023/05/19/pak-govt-trying-eliminate-pti-party-imran-khan.html>.

⁸⁶ Voter turnout. IDEA. <https://www.idea.int/data-tools/country-view/241/40>.

⁸⁷ FAFEN's Election Observation Report GE-2018. FAFEN. (August 12, 2018). <https://fafen.org/fafens-analysis-of-voter-turnout-in-ge-2018/> p.5.

⁸⁸ Ali Cheema et al. Pakistan's Participation Puzzle: A Look at the Voting Gender Gap. USIP. (July 18, 2019). <https://www.usip.org/blog/2019/07/pakistans-participation-puzzle-look-voting-gender-gap>.

⁸⁹ Electoral and Political Rights of Persons with Disabilities in Pakistan Situation Analysis & Way Forward. CPDI. (2018). <https://www.cpd-pakistan.org/wp-content/uploads/2019/03/Electoral-and-Political-Rights-of-Persons-with-Disabilities-in-Pakistan-Situation-Analysis-Way-Forward.pdf> p.14-15.

rights of PWDs. In rural areas, disabilities are often seen as a natural issue without consideration for legal entitlements. This leads to non-issuance of identification cards and reluctance to register as voters or access legal benefits.

Accessible technology: The lack of accessible election technologies, such as electronic voting machines, poses a major barrier to making the voting process inclusive for PWDs. Simple technological solutions should be considered, especially in areas with limited capacity for complex technology.

In addition to these challenges, there are several unaddressed issues that hinder the meaningful participation of PWDs in the election systems of Pakistan.⁹⁰ These include:

Non-inclusion in pre-election processes: PWDs are often excluded from the development of election strategies due to a lack of response from authorities. This results in missed opportunities to identify their needs and formulate inclusive and accessible processes.

Site selection for accessibility: The selection of registration and polling centers, particularly in rural areas, greatly affects accessibility for PWDs. Alternative voting methods, such as off-site voting or voting by mail, are not readily available, limiting accessibility.

Voter registration and access to political processes: PWDs face challenges in accessing timely information, fulfilling physical mobility requirements, and overcoming systemic and tradition-based obstacles. Factors such as socio-economic vulnerabilities, poverty, illiteracy, and social stigma further hinder their participation.

Accessible balloting and ballot design: The design of ballots and balloting procedures can compromise the ability of PWDs to participate effectively. Voters with visual impairments, in particular, face difficulties in accessing printed ballots and exercising their right to vote independently and in secret.

Voter education and awareness: Tailor-made efforts to inform PWDs about candidates, party symbols, manifestos, and election procedures are crucial for their inclusion. The communication and information needs of PWDs must be fully considered to achieve their full participation.

Apathy in political parties: Political parties often overlook the active inclusion of PWDs as members or in political campaigning roles. This contributes to the neglect of the political rights and entitlements of PWDs.

Disillusioned Youth: Although Pakistan is an overwhelming young country and its registered voters in the 18 to 29 years cohort are the largest of all age cohorts, youth voter turnout has historically remained low in Pakistan. PILDAT, citing data on youth voter turnout collected by Gallup Pakistan over the past eight General Elections, claimed that youth voter turnout in the past eight (8) elections happens to be just 31 percent which is 13 percentage points lower than the average overall voter turnout in these eight (8) elections.⁹¹ As per the Gallup data, youth voter turnout gap has been the highest (27 percent) in the 2013 election as opposed to a 53 percent general voter turnout. In the 2018 election while the youth voter turnout improved by 11 percent to 37 percent, it still is 14 percent lower than the national voter turnout.⁹²

⁹⁰ Ibid.

⁹¹ Abysmal Voter Turnout in Youth Must be Changed: PILDAT. (Nov 15, 2021). <https://pildat.org/youth1/abysmal-voter-turnout-in-youth-must-be-changed-pildat>.

⁹² Ibid.

Looking at the reasons for abysmal youth voter turnout, the Youth Parliament Pakistan, a PILDAT initiative, organized a symposium titled ‘Why young people don’t vote in Pakistan’ in November 2021 and came up with insightful views shared by the participants. It was noted that young women in particular normally do not cast votes due to numerous factors such as their mobility constraints and household responsibilities. The battered economy and terrorism have made the youth skeptical about the electoral system.⁹³ Young people in the society express profound dissatisfaction with the policies and approaches of mainstream political parties. They perceive a lack of attention to their core concerns, including educational affordability and quality, and rising unemployment among educated youth. The prevailing perception is that political parties primarily serve elite dynastic interests, discouraging the involvement of aspiring youth in politics. The absence of internal democracy, organizational coherence, adherence to party constitutions, and the dearth of policy discussions within parties contribute to the growing frustration among young individuals.⁹⁴

3.1.3 Political party competition

Pakistan's political landscape features a diverse array of political parties, with a total of 168 registered parties under the purview of the ECP.⁹⁵ However, despite the seemingly open environment for campaigning, the reality reveals instances of pre-poll rigging.

During the 2013 election, some parties, including the Pakistan People's Party (PPP), Muttahida Qaumi Movement (MQM), and Awami National Party (ANP), faced significant challenges in their campaign efforts. The Tehreek-i-Taliban Pakistan (TTP) openly threatened to attack their rallies, causing a climate of fear and hindering their ability to freely engage with voters.⁹⁶ This hostile environment severely impacted their campaign activities and undermined the principles of a fair and democratic electoral process.

As indicated earlier in this report, the 2018 elections presented a different set of challenges, particularly for the Pakistan Muslim League-Nawaz (PML-N). A series of court decisions resulted in the imprisonment of its top leadership on corruption charges well before the election. This situation put immense pressure on the party. The PML-N struggled to maintain its unity and effectiveness under such circumstances, casting doubts on the fairness of the electoral competition.⁹⁷ Similar challenges for some political parties might arise with regard to the upcoming general elections.

These instances of pre-poll rigging not only undermine the democratic principles of free and fair elections but also erode public trust in the electoral system. The inability of the Election Commission of Pakistan (ECP) to address such challenges effectively further exacerbates the credibility crisis surrounding the entire electoral process, making it imperative to address these issues for a stronger and more robust democracy in the country.

⁹³ Experts highlight low voter turnout of Youth in Pakistan: Symposium frames recommendations to address low voter turnout of youth. PILDAT. (Nov 14, 2021). <https://pildat.org/youth1/experts-highlight-low-voter-turnout-of-youth-in-pakistan-symposium-frames-recommendations-to-address-low-voter-turnout-of-youth>.; Youth Voter Turnout- Empirical Analysis of Elections in Pakistan. Gallup Pakistan. P.13. <https://gallup.com.pk/wp/wp-content/uploads/2021/12/Youth-Voting.pdf>

⁹⁴ Ahmed Bilal Mehboob. Can the youth vote impact Pakistan's next election? Arab News. (Dec 16, 2022). <https://www.arabnews.pk/node/2217196>.

⁹⁵ List of political parties. ECP. <https://ecp.gov.pk/list-of-political-parties>.

⁹⁶ EU Election Observation Mission Pakistan 2013 – General Election May 11, 2013. p.4. https://www.eods.eu/library/EUEOM%20FR%20PAKISTAN%2010.07.2013_en.pdf.

⁹⁷ Score Card on Perception of Pre-Poll Fairness. PILDAT. (May 2018). <https://pildat.org/wp-content/uploads/2018/07/PILDAT-Scorecard-on-Perceptions-of-Pre-Poll-Fairness-May-2018-010718.pdf>. p. 5-6.

3.1.4 Electoral dispute resolution

The process for handling electoral disputes in Pakistan involves filing an election petition before an Election Tribunal appointed by the Election Commission. The Tribunal consists of a person who is or has been a Judge of the High Court, and their appointment is made in consultation with the Chief Justice of the relevant High Court.

The time limit for filing an election petition is 45 days from the notification of the winning candidate's result. The petition must include a clear statement of the facts relied upon, details of any corrupt or illegal practices or other illegal acts alleged, a complete list of witnesses along with their affidavits, and supporting documentary evidence.

The elected candidate is required to submit a reply that also includes a complete list of witnesses, their affidavits, and supporting documentary evidence. The trial of the petition must be concluded within 120 days. At the conclusion of the trial, if any person is dissatisfied with the final decision of the Election Tribunal regarding an election petition challenging a seat in the Assembly or Senate, they have the option to file an appeal to the Supreme Court as per Section 155 of the Elections Act, 2017.⁹⁸

Although on paper, this process looks elaborate as the Constitution of Pakistan grants exclusive jurisdiction to Election Tribunals for handling results disputes. Additionally, the Elections Act prohibits any court from challenging the ECP's actions concerning the validity of the electoral roll or constituency delimitation. Still electoral disputes were marked by considerable uncertainty, resulting in a high volume of petitions submitted to the Supreme and High Courts.⁹⁹ The Supreme and High Courts possess extensive powers to address matters related to fundamental rights, and they dealt with numerous cases during the elections.¹⁰⁰ After the 2018 elections, the ECP withheld results of 14 of 272 National Assembly general seats, and 23 of the 577 provincial assembly seats, for various reasons, mainly due to court disputes relating to recounts.¹⁰¹ To enhance legal clarity and ensure certainty, it is essential to establish well-defined legal boundaries and provide clear timeframes.

Although there is no consolidated data available with the ECP on the status of election results related cases,¹⁰² there was one notable example (that highlights how legal lacunae can cause indefinite delay in electoral dispute resolution), where a complainant failed to secure a verdict against his rival candidate. This concerned Qasim Khan Suri, a member of National Assembly from Quetta, Balochistan. In the 2018 elections, Suri was initially declared the winner by a difference of over 5,000 votes by bagging 25,973 votes while the runner-up got 20,089 votes. A staggering 52,000 votes were rejected owing to low quality ink. The Balochistan election tribunal - while overturning the victory of Suri from NA-256 Quetta II - had ordered fresh elections. Suri filed a review against the tribunal decision in Supreme Court of Pakistan. The court annulling the tribunal's decision granted the applicant an indefinite stay and he continued to be a member of the National Assembly for about 4 years until he resigned of his own accord.¹⁰³

98 The Elections Act 2017: Election Dispute Resolution Mechanism. PILDAT. (2018). P. 10-11. <https://pildat.org/political-parties1/the-elections-act-2017-election-disputes-resolution-mechanism>.

99 European Union Election Observation Mission, Islamic Republic of Pakistan Final Report General Elections, 25 July 2018. P.5. https://www.eeas.europa.eu/eom-pakistan-2018/eu-eom-final-report-general-elections-pakistan-2018_en.

100 Ibid. p.43.

101 European Union Election Observation Mission, Islamic Republic of Pakistan Final Report General Elections, 25 July 2018. P.18. https://www.eeas.europa.eu/eom-pakistan-2018/eu-eom-final-report-general-elections-pakistan-2018_en.

102 Ibid. p.44.

103 Aqeel Afzal. SC issues written order in Suri's de-seating case. The Express Tribune. (Oct 14, 2019). <https://tribune.com.pk/story/2079463/sc-issues-detailed-verdict-suris-de-seating-case>.

3.2 Effectiveness of parliament

An analysis of the Pakistan Parliament's legislative performance between 2008 and 2023 reveals significant developments in terms of quantity and quality of legislative developments, representation of diverse interests, effectiveness of parliamentary committees, robustness of debates on national issues, and transparency and accessibility of parliamentary proceedings.

