

## **SoD Summary**

# **Mid-Term Assessment of the Quality of Democracy in Pakistan 2008-10**

*Pakistan Institute of Legislative Development and Transparency (PILDAT) Pakistan, 2010*

## Ingress