3.2.1 Empowerment and continuity of parliament

Over the span of 15 years, the evolution of the Pakistani Parliament, particularly its 15th National Assembly, has been marked by significant developments and areas of concern. Between 2008 and 2018, the Pakistani Parliament witnessed its longest period of continuity, as the 13th and 14th assemblies successfully completed their five-year tenures. This era was characterized by the transfer of power to newly elected civilian governments after elections in 2013 and 2018, which garnered heightened citizen participation and increased voter turnouts compared to previous electoral cycles. The upswing in voter engagement reflected elevated expectations from the political and legislative establishments.¹⁰⁴

A notable milestone in the Parliament's empowerment was the 18th Constitutional Amendment of 2010. This pivotal amendment reconfigured the power dynamics, channeling authority from the President to the legislative realm. The Prime Minister, as the head of the majority party in the National Assembly, saw a bolstering of authority relative to the previously indirectly elected President. Moreover, the Parliament, Prime Minister, Leader of the Opposition in the National Assembly, and the Senate assumed more significant roles in crucial appointments, including those within the caretaker government, Election Commission, and the judiciary. This transition of authority from the President marked a significant stride towards enhancing parliamentary influence.¹⁰⁵

The legislative realm also witnessed progress, with a notable increase in the volume of legislation introduced, including constitutional amendments aimed at addressing long-standing structural gaps within the state's framework. The legislative focus encompassed areas such as economic regulation, citizens' rights, and national security. Strides were made in legislation concerning women's rights, children's rights, minority rights, and transgender rights. Nevertheless, certain legislations, such as those pertaining to access to information and electoral regulations, experienced delays in their passage. The legal framework in domains like criminal law, criminal procedure, evidence law, accountability, and anti-corruption called for further attention to enhance their effectiveness.¹⁰⁶

However, the 15th National Assembly's performance, as evaluated in an August 2023 report by think tank PILDAT, has raised concerns.¹⁰⁷

According to the Free and Fair Election Network (FAFEN), the legislative output of the 15th National Assembly witnessed a substantial increase of 57 percent, with a total of 322 pieces of legislation passed compared to the 205 bills in the 14th National Assembly. This trend continues with the 13th Assembly passing 134 bills and the 12th Assembly passing 51 during their respective tenures.¹⁰⁸

¹⁰⁴ Decade of Democracy in Pakistan (2008-2018). FES. (2019). p.105. <https://library.fes.de/pdf-files/bueros/pakistan/15169.pdf>.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid. p. 106.

¹⁰⁷ PILDAT. Uncertainty on electing Next National Assembly as 15th National Assembly is Dissolved. (Aug 10, 2023). <https://pildat.org/parliamentary-monitoring1/uncertainty-on-electing-next-national-assembly-as-15th-national-assembly-is-dissolved>.

¹⁰⁸ FAFEN. 15th National Assembly Defies Challenges with Impressive Legislative Productivity. (Aug 13, 2023). <https://fafen.org/15th-national-assembly-defies-challenges-with-impressive-legislative-productivity/>.

In terms of ordinances, the 15th National Assembly promulgated 75, reflecting a 97 percent rise from the previous Assembly's count of 38, with the PTI government responsible for issuing 72 of them.¹⁰⁹

The 15th National Assembly achieved a notable feat by passing the highest number of laws in comparison to its three predecessors since 2002. In its final three weeks alone, the Assembly passed an impressive tally of 73 bills. However, a point of concern emerges as 36 out of these 73 bills (49 percent) bypassed committees and were expedited through plenary voting without comprehensive deliberations. Such procedural shortcuts have raised questions about the thoroughness of their drafting and passage.¹¹⁰

FAFEN has further highlighted instances of truncated legislative processes within the 15th National Assembly. Approximately 58 bills, encompassing both government and private members' bills, were passed either on the same day of introduction or within three days, leaving minimal room for thorough review.¹¹¹

Many laws passed by the 15th National Assembly pertained to Pakistan's international commitments, often introduced hastily to fulfill obligations related to organizations like the IMF and the Financial Action Task Force (FATF). An epochal event was the successful passage of a Vote of No-Confidence (VoNC) against a Prime Minister, marking a watershed moment in Pakistan's parliamentary history. Notably, the rejection of a no-confidence motion through Article 5 of the Constitution and the subsequent Presidential advice to dissolve the Assembly were ultimately overturned by the Supreme Court. The 15th Assembly's tenure also witnessed the withdrawal of the leading opposition party following a successful VoNC, which had repercussions on parliamentary dynamics, national discourse, and the overall political climate, leading to an unprecedented level of polarization.¹¹²

Regrettably, certain assurances remained unfulfilled. Despite pledges, the former Prime Minister Imran Khan's Weekly Question Hour remained unrealized throughout his nearly four-year tenure. Furthermore, the Assembly's Standing Committees, crucial for oversight, remained dormant, impeding scrutiny of pivotal policy decisions. This collective lapse hampered effective policymaking, particularly concerning Pakistan's economic recovery, and saw the passage of legislations that impeded the timely conduct of fair elections, thereby undermining democratic stability.¹¹³

3.2.2 Functioning of parliamentary committees

The functioning of parliamentary committees improved over the last decade, strengthening parliamentary oversight. The practice of assigning committee chairpersonships based on party representation led to an increased number of opposition chairs leading standing committees. Public hearings were conducted to engage with citizens. The Senate's role in financial oversight was strengthened by including Senators in the powerful Public Accounts Committee.¹¹⁴

109 PILDAT. Uncertainty on electing Next National Assembly as 15th National Assembly is Dissolved. (Aug 10, 2023). <https://pildat.org/parliamentary-monitoring1/uncertainty-on-electing-next-national-assembly-as-15th-national-assembly-is-dissolved>.

110 PILDAT. Uncertainty on electing Next National Assembly as 15th National Assembly is Dissolved. (Aug 10, 2023). <https://pildat.org/parliamentary-monitoring1/uncertainty-on-electing-next-national-assembly-as-15th-national-assembly-is-dissolved>.

111 FAFEN. 15th National Assembly Defies Challenges with Impressive Legislative Productivity. (Aug 13, 2023). <https://fafen.org/15th-national-assembly-defies-challenges-with-impressive-legislative-productivity/>.

112 PILDAT. Uncertainty on electing Next National Assembly as 15th National Assembly is Dissolved. (Aug 10, 2023). <https://pildat.org/parliamentary-monitoring1/uncertainty-on-electing-next-national-assembly-as-15th-national-assembly-is-dissolved>.

113 PILDAT. Uncertainty on electing Next National Assembly as 15th National Assembly is Dissolved. (Aug 10, 2023). <https://pildat.org/parliamentary-monitoring1/uncertainty-on-electing-next-national-assembly-as-15th-national-assembly-is-dissolved>.

114 Ibid. p.106-107.

However, challenges persisted, such as the absence of ministers during the Question Hour, which remained a constant issue. The number of questions and responses decreased toward the end of parliamentary terms, and efforts were needed to maintain a consistent level of parliamentary engagement throughout. Parliamentary debates on important national issues improved, with the Parliament expressing its opinion through resolutions, asserting the supremacy of the Parliament and reminding constitutional institutions of their ambit.¹¹⁵

Additionally, a number of times a scant disregard for the parliamentary procedures for legislation was on display. On a number of occasions, the opposition accused the PTI government (2018-2022) of 'steamrolling' bills through the parliament.¹¹⁶ When the same opposition was catapulted into government in April 2022, as a result of successful VONC, they also engaged in some record hasty legislation.¹¹⁷

3.2.3 Progress towards gender equality

As regards the gender inequality in Pakistani politics, various factors, including cultural gender dynamics, institutional weaknesses, and procedural issues, contribute to women being disadvantaged in political representation. Although women have played an active role in politics throughout history, their representation has consistently been low. Breakthroughs occurred in 2002 with the Legal Framework Order and subsequently the 17th amendment, which reserved 60 seats for women in the National Assembly (NA) and 17 in the Senate. The proportion of women in the NA from 2008 to 2013 was recorded at 22.5 percent.¹¹⁸

Efforts by the Election Commission of Pakistan (ECP) and civil society organizations (CSOs) to increase women's voter registration have been ongoing. However, the ratio of registered women voters has remained between 44 and 46 percent from 2008 to 2018.¹¹⁹ The 2018 elections witnessed a significant gap, with 12.5 million more male voters than female voters. Even, as of June 2023, the ratio of female voters in Pakistan was 46 percent.¹²⁰

On the other hand, the number of women candidates for general seats has steadily increased over time. In the 2018 general elections, 171 women ran for general seats, with only 8 being successfully elected to the National Assembly. Despite the rising interest of Pakistani women in political participation, the percentage of women parliamentarians decreased from 22.5 percent in 2008 to 20 percent in 2018.¹²¹

Contrary to popular belief, parliamentary performance data from the 13th and 14th NAs show that women lawmakers outperformed their male counterparts in certain areas. Women parliamentarians demonstrated better performance and active participation, particularly in private members' bills, attendance, and questioning, despite their lower representation of 20 to 22 percent from 2008 to 2018.¹²²

115 Ibid.

116 Bilawal, Shehbaz accuse govt of turning parliament into a 'rubber-stamp', criticise gag on media. Dawn. (Sep 2020). <https://www.dawn.com/news/1580179> ; Mubarak Zeb Khan et al. Mini-budget among 16 bills bulldozed through National Assembly. Dawn. (Jan 14, 2022). <https://www.dawn.com/news/1669331>.

117 Hurried Legislation. The Express Tribune. (July 28, 2023). <https://tribune.com.pk/story/2428206/hurried-legislation>; End of Term. The News. (July 13, 2023). <https://www.thenews.com.pk/print/1089888-end-of-term>.

118 Ibid. p.108-110.

119 Ibid.

120 Latest Province Wise Voter Statistics (as on 20-06-2023). Election Commission of Pakistan. <https://ecp.gov.pk/comprehensive-electoral-database-in-pakistan> ; Registered voters cross 126 million figure: ECP Report. ECP. (2023). <http://www.moib.gov.pk/News/54645>.

121 Decade of Democracy in Pakistan (2008-2018). FES. (2019).p.109. <https://library.fes.de/pdf-files/bueros/pakistan/15169.pdf>.

122 Ibid.

Significant progress was made in enacting pro-women and gender-sensitive laws at the national level from 2008 to 2023. The 13th NA (2008 to 2013) was a historical era for pro-women legislation, and this momentum continued with recent developments in recognizing and protecting women, children and transgender persons.¹²³ During 2022-23, female representatives in the National Assembly and the Senate continued their established practice of actively fulfilling their roles in legislation, representation, and supervision. Comprising twenty percent of the Parliament, women lawmakers contributed to almost 35 percent of the legislative activities in the 2022-2023 period - with a distribution of 36 percent in the National Assembly and 30 percent in the Senate.¹²⁴

However, women continue to have low representation in leadership positions within parliamentary standing committees. This hampers their participation in government oversight and monitoring. Between 2008 and 2018, women lawmakers held leadership positions of 8.5 percent and 10 percent in the 13th and 14th NAs, respectively. In the Senate, the ratio of women in committee leadership was similar to the NA, with 8.3 percent during 2015 to 2018 and slightly higher at 18 percent during 2018 to 2021.¹²⁵

The current quota model for reserved seats in Pakistan makes women on reserved seats entirely dependent on the decisions of their political party's leadership, rather than being elected. This hinders the empowerment and legitimacy of women parliamentarians as public representatives.¹²⁶

Political parties, as the main gatekeepers to the political arena in Pakistan, control the nomination process, which significantly affects the chances of candidates being elected. Results from the elections between 2008 and 2018 reveal a lack of willingness by political parties to allocate party tickets to women on winnable seats, highlighting the need for greater commitment to promoting gender equality within political parties.¹²⁷

Addressing gender inequality in Pakistani politics requires comprehensive efforts to tackle cultural dynamics, institutional weaknesses, and procedural challenges. Increased representation of women in elected positions, enhanced participation in leadership roles within parliamentary committees, and reforming the quota system are crucial steps towards achieving a more equitable and inclusive political landscape. Political parties must also demonstrate a stronger commitment to promoting women's political empowerment by ensuring greater access to winnable seats for women candidates.

3.3 Freedom of political parties

3.3.1 Party structures and internal democracy

Political parties in Pakistan have traditionally been characterized by centralized decision-making and hierarchical structures, with power concentrated in the hands of a few key leaders. This has often limited the participation and influence of party members in the decision-making processes. In many cases, party leadership positions have been inherited or determined through patronage rather than through transparent and democratic mechanisms.¹²⁸

¹²³ Ibid.

¹²⁴ FAFEN. Women Parliamentarians Performance 2022-2023. (Mar 15, 2023). <https://fafen.org/women-parliamentarians-performance-2022-2023/>.

¹²⁵ Ibid.

¹²⁶ Ibid.

¹²⁷ Ibid. p.110.

¹²⁸ KII conducted in Islamabad on July 5, 2023.

Of the three mainstream political parties, the Pakistan Muslim League-Nawaz (PML-N) has traditionally been centered around the Sharif family, with decision-making power concentrated within the family. While the party has conducted intra-party elections to elect office-bearers, critics argue that power remains centralized, limiting the scope for internal democracy.¹²⁹

The Pakistan People's Party's (PPP) decision-making structure has historically revolved around the Bhutto family. While the party has faced criticism for limited internal democracy, it has also made efforts to engage members in policy development and decision-making processes. The PPP has a relatively larger membership base and has emphasized inclusivity in terms of women and religious minorities' representation within the party.¹³⁰

The Pakistan Tehreek-e-Insaf (PTI) initially emphasized internal democracy and grassroots participation. The party introduced a system of intra-party elections, allowing members to elect party leaders and representatives. However, it soon abandoned the practice as it was marred by allegations of rigging.¹³¹

In some cases, internal democracy in political parties is also undermined by personal rivalries, factionalism, and lack of transparency. The influence of powerful elites within parties often continues to overshadow the voices and aspirations of ordinary party members.¹³²

Overall, fostering internal democracy within political parties and improving their party structures is essential for deepening democracy in Pakistan. It requires ongoing efforts and commitment from both party leaders and members to build a more inclusive and participatory political landscape.

3.3.2 Party membership and citizen-party linkages

Political parties in Pakistan have different membership criteria and approaches to citizen-party linkages. These variations reflect the diverse political landscape and ideological orientations present in the country.

The citizen-party linkages in Pakistan vary in terms of the level of engagement and participation of citizens within the party structure. Some parties such as the Muttahida Qaumi Movement-Pakistan (MQM-P) and Jamat-i-Islami (JI) emphasize grassroots engagement and mobilization, aiming to create strong connections between citizens and the party.¹³³ These parties often prioritize building support at the local level, involving citizens in decision-making processes, and encouraging active participation in party activities. JI is known to have established party wings at the local levels through which the party holds regular party meetings and conducts outreach programs to connect with citizens.¹³⁴ MQM-P has traditionally relied on a strong organizational structure and a dedicated membership base, particularly in urban areas such as Karachi and Hyderabad. Despite its unravelling over the past few years, the party has successfully mobilized its members for grassroots campaigns and activities, maintaining close linkages with its supporters.¹³⁵

¹²⁹ Views expressed by KIs during interviews held in July 2023.

¹³⁰ Views expressed by KIs during interviews held in July 2023.

¹³¹ Differences emerge among PTI leadership over intraparty elections. Pakistan Today. (Feb 23, 2016). <http://archive.pakistantoday.com.pk/2016/02/23/differences-emerge-among-pti-leadership-over-intraparty-elections/>.

¹³² Views expressed by KIs during interviews held in July 2023.

¹³³ Views expressed by Karachi-based KIs during interviews held in August 2023.

¹³⁴ Ibid.

¹³⁵ Ibid.

Other parties including the PTI, PML-N and PPP in particular, have a more top-down approach with limited citizen-party linkages beyond election campaigns. In such cases, party decisions and strategies are primarily driven by party leaders, and citizens have minimal opportunities for direct engagement or influence within the party structure.¹³⁶

3.3.3 Inclusivity

The political party landscape in Pakistan exhibits variations in inclusivity across different parties. The Pakistan Tehreek-e-Insaf (PTI) has actively sought to attract and include youth in its membership and leadership positions. The party has focused on empowering young members, encouraging their active involvement in decision-making processes and providing platforms for their participation. PTI has also made efforts to address gender disparities, promoting the inclusion of women in decision-making roles. The party is also seen to be making a conscious effort to include the elderly and PWDs in its campaigns.¹³⁷ Breaking from its traditional mold, the PML-N has followed in the footsteps of PTI and making an effort to enhance its support base among women and youth.¹³⁸

The Pakistan People's Party (PPP) has historically emphasized inclusivity and has made efforts to include marginalized groups within the party's membership. The party has provided opportunities for women to hold leadership positions, demonstrating a commitment to gender inclusivity. The PPP has also advocated for the rights of religious and ethnic minorities, aiming to ensure their representation within the party.¹³⁹

Religious parties like the Jamiat Ulema-e-Islam-Fazl (JUI-F) and the Jamaat-e-Islami (JI) operate within a robust ideological framework rooted in Islamic principles. Although these parties maintain strong women's wings that have traditionally focused on religious causes, they have encountered challenges in promoting inclusivity regarding gender and ethnic diversity at leadership levels. Despite expressions of commitment to women's rights, JUI-F, for instance, has impeded gender equality reforms and prohibited its female constituents from participating in protest movements. The decision-making authority within these parties tends to rest predominantly with religious scholars and leaders, which consequently limits opportunities for establishing more extensive connections between ordinary citizens and the party leadership.

3.3.4 Party financing and transparency

Money plays a crucial role in political processes worldwide. However, if left unregulated, it can threaten democracy and erode public trust in political institutions. Corrupt practices can arise, with political parties and candidates becoming indebted to large financial interests, weakening the institutionalization of parties and their connections with their support bases. Underrepresented groups, like women, are further disadvantaged. To ensure a strong democracy, an elaborate and transparent political party finance (PPF) system is essential. This system encompasses various financial aspects of political processes, including party funding, election campaign spending, candidate funding, and legislators' financial disclosures.¹⁴⁰

In Pakistan, the legal framework for PPF under Article 17(3) of the Constitution and the Elections Act, 2017 (Chapter VIII and XI) has several regulatory weaknesses, such as allowing corporate

¹³⁶ Views expressed by KIs (political party leaders/workers) during interviews held in July 2023.

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ Ibid.

¹⁴⁰ Fernando Casal Bértoa and Nazeer Mahar. Political Finance and Public Funding Of Political Parties In Pakistan, Challenges and Opportunities. FES (2023). P. iii. <https://library.fes.de/pdf-files/bueros/pakistan/20160-20230331.pdf>

entities to fund parties without restrictions and lacking spending limits for parties during election campaigns. The enforcement mechanisms are also ineffective, particularly regarding prescribed spending limits. The Election Commission of Pakistan (ECP) lacks the capacity to promptly scrutinize submitted financial statements from candidates, legislators, and political parties, creating an open field for interest groups to influence politics.¹⁴¹

Unlike many other countries, Pakistan lacks a public funding mechanism for political parties, relying entirely on private funding. This dependence on private sources exposes politicians and parties to exploiting legal loopholes to meet their financial needs. The absence of public funding disincentivizes parties from establishing grassroots connections with voters and further marginalizes underrepresented groups due to insufficient financial support.¹⁴²

In Pakistan's polarized political climate, parties seek support from influential individuals to fund campaigns, which may hinder accurate financial reporting. The legislative gaps, weak enforcement, and lack of meaningful sanctions encourage parties and candidates to conceal their finances. The use of digital media platforms for political advertising since the 2018 general elections has also increased financial strain on parties.¹⁴³

These issues contribute to a lack of trust in political parties and institutions, leading to historically low voter turnout and potential erosion of democratic legitimacy. To restore trust, Pakistan needs a robust and digitally integrated PPF system with strict enforcement and sanctions. Reasonable restrictions on private funding and the introduction of public funding can create a more level playing field, combat financial irregularities, and address weaknesses in political party structures and exclusionary practices towards women and minorities.¹⁴⁴

141 Ibid.

142 Ibid.

143 Ibid.

144 Ibid.

4. Participatory engagement

The relationship between participatory engagement and democracy is vital for ensuring that people at the grassroots level benefit from the dividends of governance. Civil society organizations (CSOs) play a significant role in this process by acting as intermediaries between the government and citizens, advocating for their interests, and holding authorities accountable. Besides, when local governments have administrative and financial autonomy, they can respond more effectively to the specific needs of their communities, leading to efficient resource allocation and development initiatives. Meaningful engagement with citizens in decision-making processes empowers them to be active participants in shaping policies and projects, fostering a sense of ownership and cooperation. Overall, participatory engagement strengthens democracy by promoting transparency, accountability, and the optimal use of financial resources to improve the well-being of the community. It is crucial to examine the existing state of affairs in Pakistan with regards to civil society and local governments in order to understand the extent to which participatory engagement and democratic principles are being upheld in practice.

4.1 Freedom of civil society

In 2002, the Asia Development Bank estimated that Pakistan was home to a thriving civil society, comprising approximately 45,000 active CSOs employing around 250,000 people and positively impacting millions of lives across various sectors. Over the years, CSOs have played a crucial role in the country's development, particularly in areas such as human rights, health, education, and disaster relief efforts during natural calamities like the earthquake of 2005 and the floods of 2010 and 2022.¹⁴⁵

Notably, civil society's influence has grown significantly in the political landscape, with its active participation in discussions and debates shaping important policy decisions. Since 2007, civil society has been instrumental in sensitizing matters related to democracy and has made substantial contributions to strengthen democratic values in Pakistan.

Despite facing numerous hindrances, CSOs continue to be ardent promoters of democracy in the country, even taking up the role of parliamentary oversight. Diverse CSOs, such as the Pakistan Institute of Legislative Development and Transparency (PILDAT), the Free and Fair Elections Network (FAFEN), the Center for Peace and Development Initiative (CPDI), the Sustainable Development Policy Institute (SDPI), among others, are actively engaged in overseeing the functioning of parliament and providing valuable input and feedback on policies, thereby fostering transparency and accountability within the government.¹⁴⁶

However, civic engagement and oversight of government functions in Pakistan encounter several challenges and barriers. Although there are mechanisms in place for civic engagement, they often prioritize citizens' complaints about service delivery, rather than emphasizing consultation, co-

¹⁴⁵ Civil Society and Social Development in Pakistan. Democracy Reporting International. (Dec 2019). https://democracyreporting.s3.eu-central-1.amazonaws.com/images/2341BP-101-Final_Pakistan_English.pdf.

¹⁴⁶ Shahid Habib et al. The role of civil society organizations in the consolidation of democratic system of governance: the case of Pakistan. ISSRA papers. National Defence University. file:///C:/Users/Dell/Downloads/02-the-role-of-civil-society-organizations.pdf.

design, or accountability concerning policy, budgeting, and planning processes.¹⁴⁷ It is essential to address these challenges to ensure that civil society's contributions continue to strengthen democratic institutions and uphold the values of transparency and accountability in Pakistan's governance.

Barriers to citizen engagement are access and capacity. State capacity is a significant factor in citizen engagement. Government institutions often lack the necessary knowledge, training, resources, and motivation to effectively engage with citizens. Financial constraints, including blockages in finances from the provincial level, further disincentivize civic engagement at the local government level. CSOs and NGOs in Pakistan face significant legal barriers that hinder their work. In recent decades, civil society has been subject to increased restrictions. Global financial mechanisms, such as the FATF (Financial Action Task Force), have further challenged the work of CSOs and NGOs. This, coupled with shrinking support for national and grassroots human rights organizations, has created a challenging environment for civic engagement.¹⁴⁸

One major obstacle is the requirement of a No-Objection Certificate (NOC) issued by the Economic Affairs Division (EAD), which has overruled numerous applications since 2019. This certificate is now necessary for all not-for-profit organizations working on human rights promotion and protection or development work. This creates additional bureaucratic hurdles for NGOs and restricts their ability to operate freely.¹⁴⁹

Pakistan's legal framework includes around 13 laws that govern the registration and operation of local NGOs. International NGOs are regulated under the INGOs Policy 2015. However, the recently introduced NGO Policy 2021, which supersedes previous policies, imposes stricter provisions on NGOs, including broad and subjective clauses that can lead to the suspension or termination of the Memorandum of Understanding (MoU) between an NGO and the government.¹⁵⁰

The INGO Policy 2015 requires international NGOs to register with the Ministry of Interior and be monitored by an INGO Committee. Local NGOs also face limitations on securing funds or material support without government approval. This has resulted in the cancellation of registrations for several INGOs and increased scrutiny of NGOs by law enforcement agencies.¹⁵¹

Furthermore, Pakistan's placement on the FATF grey list has had a significant impact on NGOs. The government has implemented measures, such as re-registration requirements and increased scrutiny, to address financial weaknesses related to money laundering and terrorism financing. However, these measures have adversely affected NGOs, leading to de-registrations and the cessation of bank accounts.

The actions taken by the government, including de-registration of NGOs, increased oversight by the Federal Board of Revenue (FBR) and National Accountability Bureau (NAB), and investigations into NGO funds, have further restricted the operations of civil society organizations.¹⁵²

Overall, the legal barriers faced by civil society organizations and NGOs in Pakistan, including excessive bureaucracy, stringent regulations, and increased scrutiny, have significantly hampered their ability to carry out their vital work in promoting human rights and development.

147 Sarah Maguire et al. *Citizen Engagement in Pakistan*. DAI. (2019). p.1. https://assets.publishing.service.gov.uk/media/5ee345dbd3bf7f1eb5fef728/Citizen_Engagement_in_Pakistan_final_for_publishing_rev_KII_redacted.pdf.

148 Haroon Baloch et al. *Shrinking spaces for civil society in Pakistan*. Heinrich Boll Foundation. (2023). <https://afpak.boell.org/sites/default/files/2023-06/civic-spaces-in-pakistan-tkf-afpak-publication.pdf>.

149 Ibid. p.16.

150 Views expressed by KIs during interviews held in July 2023.

151 Ibid.

152 Ibid.

4.2 Local governments

The 18th Amendment to the Constitution of Pakistan marked a significant milestone in the country's efforts towards decentralization and devolution of power. With the implementation of Article 140-A, provisions were made for substantial devolution of political, administrative, and financial responsibilities to the local level through the establishment of a local government system. The amendment mandates that each province must enact laws to devolve authority and power to the elected representatives of the local governments. However, despite the existence of local government legislation in all provinces and the Federal Capital Territory, the devolution of powers has been limited primarily to the provincial levels, and not beyond. While the local government system has clear advantages in terms of being closer to constituents and understanding their needs and requirements, it has faced challenges in fully taking off and achieving its intended potential.

4.2.1 Legislation for decentralization

Prior to the 18th Amendment, military rulers in Pakistan would occasionally delegate certain powers to local governments as a means to legitimize their rule at the central level. In 2010, mainstream political parties were able to set aside their disagreements and shift power from the central government to the provinces. However, the political class has been hesitant to decentralize authority further to the local level. The process of devolving power to different tiers of local governments has been hindered by a lack of consensus and consistency regarding the timing, scope, and specific powers to be devolved.

The inclusion of Article 140-A¹⁵³ in the Constitution of Pakistan through the 18th Amendment marked a significant milestone for democracy in the country. This amendment recommended further devolution of power to local governments. However, the crucial step of devolving power to the grassroots level has not been adequately addressed.¹⁵⁴

The Election Commission of Pakistan has endeavored to conduct regular local government elections, but these efforts have been undermined. Even the judiciary's endeavors to compel the provinces to establish autonomous and adequately funded local governments have encountered limited success.

After the two local government elections (2001 and 2005) during General Musharraf's tenure, no further local government elections were held until 2015 in any province of Pakistan. For example, in Khyber Pakhtunkhwa (K-P), the local governments' tenure expired in 2019, but new elections were not completed until April, 2022. In Sindh, the first phase of local government elections was delayed by two years, and the second phase recently took place in January of 2023. In Punjab, the term of local governments was initially shortened in 2019 but then restored by the courts. However, their term ended on January 1, 2022. There is no clarity over the next round of local government elections in the province. In Balochistan, the first phase of local government elections was delayed by a year and a half, and elections in the remaining districts took place six months later. However, elections in Quetta, scheduled for August 2022, were suspended by the Balochistan High Court in June 2022.¹⁵⁵

153 'Each Province shall, by legislation, create a local government system and transfer political, administrative, and financial responsibility and power to the elected representatives of the local governments.'

154 Syed Muhammad Ali. The lingering neglect of local governance. The Express Tribune. (2023). <https://tribune.com.pk/story/2406450/the-lingering-neglect-of-local-governance>.

155 Ibid.

Ironically, provincial laws on local governments in Pakistan often include provisions that undermine the devolution of administrative and financial powers. These laws have fail-safe measures for the suspension or dismissal of local governments, hindering the effective devolution of power.¹⁵⁶

Overall, the process of devolving power to local governments in Pakistan has faced challenges, including reluctance from politicians, delays in holding elections, and laws that undermine the devolution process. Addressing these issues is crucial for the effective functioning of local governments and the empowerment of local communities.

4.2.2 Local service delivery

Local government service delivery in Pakistan, encompassing areas such as water supply, sanitation, waste management, transportation, education, and healthcare, often faces significant challenges that impact the accessibility, quality, and responsiveness of services. In many cases, the delivery of these services at the local level remains unsatisfactory, leading to numerous issues for communities.

One of the primary factors contributing to the unsatisfactory quality of local government service delivery is the limited financial resources available to local governments. Insufficient funding often hampers the provision of adequate infrastructure and resources necessary for delivering essential services. This lack of financial capacity can result in inadequate maintenance of existing facilities, the inability to hire qualified personnel, and the failure to invest in infrastructure development, thereby hindering service quality and accessibility.¹⁵⁷

Furthermore, corruption and mismanagement within local government institutions also pose significant challenges to service delivery. Embezzlement of funds, bribery, and nepotism can divert resources away from service improvement initiatives and lead to a lack of transparency and accountability. This not only hampers the quality of services but also erodes public trust in local government authorities.¹⁵⁸

Ineffective governance and weak institutional capacity are additional factors contributing to subpar service delivery. Weak administrative structures, inefficient decision-making processes, and limited coordination between different departments within local governments often lead to service gaps and delays in addressing community needs. Insufficient human resource capacity, including the lack of trained and skilled staff, further exacerbates the problem, impacting service responsiveness and overall quality.¹⁵⁹

Inadequate planning and monitoring mechanisms also contribute to the unsatisfactory delivery of local government services. The absence of comprehensive development plans, coupled with the failure to assess the impact and effectiveness of implemented projects, leads to inefficiencies, and prevents the identification of shortcomings in service provision. Without proper monitoring and evaluation systems in place, it becomes challenging to hold local governments accountable for service quality and responsiveness.¹⁶⁰

Additionally, socio-economic disparities and regional inequalities play a role in the quality of local government service delivery. Disadvantaged communities, particularly those in rural areas and informal settlements, often face greater challenges in accessing essential services due to a lack of infrastructure, limited resources, and a lower priority given to their needs. This perpetuates inequalities and exacerbates the disparities in service provision.

¹⁵⁶ Ibid.

¹⁵⁷ Views expressed by KIs during interviews held in July 2023.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

Overall, the unsatisfactory quality of local government service delivery in Pakistan can be attributed to factors such as limited financial resources, corruption and mismanagement, ineffective governance, weak institutional capacity, inadequate planning and monitoring mechanisms, and socio-economic disparities. Addressing these challenges requires a comprehensive approach that focuses on enhancing financial allocations, strengthening governance structures, improving transparency and accountability, building institutional capacity, promoting inclusive planning, and prioritizing the needs of marginalized communities.

4.2.3 Citizen engagement and participation

Citizen engagement and participation in local governance processes, including budgeting and decision-making, in Pakistan vary across regions and communities. While there have been some efforts to promote citizen participation, the level of engagement remains limited, and marginalized or underrepresented groups face significant barriers to meaningful participation.

In terms of budgeting processes, citizen participation is generally minimal in Pakistan. The majority of local governments have limited mechanisms for involving citizens in budget formulation or decision-making. Budgets are often prepared by government officials without extensive consultation with the public. As a result, there is limited transparency and accountability in how public funds are allocated and utilized at the local level.¹⁶¹

Similarly, citizen engagement in decision-making processes is relatively low. Local government decisions are primarily made by elected representatives and government officials, with limited input from citizens. The decision-making power tends to remain concentrated within a small group, excluding wider community participation. This lack of citizen involvement in decision-making undermines the principles of democratic governance and hinders the effective representation of diverse voices and perspectives.¹⁶²

Efforts to engage marginalized or underrepresented groups in local governance processes have been sporadic and uneven. While there have been initiatives to promote inclusivity and participation, they often face challenges in implementation. Marginalized groups, including women, religious minorities, and individuals from low-income backgrounds, face social, cultural, and economic barriers that limit their participation. Traditional patriarchal norms, discrimination, and limited access to education and resources further marginalize these groups, impeding their engagement in local governance.¹⁶³

Nonetheless, there have been some noteworthy initiatives aimed at promoting citizen engagement and participation. For instance, some civil society organizations, community-based groups, and development projects have worked to facilitate citizen participation through awareness campaigns, training programs, and capacity-building initiatives. These efforts seek to empower marginalized groups and enhance their understanding of local governance processes, enabling them to voice their concerns and contribute to decision-making.¹⁶⁴

Additionally, digital technology has played a role in expanding citizen engagement opportunities. Online platforms, social media, and mobile applications have provided channels for citizens to express their views, report issues, and engage with local authorities. However, the accessibility of

161 Ibid.

162 Ibid.

163 Ibid.

164 Ibid.

digital platforms remains a challenge, particularly for marginalized communities who may have limited internet access or digital literacy.¹⁶⁵

To enhance citizen engagement and participation in local governance processes, there is a need for comprehensive reforms. This includes creating platforms for meaningful citizen participation in budgeting and decision-making, promoting inclusivity and diversity in representation, strengthening accountability mechanisms, and addressing the systemic barriers faced by marginalized groups. Efforts should also focus on building the capacity of local government officials, fostering a culture of transparency and trust, and ensuring that marginalized voices are heard and valued in decision-making processes.¹⁶⁶

4.2.4 Inter-governmental relations

The state of inter-governmental coordination between local governments and the provincial tier in Pakistan is often characterized by challenges and inconsistencies. While efforts have been made to establish a framework for coordination, the absence of a harmonious relationship can be attributed to several factors:

Power dynamics: Power dynamics between the provincial and local governments play a significant role in inter-governmental coordination. The provincial governments, being higher in the hierarchy, often exercise significant control and authority over local governments. This power imbalance can lead to a lack of cooperation and coordination between the two tiers, with the provincial governments dominating decision-making processes and limiting the autonomy of local governments.¹⁶⁷

Resource allocation: Resource allocation is a critical factor that affects inter-governmental coordination. Local governments often struggle with limited financial resources and are dependent on the provincial governments for funding. Unequal distribution of resources and delayed financial transfers from the provincial level can hinder effective coordination and impact service delivery at the local level.¹⁶⁸

Legal and policy frameworks: Inconsistencies and gaps within the legal and policy frameworks further contribute to the absence of harmonious inter-governmental relationships. Lack of clarity in roles, responsibilities, and decision-making authority between the provincial and local governments can lead to conflicts and delays in coordination. In some cases, conflicting or overlapping laws and regulations can create confusion and hinder effective cooperation.¹⁶⁹

Political differences: Political differences between the ruling party at the provincial level and local governments, which may be led by opposition parties, can also hinder inter-governmental coordination. Political rivalries and conflicts of interest can impede collaboration and lead to a lack of cooperation in decision-making and resource allocation.¹⁷⁰

Administrative capacity: Insufficient administrative capacity at both the provincial and local levels can contribute to coordination challenges. Local governments may lack the necessary expertise, skills, and resources to effectively implement policies and programs, while the provincial

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

governments may struggle to provide adequate support and guidance to local governments. This capacity gap can hinder effective coordination and result in service delivery gaps.¹⁷¹

Lack of trust and communication: Trust and effective communication are vital for successful inter-governmental coordination. However, a lack of trust between the provincial and local governments, as well as limited communication channels, can impede coordination efforts. Suspicion, misunderstanding, and a lack of regular dialogue can hinder collaboration and lead to a breakdown in inter-governmental relationships.¹⁷²

Addressing these factors requires a comprehensive approach that includes strengthening the legal and policy frameworks, ensuring equitable resource allocation, enhancing administrative capacity at both levels, fostering political consensus, promoting effective communication channels, and building trust among stakeholders. A more collaborative and cooperative approach to inter-governmental coordination can help overcome these challenges and improve the overall governance and service delivery at the local level.

171 Ibid

172 Ibid.

5. Access to information

Access to information and freedom of speech are fundamental pillars in evaluating the state of democracy in any country. These two aspects play a crucial role in ensuring transparency, public participation, and effective governance. A robust access to an information regime enables citizens to make informed decisions, hold their leaders accountable, and actively engage in democratic processes.

5.1 Freedom of information

Pakistan introduced The Freedom of Information Ordinance in 2002, but it was widely regarded as weak and ineffective in providing citizens and journalists with the free flow of information. Balochistan and Sindh later adopted similar laws which also failed to ensure the right of access to information.¹⁷³

In 2010, Article 19-A was added to the Constitution of Pakistan, guaranteeing every citizen the right to access information in matters of public importance, subject to regulation and reasonable restrictions imposed by law.¹⁷⁴

The year 2013 marked a significant development for the Right to Information (RTI) movement in Pakistan. Khyber Pakhtunkhwa and Punjab enacted effective RTI laws known as 'The Khyber Pakhtunkhwa Right to Information Act, 2013' and 'The Punjab Transparency and Right to Information Act, 2013' respectively. These laws enabled citizens to exercise their constitutional right to access information held by public bodies. Sindh followed suit by repealing the 'Sindh Freedom of Information Act, 2006' and enacting 'The Sindh Transparency and Right to Information Act, 2016' on March 13, 2017. More recently, in February 2021, Balochistan replaced the weak and ineffective 'Balochistan Freedom of Information Act, 2005' with the 'Balochistan Right to Information Act, 2021'.¹⁷⁵

These RTI laws impose a duty on public officials to provide requested information within specific timeframes. For example, in Khyber Pakhtunkhwa, information must be provided within 10 working days, in Punjab within 14 working days, in Sindh within 15 working days, in the federal jurisdiction within 10 working days, and in Balochistan within 15 working days.¹⁷⁶ Furthermore, these laws promote proactive disclosure of information on department websites, ensuring cost-effective access to information for citizens. No fee is required to file an information request. The legislation also includes penalties for officers wrongfully denying or delaying access to requested information and provides an effective complaint redress mechanism.¹⁷⁷

However, despite these legal provisions, various public institutions have failed to effectively implement RTI laws. As per the Centre for Law and Democracy's 2018 RTI ranking, Pakistan stands

¹⁷³ Right to Information landscape in Pakistan. CPDI. (Oct 28, 2021). <https://www.cpdipakistan.org/archives/20209>.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

¹⁷⁶ Ibid.

¹⁷⁷ Ibid.

at 62 out of 89 countries with a score of 70 out of 150.¹⁷⁸ Information commissions lack the necessary financial and administrative resources to carry out their mandated duties. Citizens and journalists frequently complain about government authorities' reluctance to share information.¹⁷⁹

5.2 Freedom of speech

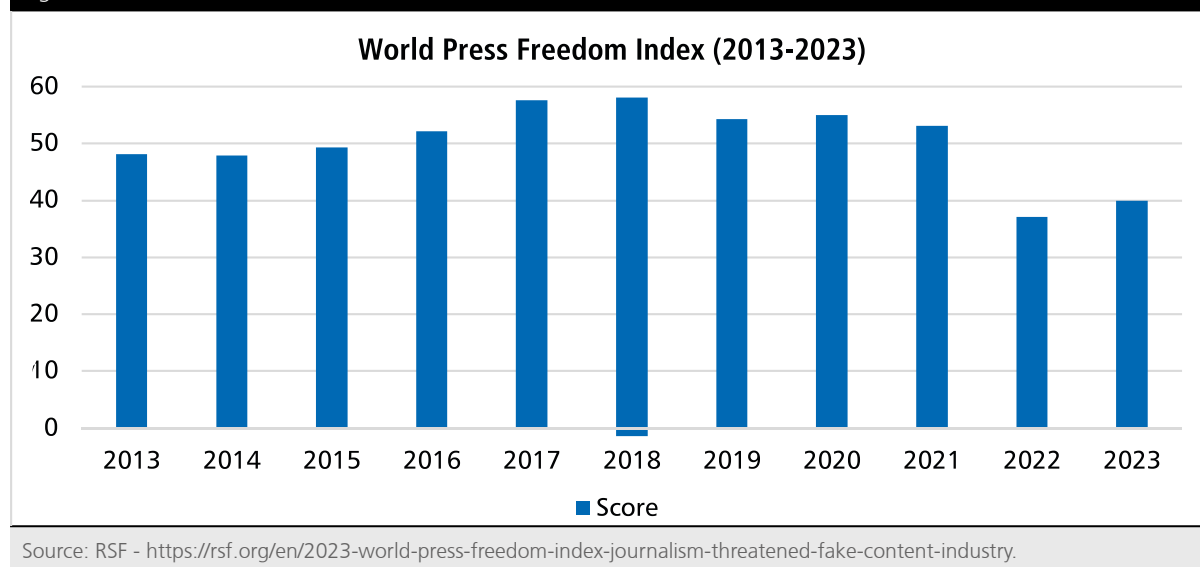
The Constitution of Pakistan bestows upon its citizens the fundamental right to freedom of expression, a right protected under Article 19. This fundamental freedom is also internationally recognized and enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to which Pakistan is a signatory.¹⁸⁰

Article 19 of the Constitution allows for 'reasonable restrictions' on press freedom for reasons such as national security, defense, or religion. This has led to limitations on press freedom based on concerns of offending decency, morality, or the official religion, Islam.

Despite constitutional guarantees of freedom of speech, expression, and press, journalists in Pakistan frequently encounter legal and institutional barriers under the garb of vague 'reasonable restrictions' that hinder them from performing their duties effectively.

According to the World Press Freedom Index, Pakistan's score has fluctuated between 56 (in 2017 and 2018) and 37 (in 2022) on a scale of 100 during the period from 2013 to 2023. Pakistan's overall ranking declined from 145th out of 180 countries in 2021 to 157th out of 180 countries. However, there has been a recent improvement, and in 2023, Pakistan's ranking has climbed to 150th place out of 180 countries.¹⁸¹

Figure 3: Pakistan's score on World Press Freedom Index - 2013-2023



¹⁷⁸ The Global Right to Information Rating. Centre for Law and Democracy. (2018). <https://www.rti-rating.org/wp-content/uploads/2018/07/RTI-Rating-Results.11.09.28.pdf>.

¹⁷⁹ Tariq ullah Wardak. Two Years of Pakistan Information Commission – Issues & Challenges. Daily Times. (Dec 31, 2020). <https://dailytimes.com.pk/708235/two-years-of-pakistan-information-commission-issues-challenges/>.

¹⁸⁰ Pakistan: Blanket ban on critical speeches 'disturbing demonstration' of threat to freedom of expression. Amnesty International. (March 6, 2023). <https://www.amnesty.org/en/latest/news/2023/03/pakistan-blanket-ban-on-critical-speeches-disturbing-demonstration-of-threat-to-freedom-of-expression/>.

¹⁸¹ World Press Freedom Index. Reporters without Borders. <https://rsf.org/en/2023-world-press-freedom-index-journalism-threatened-fake-content-industry>.

The issue of media regulation in Pakistan raises concerns as both PEMRA (the Pakistan Electronic Media Regulatory Authority) and PTA (the Pakistan Telecommunication Authority) are not entirely autonomous.¹⁸² The federal government plays a role in appointing their members and giving binding policy directives. PEMRA, in particular, sends out advisories to TV channels regarding their content and has banned certain personalities, including civil rights activists and politicians, in the past.

Besides, journalists in Pakistan face numerous safety risks while carrying out their work. According to Freedom Network, a media rights advocacy organization, their 2023 annual report revealed a concerning trend in press freedom violations. The data indicated a significant jump in violations, reaching 140 instances in 2022-23, as compared to 86 violations reported in the previous year (2021-22). This represents an alarming annual increase of approximately 63 percent in press freedom violations.¹⁸³ Between 2002 and 2022, a shocking number of 90 journalists lost their lives in the country.¹⁸⁴

The state of freedom of speech in Pakistan is facing heightened concerns as recent legislative developments and proposed laws cast a shadow on digital rights and civil liberties. Two pieces of legislation, namely the E-Safety Bill 2023 and the Personal Data Protection Bill 2023, were approved by the Cabinet of the outgoing PDM government in Pakistan,¹⁸⁵ and they are anticipated to have significant implications for the digital rights of individuals and the country's e-commerce and digital economy. However, international bodies representing internet-based platforms have expressed concerns over the data protection law, fearing that it may raise the cost of doing business in Pakistan.

The data protection bill aims to safeguard user data and prevent the illegal use of information systems, including online shopping, as well as data shared with various companies and social networking websites in Pakistan.

In the same vein, the E-Safety law aims to combat online crimes like harassment, cyberbullying, and blackmailing. It envisions the creation of a new regulatory authority called 'The E-Safety Authority,' responsible for registering and monitoring websites, web channels, YouTube channels, and existing media house websites. Official sources claim that the E-Safety Authority shall protect the rights of citizens, businesses, public, and private institutions from online harassment and blackmail.¹⁸⁶

Despite these intentions, the Asia Internet Coalition (AIC) has raised concerns about the data protection bill, asserting that it introduces unnecessary complexities that could hamper foreign investment and increase business costs. The AIC has urged the government to conduct more transparent stakeholder consultations on this matter.¹⁸⁷

182 Pakistan Freedom of Expression Report 2020. CPDI, (2021). P.20. <https://www.cpd-pakistan.org/wp-content/uploads/2021/04/Pakistan-Freedom-of-Expression-Report-2020.pdf>.

183 Threats, Attacks Against Journalists Jump By More Than 60%, Reveals Freedom Network Annual Report. Freedom Network. (May 2023). <https://www.fnpc.org/threats-attacks-against-journalists-jump-by-more-than-60-reveals-freedom-network-annual-report/>.

184 Ghulam Shabir Arain. The dangerous reality for journalists in Pakistan. International Journalist Network. (June 29, 2023). <https://ijn.net.org/en/story/dangerous-reality-journalists-pakistan>.

185 Cabinet approves Personal Data Protection Bills 2023. The Nation. (July 27, 2023). <https://www.nation.com.pk/27-Jul-2023/cabinet-approves-personal-data-protection-bills-2023>.

186 Kalbe Ali. Impact of new 'cyber laws' may be felt far and wide. Dawn. (July 27, 2023). <https://www.dawn.com/news/1766979>.

187 Ibid.

Additionally, proposed amendments to the Prevention of Electronic Crimes Act (PECA) 2016 and social media rules have also come under scrutiny. The suggested PECA amendment bill includes measures that may restrict the freedom of speech of Pakistani citizens, effectively cementing PECA as the country's primary censorship law. For instance, it proposes the addition of Section 20-A, which imposes a five-year imprisonment and a Rs1 million fine for disseminating false information likely to cause fear, panic, disorder, or unrest among the general public. The vague terminology in this section raises concerns that it could be misused to suppress criticism, impacting journalism and independent reporting.¹⁸⁸

Furthermore, the bill seeks to add Section 20-A to the list of offenses that are cognizable, non-bailable, and non-compoundable, giving the Federal Investigation Agency (FIA) the power to arrest anyone accused of spreading 'fake or false information' without a warrant and without the option of bail or compromise.

Another proposal is an updated version of Section 37, which includes 16 different types of content that the Pakistan Telecommunication Authority (PTA) can order social media companies to block or remove. These provisions could override the community standards or rules set by social media companies globally, further impacting freedom of expression on digital platforms.

In addition to the aforementioned bills, the Contempt of Parliament Act 2023 was passed on July 24, 2023. According to the Act, anyone found guilty of holding parliament or its members in contempt could face up to six months in prison and a Rs1 million fine, or both. The definition of 'contempt' includes various actions that breach lawmakers' privileges, violate laws guaranteeing their immunities, and obstruct parliamentary procedures.¹⁸⁹

Critics, including media rights and press freedom advocates, have expressed concern that this new law could be arbitrarily used to restrict the media and civil society in Pakistan. The vague and punitive measures in the bill may have unintended consequences, affecting dissenting, critical, or independent voices. Comparisons have been drawn to the 2016 enactment of the Prevention of Electronic Crimes Bill, its expansion under PTI governance, and the challenges it posed to freedom of expression and the press in Pakistan. The Pakistan Federal Union of Journalists (PFUJ) has also voiced reservations about the potential use of this law to curb criticism against government policies.¹⁹⁰

It is important to note that independent legal experts have confirmed that the new bill does not penalize criticism of the parliament or parliamentarians. However, the overall state of freedom of speech in Pakistan remains a concern due to recent legislation and proposed laws that may have significant implications for digital rights and civil liberties.¹⁹¹

5.3 Digital information

Regarding access to digital information, approximately 37 percent (87 million) of Pakistanis had internet access as of January 2023, representing a 4.4 percent increase from the previous year.¹⁹²

¹⁸⁸ Usama Khilji. Silencing Pakistan. Dawn. (July 29, 2023). <https://www.dawn.com/news/1767243/silencing-pakistan>.

¹⁸⁹ Mumtaz Alvi. Senate passes contempt of Parliament bill. TheNews. (July 25, 2023). <https://www.thenews.com.pk/print/1093782-senate-passes-contempt-of-parliament-bill>.

¹⁹⁰ Pakistan: New 'contempt' law threatens press freedom. International Federation of Journalists. (May 25, 2023). <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/pakistan-new-contempt-law-threatens-press-freedom>.

¹⁹¹ Geo Fact Check. Fact-check: Is the contempt of parliament bill proposing jail for criticism of the parliament? (May 23, 2023). <https://www.geo.tv/latest/488849-fact-check-is-the-contempt-of-parliament-bill-proposing-jail-for-criticism-of-the-parliament>.

¹⁹² Data Reportal. [https://datareportal.com/reports/digital-2023-pakistan#:~:text=Pakistan's %20internet%20penetration%20rate%20stood,percent\)%20between%202022%20and%202023](https://datareportal.com/reports/digital-2023-pakistan#:~:text=Pakistan's%20internet%20penetration%20rate%20stood,percent)%20between%202022%20and%202023).

However, there are significant disparities in digital skills, with education, income, age, gender, and region being key determinants of ICT availability. Higher income and education levels are associated with a greater likelihood of ICT usage capabilities, while women are less likely to possess specific skills. Individuals in urban areas are more likely to have ICT usage capabilities compared to rural areas.¹⁹³

According to the Freedom House 2021 Report, Pakistan was categorized as 'Not Free' with a score of 25/100, one point lower than the previous year. Internet freedom remains restricted by a tightly controlled online environment. Internet shutdowns and platform blocking are restraining online speech. The Removal and Blocking of Unlawful Content (Procedure, Oversight, and Safeguards) Rules 2020 have expanded authorities' ability to censor online content, compel social media companies to moderate content, impose registration requirements on social media companies, and gain access to encrypted data.¹⁹⁴

193 Waqas Shair et al. Digital Divide in Pakistan: Barriers To ICT Usage Among the Individuals of Pakistan. (2022). https://www.researchgate.net/publication/366681399_Digital_Divide_in_Pakistan_Barriers_to_ICT_Usage_among_the_Individuals_of_Pakistan.

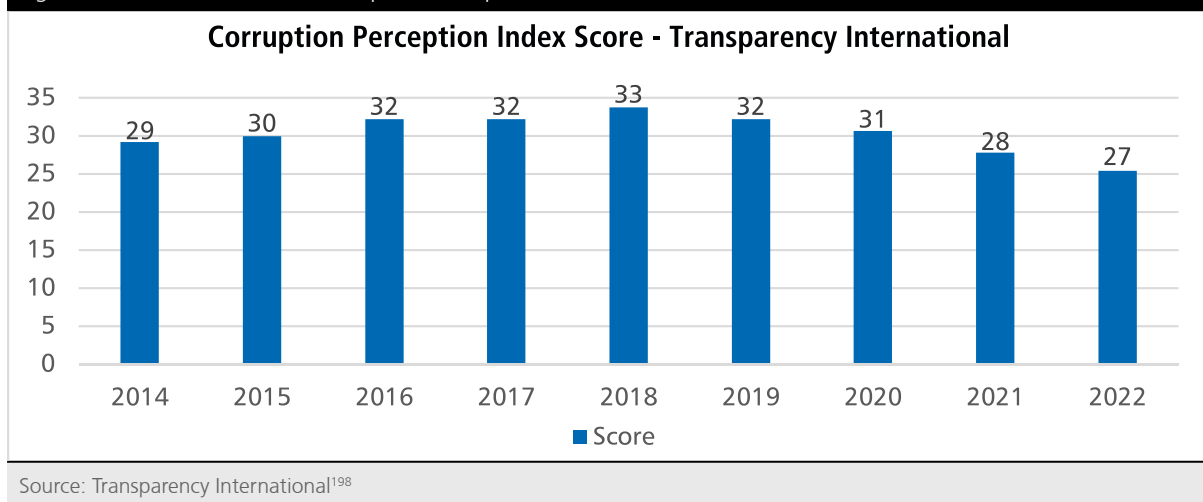
194 Freedom on the Net 2021. Freedom House. <https://freedomhouse.org/country/pakistan/freedom-net/2021>.

6. Accountability

Corruption in Pakistan remains a pressing issue, as reflected by its ranking on the Corruption Perception Index (CPI) by Transparency International. Over the years, Pakistan's ranking has shown a concerning trend, with a deteriorating score on a year-on-year basis. According to public perception surveys, certain government departments are widely perceived as the most corrupt, with the top three being land revenue, police, and the judiciary. Following closely are the taxation departments, public sector banking and nonbanking development institutions, the power sector, and civil works departments, among others.¹⁹⁵ The informal economy, which makes up about 33.1 percent of the national economy, also shows various signs of malpractices and opportunities for corruption.¹⁹⁶

The exact financial loss to the public exchequer caused by corruption is hard to determine accurately. However, the National Accountability Bureau (NAB) estimated that the revenue loss could surpass Rs. 200 billion per annum. In 2010, the cost of petty bribery was assessed to be around Rs. 223 billion.¹⁹⁷

Figure 4: Pakistan's score on Corruption Perception Index



6.1 Combatting corruption

Pakistan's anti-corruption landscape comprises a legal and institutional framework aimed at addressing corruption in the country. In terms of international legislation and initiatives, Pakistan ratified the United Nations Convention against Corruption (UNCAC) in 2007 and endorsed the Asian Development Bank/Organisation for Economic Co-operation and Development Anti-Corruption Initiative in 2001.¹⁹⁹

¹⁹⁵ Ehsan Sadiq. Anti-Corruption Investigation Agencies in Pakistan: An Appraisal. (2020). P.48-49. <https://issrapapers.ndu.edu.pk/site/article/download/51/26>.

¹⁹⁶ Ibid.

¹⁹⁷ Ibid.

¹⁹⁸ Transparency International. <https://www.transparency.org/en/cpi/2021/index/pak>.

¹⁹⁹ Pakistan: Overview of Corruption and Anti-Corruption Efforts. Anti-Corruption Resource Centre. (2015). <https://www.u4.no/publications/pakistan-overview-of-corruption-and-anti-corruption-efforts.pdf>.

At the national level, Pakistan has two dedicated anti-corruption laws: the Prevention of Corruption Act (1947) and the National Accountability Ordinance (1999). The latter is the most significant piece of anti-corruption legislation as it establishes the National Accountability Bureau (NAB), the primary anti-corruption body in the country. The NAB investigates and prosecutes corruption cases, recovers corrupt assets, scrutinizes public projects and contracts, and works to close loopholes that facilitate corruption. The NAB also offers limited protection for whistleblowers. The Federal Investigation Agency (FIA), established in 1974, has an Anti-Corruption and Economic Crime wing that partially overlaps with the NAB's mandate. Moreover, the Anti-Money Laundering Act (AMLA) (2010), the Pakistan Penal Code (PPC) (Act XLV of 1860), the Extradition Act (EA) (1972) and the Benami Transactions Act 2017 also supplement the above-mentioned anti-corruption laws.²⁰⁰

In addition to the FIA Act and NAO, the procedural framework for investigating and prosecuting anti-corruption cases is outlined in the Code of Criminal Procedure (CrPC), 1898, and the Law of Evidence (Qanoon-e-Shahadat Order (QSO), 1984), along with the Electronic Transaction Ordinance (ETO), 2002. The CrPC, 1898 specifically establishes detailed procedures for activities such as information collection, investigation, arrest, search and seizure, confiscation, and trial of cases. Moreover, the NAO 1999 grants the NAB broader powers concerning its investigation functions.²⁰¹

The Anti-Corruption Establishment (ACE) is present in different provinces, each headed by specific individuals depending on the region. In Sindh, it is led by a Chairman, while in Punjab and Balochistan, a Director General is in charge, and in Khyber Pakhtunkhwa (KP), a Director holds the position. These leaders usually come from civil service, police, or retired army backgrounds. At the district level, there is an anti-corruption office headed by a Deputy Director known as the Circle In-charge. In Balochistan, ACE previously operated under a DIG/SSP, but in 2010, a separate directorate was established, with the Secretary of the Services & General Administration Department (S&GAD) serving as its Ex-Officio Director General. The jurisdiction of ACE extends to employees of departments, organizations, and corporations established by provincial governments.²⁰²

The Federal Ombudsman, also known as Wafaqi Mohtasib, addresses individual complaints related to maladministration within provincial agencies or government officials.²⁰³ The Auditor General of Pakistan (AGP) has the authority to inspect official accounts and can request information and documents from officials.²⁰⁴ The Public Procurement Regulatory Authority (PPRA) focuses on reforming public procurement processes to enhance transparency.²⁰⁵

In addition, Public Accounts Committees (PACs) operate at federal and provincial levels and regularly review reports from Auditor Generals. These committees examine expenditures, administration, legislation, public petitions, and policies of the relevant ministries. Moreover, civil society and media play a vital role in combating corruption by highlighting corruption cases and holding the government accountable.²⁰⁶

200 Ibid. p.54.

201 Ibid.

202 Ibid.

203 Wafaqi Mohtasib, Government of Pakistan. <https://mohtasib.gov.pk/Detail/MDk4ZmQ0ZjltMmZkNy00Mz04M4LWE5MTEtOTdhYzE0NGRmNDYw>.

204 Functions of the AGP. Auditor General of Pakistan. <https://agp.gov.pk/Detail/MjFIZmM5YWMTtNGI0OC00MDIILTwNDktZDE1Nzg3Mjk0OTQ3>.

205 Public Procurement Regulatory Authority (Pakistan). <http://www.ppra.org.pk/>.

206 About PAC. National Assembly of Pakistan. [https://pac.na.gov.pk/?q=about#:~:text=The%20Parliament%20through%20Public%20Accounts,e%2DShoora%20\(Parliament\)](https://pac.na.gov.pk/?q=about#:~:text=The%20Parliament%20through%20Public%20Accounts,e%2DShoora%20(Parliament)).

However, despite these legislative and institutional arrangements, corruption remains a persistent issue in Pakistan. Various factors contribute to this, including weak enforcement of anti-corruption laws, limited resources, lack of independence and capacity of institutions, political interference, and a culture of impunity. Efforts to enhance transparency, strengthen institutions, and promote accountability are crucial in addressing these challenges and improving the overall anti-corruption landscape in Pakistan.

7. Rule of law

The correlation between the Rule of Law and the strengthening of democracy is fundamental to fostering a just and accountable society. A robust Rule of Law framework, encompassing judicial independence and integrity, access to justice, and protection of human rights, forms the bedrock of a democratic system. Moreover, safeguarding human rights is integral to protecting the dignity and freedom of citizens, promoting a society that values and respects the rights of all its members. This symbiotic relationship between the Rule of Law and democracy plays a crucial role in upholding the nation's democratic ideals and ensuring a just and inclusive society for its citizens. However, the existing state of rule of law in Pakistan leaves much to be desired, as it falls far short of the ideals necessary for a strong and effective democratic system.

7.1 Judicial independence and integrity

7.1.1 Appointment of judges in higher judiciary

Before the passage of the 18th Amendment, the Chief Justice of Pakistan (CJP) and the chief justices of the respective high courts were tasked with proposing a panel of judges to the President for appointments in the superior courts.²⁰⁷ The 18th Amendment granted the Parliament involvement in the appointment of superior court judges. Nevertheless, the constitutional amendment faced a challenge in the Supreme Court, asserting that the 'new appointment process infringed upon the independence of the judiciary.'²⁰⁸ As part of a constitutional compromise, the 19th Amendment expanded the responsibilities of the judicial commission chaired by the Chief Justice in the appointments of judicial positions. However, these appointments now need to be approved by a parliamentary committee. In case a nominee is rejected by the parliamentary committee, the reasons behind the rejection are subject to review by the judicial commission.²⁰⁹ In conclusion, the progress achieved through the 18th Amendment to establish parliamentary oversight over appointments in the superior judiciary has been rendered ineffective by the 19th Amendment.

7.1.2 Judicial Overreach

The judicialization of politics is a global phenomenon where national courts occupy a growing space in public policy and politics. This most commonly manifests in the judicial review of public policy choices made by both the executive and legislative organs of state – including constitutional amendments, laws, rules and routine administrative decisions – to determine their conformity with core constitutional principles. Often, such court rulings set limits on the discretion of state organs and redefine policymaking processes to reduce arbitrariness. For instance, over a 5-year period from 2013-2018, the US courts declared a total of 35 state and federal laws to be unconstitutional in policy domains including banking, taxation, intellectual property, elections, healthcare, education and civil rights, among others.²¹⁰

²⁰⁷ Ijaz Saroop. *Judicial Appointments in Pakistan: Coming Full Circle*. <https://sahsol.lums.edu.pk/law-journal/judicial-appointments-pakistan-coming-full-circle> (accessed Jan 27, 2021).

²⁰⁸ Ibid.

²⁰⁹ Nelson, Mathew J. *Countries at the Crossroads 2011: Pakistan*. Freedom House p.9.

²¹⁰ <https://constitution.congress.gov/resources/unconstitutional-laws/>.

In other cases, superior courts often ‘read into’ the constitution or laws, legal principles that are not explicitly stated. For instance, in 2017, the Indian Supreme Court defined privacy as a fundamental right, though it was not explicitly guaranteed under the Constitution. Such interventions which use judicial review powers to nullify laws or administrative decisions or allow judges to effectively *make* policy by adopting a liberal view of existing legal or constitutional provisions, may be termed judicial activism.

However, the judicialization of politics assumes even greater significance when such decisions settle ‘whole-of-polity’ debates, disputes or controversies. Legal experts have noted that courts are increasingly settling questions that are inherently political in nature – ranging from the religious character of the state in Turkey to the basic structure of the Canadian federation.²¹¹ Ran Hirschl describes such judicial intervention as the judicialization of ‘*mega-politics*’.²¹²

In Pakistan, the judiciary has always featured prominently in the evolution of national politics and policymaking. This includes examples of judicial activism where courts have struck down Acts of national and provincial legislatures. Even in the determination of fiscal policy, widely held to be a core government prerogative, court rulings have routinely reversed or nullified laws and administrative actions. For instance, in 2019, the Khyber Pakhtunkhwa (KP) Assembly amended the KP Civil Servants Act to raise the retirement age of civil servants in a bid to curb the unsustainable fiscal burden of pension expenditure. A 2020 Peshawar High Court judgment declared the law to be unconstitutional.

But the judicialization of mega-politics has also been fairly common in Pakistan’s political history. Court decisions have resulted in the dismissal of multiple democratically elected governments, beginning with the Federal Court judgment in *Federation of Pakistan v. Maulvi Tamizuddin Khan* (1955) and ending most recently with *Imran Ahmed Khan Niazi v. Mian Muhammad Nawaz Sharif* (2017). Courts have also repeatedly provided legal sanction to military coups (in 1958, 1977 and again in 1999). Courts have also seen fit to reorganize basic state structures and functions. Perhaps most significantly, the judgment in *Mustafa Impex and Others vs. the Government of Pakistan* (2016) has fundamentally altered the constitutional understanding of the Federal Government and the powers that may be exercised by the Prime Minister, as chief executive of the Federation.²¹³

In April 2022 an alliance of political parties from both sides of the aisle were successful in pushing through a no-confidence motion against the incumbent Prime Minister. This was the culmination of a series of political events in which the Supreme Court, once again, played a major role.

7.2 Access to justice

The state of access to justice in Pakistan faces several challenges, including issues related to affordability, availability of legal aid, alternative dispute resolution mechanisms, and the chronic backlog of cases in the judiciary.

7.2.1 Chronic backlog of cases

Pakistan’s judiciary faces a chronic backlog of cases at all tiers, leading to delays in the resolution of disputes. The backlog is attributed to a shortage of judges, inefficiencies in case management,

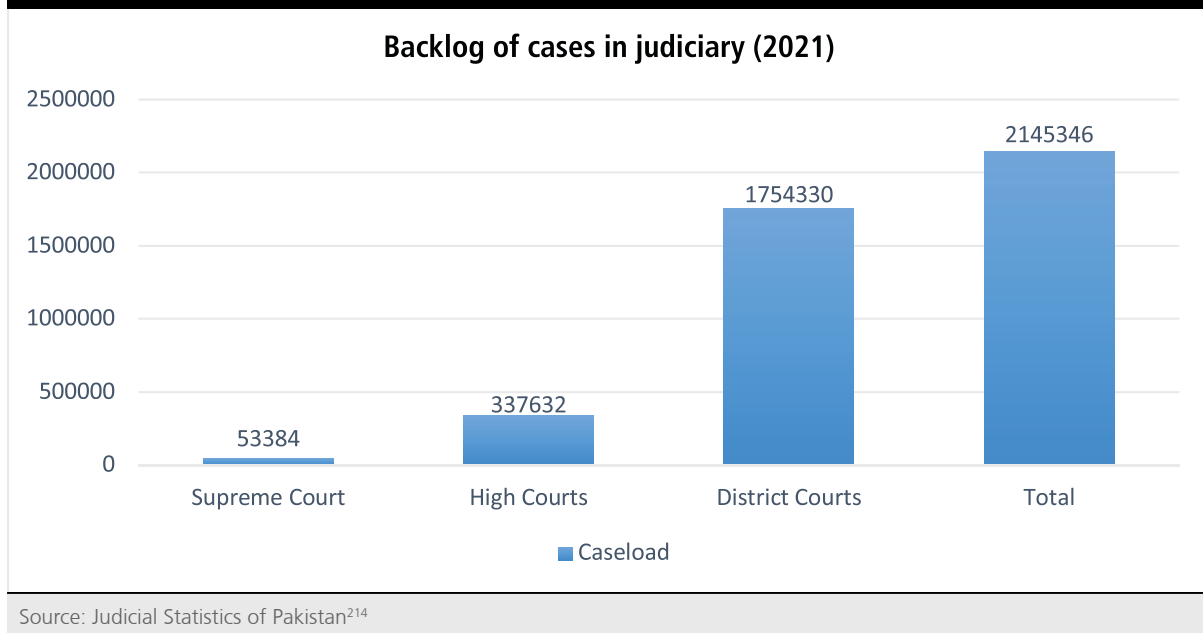
²¹¹ <https://www.annualreviews.org/doi/pdf/10.1146/annurev.polisci.11.053006.183906>.

²¹² <https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199604456.001.0001/oxfordhb-9780199604456-e-013>.

²¹³ <https://sahsol.lums.edu.pk/law-journal/mustafa-impex-case-%E2%80%98-radical-restructuring-law%E2%80%99>.

lengthy legal procedures, and an overwhelming caseload. This backlog not only undermines access to justice but also contributes to a loss of faith in the judicial system.

Figure 5: Backlog of cases in judiciary (2021)



7.2.2 Key challenges in accessing justice

Discussions with Key Informants, revealed a number of challenges faced by common citizens while seeking justice:²¹⁵

Affordability of the justice system: The affordability of the justice system is a significant concern in Pakistan. Legal representation and court fees can be expensive, making it difficult for many individuals, particularly those from low-income backgrounds, to access justice. The cost of hiring lawyers, filing cases, and navigating the legal process creates barriers for marginalized and underprivileged individuals.

Availability of legal aid: While legal aid services exist in Pakistan, they face limitations in terms of availability and reach. Legal aid organizations and government initiatives provide assistance to those who cannot afford legal representation. However, the coverage of these services is often inadequate, leaving a significant portion of the population without access to legal aid.

Alternative dispute resolution mechanisms: Alternative dispute resolution (ADR) mechanisms, such as mediation and arbitration, provide an alternative to the formal court system. While ADR mechanisms exist in Pakistan, their effectiveness and accessibility vary. These mechanisms can help alleviate the burden on the judiciary and provide a faster and more cost-effective resolution for certain types of disputes. However, their utilization and awareness among the general public and legal professionals need further promotion.

Addressing these challenges requires comprehensive reforms and initiatives aimed at improving access to justice in Pakistan such as reducing the financial burden on individuals seeking justice by providing free or subsidized legal services; expanding the coverage and availability of legal aid

²¹⁴ Judicial Statistics of Pakistan 2021. Law and Justice Commission of Pakistan. (2022). <http://ljcp.gov.pk/nljcp/home/publication>.

²¹⁵ Views expressed by KIs during interviews held in July 2023.

services in underserved areas through partnerships with civil society organizations; establishing and promoting alternative dispute resolution mechanisms; improving case management, increasing the number of judges, and embracing technology to aid in the efficient functioning of the judiciary.

7.3 Human rights protection

In 2023, Pakistan is ranked 'Partly Free' by Freedom House with a low score of 37/100, maintaining its previous year's score.²¹⁶ Pakistan has consistently been categorized as 'Partly Free' since 2017, with its rankings showing improvement in earlier years, such as 43/100 in 2017 and 2018, 39/100 in 2019, and 38/100 in 2020 and 2021.²¹⁷

As reported by Human Rights Commission of Pakistan (HRCP),²¹⁸ in 2022, Pakistan encountered a multitude of challenges that significantly impacted its human rights situation across various domains. While some progressive legislation was implemented, such as laws against workplace harassment and increases in minimum wages, the country faced a myriad of pressing issues that overshadowed these gains.

Political unrest and fragile democratic system: The year witnessed political unrest and instability, exposing the vulnerabilities of Pakistan's democratic system. The legislature and executive struggled with a crisis of credibility, and judicial overreach exacerbated constitutional and political crises.

Economic downturn and inflationary pressure: The economic scenario was far from optimistic, with the government negotiating with international lenders amidst a nosedive in the economy. Inflationary pressure made life more difficult for ordinary citizens, as businesses stalled, leading to a rise in unemployment and poverty. The economic challenges further strained the population, impacting their socio-economic rights.

Resurgence of terrorism: Pakistan faced a resurgence of terrorism, with the year witnessing the highest number of terrorist attacks in five years. This escalation posed serious concerns for the country's security and citizens' right to life and security.

Climate change-induced catastrophic floods: In July 2022, the country was struck by climate-change induced catastrophic floods, affecting all four provinces and Gilgit-Baltistan. The floods caused devastating consequences, including loss of lives, destruction of livelihoods, agricultural land, houses, education, and health facilities. The floods exacerbated the economic woes and humanitarian crises faced by the population.

Threatened reversal of transgender rights: The year marked a concerning regression in transgender rights, with the federal act of 2018, resulting from a year-long consultative process, facing undue controversy inside and outside the courts and legislature. Over 19 transgender persons were murdered, and hundreds faced violence, highlighting the lack of adequate protection for this marginalized community.

Uphill battle for local government system: Despite local government elections being held in some provinces, these were compelled on the orders of superior courts. A lack of commitment to

²¹⁶ Freedom in the World. Freedom House. <https://freedomhouse.org/country/pakistan/freedom-world/2023>.

²¹⁷ Ibid.

²¹⁸ State of Human Rights in Pakistan. HRCP. (2023). <https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2023-State-of-human-rights-in-2022.pdf>.

establish a fully functional local government system is hindering citizen participation in decision-making at the grassroots level.

Women's rights and gender-based violence: Women continued to face human rights violations, including honor crimes, rape, domestic violence, and acid attacks, in addition to experiencing discrimination and marginalization in the political, social, and economic spheres.

Vulnerability of children, laborers, Persons with Disabilities, refugees, and IDPs: The report highlighted the vulnerability of children, laborers, persons with disabilities, refugees, and internally displaced persons. The prevailing social and economic conditions enhanced their susceptibility to neglect, abuse, and exploitation, underscoring the need for protective measures and support.

Overall, the state of human rights in Pakistan in 2022 remained concerning and called for urgent attention and action to address the various strands of human rights violations and challenges faced by the population. The country must prioritize comprehensive and sustainable measures to safeguard the rights and well-being of its citizens and strengthen its democratic institutions for a just and equitable society.

Conclusion

While exploring the challenges and risk behind failure to achieve a democratic consolidation, we conclude that the democracy in Pakistan stands at a pivotal juncture, shaped by a complex interplay of progress and persistent challenges. Notable legislative reforms, such as the 18th Constitutional Amendment and the 2017 Election Act sought to empower the Election Commission, improve voter registration processes, and enhance transparency in campaign financing which is a promising step toward a healthier democracy.

However, Pakistan's democratic landscape remains marked by significant hurdles. Doubts surrounding the credibility of future elections persist. Voter participation, while showing promising trends, still grapples with disparities, leaving questions about the inclusivity of the electoral system unanswered. Civic engagement, a cornerstone of any thriving democracy, is hampered by legal constraints faced by the civil society organizations. These challenges limit citizens' ability to actively shape the course of their democracy and voice their concerns effectively.

Transparency and accountability, critical pillars of democratic governance, face hurdles of their own. The implementation of freedom of information laws encounters obstacles, affecting the flow of vital information to the public. Campaign financing transparency issues further raise concerns about the fairness and integrity of the political process.

Moreover, evolving challenges to freedom of speech, spurred by recent legislative developments and government regulations, cast a pall over civil liberties and digital rights. The digital landscape in Pakistan remains marred by significant disparities in digital skills, while government regulation adds to the complexity of the issue. Corruption, a perennial challenge to democracy, continues to undermine trust in democratic institutions, despite efforts to combat it.

The rule of law falls short of ideal standards in Pakistan. The increasing judicialization of politics introduces complexities into the democratic landscape, with courts wielding significant influence in political decisions. Access to justice faces challenges in terms of affordability, availability of legal aid, and the mounting backlog of cases. These challenges disproportionately affect marginalized sectors of society, necessitating comprehensive reforms for equitable access to justice. While Pakistan's constitution enshrines fundamental rights, practical realization of these rights faces recurring obstacles. The delicate balance between national security and individual liberties remains a central concern for a democracy striving to protect citizens' rights while safeguarding the nation.

Going beyond the abovementioned variables, Pakistan's democratic journey also faces a set of structural challenges. The challenges are diverse, encompassing a spectrum of issues that intertwine and undermine the foundations of democratic governance. One of the foremost challenges is the frailty of the nation's institutions, which struggle to assert their authority and independence in a proper balance of power. The judiciary and election commission, essential for checks and balances, often find themselves hindered, weakening the democratic framework's resilience.

This imbalance of power is one of the two key reasons behind democratic reversal and failure to achieve democratic consolidation. Equally relevant is the health of the political parties. They are weak with undemocratic generally dynastic party structures and very centralized decision making. There is a deep-seated political polarization, a chasm that impedes the critical task of

consensus-building. The tussles between political parties, fueled by their divergent interests, eclipse the broader national agenda. This discord gives rise to fragile coalition governments, policy stagnation, and erratic governance. The democratic vision further falters under the weight of ethnic and regional divisions, which fracture the country's unity and national cohesion. The mosaic of diverse identities within Pakistan often results in fragmented political platforms, stifling the emergence of a strong and inclusive democratic ecosystem.

Governance challenges loom large, with corruption, inefficiency, and a lack of accountability corroding the democratic edifice. This erodes public trust in institutions, providing fertile ground for anti-democratic sentiments to take root. Simultaneously, the specter of militancy and security concerns looms over the democratic narrative.

Moreover, the tapestry of Pakistan's democratic challenges is woven with threads of socio-economic inequality. Widespread disparities in wealth, access to basic services, and economic opportunities fuel discontent and societal unrest. These inequalities fuel the rise of anti-establishment movements, as disillusionment with the democratic system grows. The democratic project's legitimacy is further strained as it grapples with the stark reality of a populace grappling with the harsh realities of poverty and limited prospects.

In the complex interplay of these challenges, Pakistan's democratic institutions strive to maintain a delicate equilibrium. The path forward requires not only addressing each challenge individually but also recognizing their interconnectedness. Strengthening institutions, fostering inclusivity, and tackling socio-economic disparities are all integral components of forging a more robust democratic foundation. Only by navigating this labyrinth of challenges with determination and strategic foresight can Pakistan truly empower its democratic institutions to thrive amidst adversity.

Pathways to sustainable and vibrant democratic future

Constructing a sustainable and vibrant democratic future for Pakistan is a multifaceted undertaking that warrants a nuanced exploration across various dimensions of democratic governance. Attention to pivotal facets of democratic processes, governance frameworks, human rights, rule of law and economic progress can propel Pakistan towards an enduring democratic future.

The foundation of any thriving democracy lies in the cultivation of resilient democratic mechanisms. The assertion of free and impartial elections that genuinely resonate with the populace's preferences, facilitating equitable participation and ensuring universal access to electoral mechanisms, equipping voters with education to exercise informed decision-making, and fostering a culture of active civic engagement, contribute to the democratic landscape's vibrancy. Simultaneously, fostering a dynamic democratic culture that values discourse, plurality, and the establishment of checks and balances to avert undue concentration of power, upholding the rule of law and preserving the judiciary's independence stand as foundational elements in the establishment of a lasting democratic framework.

Moreover, the configuration of governmental entities exerts a profound influence on the trajectory of political and institutional development. The separation of powers, facilitating distinct roles for the executive, legislative, and judicial branches, functions as a pivotal safeguard against the erosion of democratic integrity. A robust judiciary, safeguarding constitutional principles and upholding individual rights, emerges as a critical bulwark against any encroachments of authoritarian tendencies. Concurrently, an effective coordination and delineation of responsibilities between national and local authorities form the bedrock for responsive governance that resonates with the diverse needs of distinct regions.

By safeguarding the rights of marginalized groups, women, and minorities through the eradication of discrimination, addressing social disparities, and inclusive policies, Pakistan can establish a democratic milieu that caters to the aspirations of all citizens, fostering social cohesion and stability.

The economic dimension, pivotal to a flourishing political landscape, accentuates the significance of a stable and prosperous economy. Equitable economic growth empowers governments to tackle socio-economic challenges, provide essential services, and ameliorate poverty. The creation of a conducive environment for investment, entrepreneurial pursuits, and job creation will not only propel individual empowerment but also drive societal advancement. Transparent and accountable economic governance practices buttress political stability and accentuate public faith in the democratic mechanism.

To usher Pakistan's democracy into a substantive phase demands a comprehensive approach. Elevating the rule of law, promoting effective governance, fostering a culture of dialogue and consensus, investing in education and civic awareness, championing freedom of expression and media autonomy, and rigorously addressing corruption are the pivotal pathways.

By embracing these pathways and pursuing comprehensive reforms, Pakistan can genuinely pivot towards a vibrant, sustainable, and substantive democratic future. This transition necessitates sustained commitment, unwavering collaboration among political stakeholders, civil society, and a vigilant citizenry. Through these combined endeavors, Pakistan can nurture a democratic architecture that aligns with democratic principles, upholds human rights, and forges a path toward collective prosperity.

Annexure

Annex 1: Specific recommendations: State of Democracy in Pakistan 2023 Report – Key variables assessed

These recommendations aim to address the specific challenges and opportunities related to the state of democracy in Pakistan:

1. Demographic changes:
 - Political parties should adapt and engage with the youth demographic by utilizing digital platforms and social media to connect with them effectively.
 - Political parties should prioritize promoting gender equality and women's representation in decision-making positions through affirmative action and outreach programs.
 - Policymakers should focus on addressing urban development and resource allocation to ensure equitable distribution of resources and political power.
- A. **Representative government**
 - a. **Free elections, b. Effectiveness of parliament, c. Freedom of political parties**
2. Electoral legislation:
 - Strengthen political finance regulations and enforcement mechanisms to prevent undue influence and unregulated spending by interest groups during elections.
 - Continue engaging in consensus electoral reforms to address any remaining deficiencies and further enhance the Election Act 2017.
3. ECP independence and credibility:
 - Increase transparency in the selection process of the Chief Election Commissioner and Members of the Election Commission to build public confidence.
 - Strengthen the ECP's capacity to monitor and address instances of pre-poll manipulation and interference, ensuring a fair and transparent electoral process.
4. Voter participation and accessibility:
 - Implement targeted awareness campaigns to encourage and empower women to participate in the electoral process.
 - Develop and implement measures to enhance accessibility for persons with disabilities in electoral processes, such as providing accessible voting facilities.
5. Political party competition:
 - Strengthen the Election Commission of Pakistan's capacity to ensure free and fair elections, including measures to prevent political party intimidation and threats during elections.

6. Electoral dispute resolution:
 - Establish clear legal boundaries and timeframes for handling electoral disputes to ensure timely and effective resolution.
7. Parliament's performance:
 - Implement measures to encourage higher voter turnout, especially among women, and promote gender equality in political representation.
 - Enhance the functioning of parliamentary committees and further improve transparency and accessibility to strengthen legislative performance.
8. Political parties:
 - Promote internal democracy within political parties to encourage broader citizen participation and inclusivity in decision-making processes.
 - Establish public funding mechanisms and enforce financial regulations to enhance transparency and accountability in party financing.

B. *Participatory engagement*

a. *Freedom of civil society, b. Local governments*

9. Civil society
 - Remove legal restrictions and create an enabling environment for civil society organizations and NGOs to effectively engage with citizens and advocate for their rights.
 - Build state capacity and trust to encourage civic involvement in democratic processes and decision-making.
10. Local governments:
 - Implement comprehensive reforms to promote citizen participation in local governance, including financial allocations, inclusivity, and accountability mechanisms.
 - Foster inter-governmental coordination to ensure effective functioning of local governments and equitable service delivery.

C. *Access to information*

a. *Freedom of information, b. Freedom of speech*

11. Freedom of information:
 - Strengthen the implementation and enforcement of Right to Information (RTI) laws at both provincial and federal levels to ensure transparency and accountability.
 - Allocate adequate resources to information commissions and protect whistleblowers to enable a more transparent and inclusive digital landscape.
12. Freedom of speech
 - Conduct comprehensive and transparent stakeholder consultations to address concerns and ensure balanced legislation that upholds freedom of speech and civil liberties in Pakistan.
13. Digital empowerment
 - Develop initiatives to bridge the digital divide and provide equal access to digital infrastructure and resources in underserved areas. This includes investing in the expansion of internet connectivity, promoting affordable internet plans, and providing access to digital devices in schools and public spaces.

- Review and revise existing laws and policies related to internet freedom to remove unnecessary restrictions on internet access and prevent arbitrary internet shutdowns. The government should ensure that any restrictions imposed are proportionate, necessary, and in line with international human rights standards.

D. **Accountability**

a. **Combating corruption**

14. Accountability/absence of corruption:

- Strengthen the enforcement of anti-corruption legislation and institutions to combat corruption effectively.
- Address political interference and strengthen the culture of accountability to promote integrity in public institutions.

E. **Rule of law**

a. **Judicial independence and integrity, b. Access to justice, c. Human rights situation**

15. Judicial independence and integrity:

- Strengthen safeguards for judicial independence and integrity to ensure impartiality and accountability within the judiciary.
- Address concerns about judicial overreach through transparent and accountable decision-making processes.

16. Access to justice:

- Provide free or subsidized legal services to ensure affordability of the justice system for marginalized and underprivileged individuals.
- Promote alternative dispute resolution mechanisms to expedite case resolution and alleviate the backlog in the work of the judiciary.

17. Human rights situation:

- Implement comprehensive and sustained measures to protect and promote human rights, addressing issues related to political unrest, economic challenges, and vulnerable groups.
- Strengthen institutions responsible for upholding human rights and ensure accountability for human rights violations.

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STATE OF DEMOCRACY IN PAKISTAN 2023

One Step Forward, Two Steps Backward?



Pakistan's democracy is a product of complex historical and contemporary factors. Power distribution is often imbalanced, and the nation's political culture exhibits tension between authoritarian rule and democratic governance.

This cultural discord is underscored by a propensity for disinformation in the age of social media. The rise of an urban middle class has disrupted traditional power dynamics, while climate change effects, including severe floods, strain the nation's democracy, leading to economic losses and public discontent.



Socio-demographic shifts in Pakistan have increased awareness of social, political, and economic rights, fostering political consciousness and opportunities for democratic progress. However, reaching and harmonizing the political aspirations of the youth and educated electorate remains a challenge.

The digital revolution empowers but also fuels online polarization. Urbanization adds complexity to the political landscape, while nuanced understanding of religiosity is crucial. Navigating these opportunities and challenges is essential for a resilient, equitable, and inclusive democratic future.



Efforts to enhance democracy in Pakistan include the 18th Constitutional Amendment and the 2017 Election Act, which granted greater autonomy and accountability to the Election Commission. While challenges to electoral credibility persist, promising trends in voter participation have emerged, though disparities remain.

Challenges within political parties, digital disparities, and issues affecting civil society organizations and NGOs need to be addressed for stronger democratic institutions. Addressing these issues is vital for upholding democratic values in Pakistan.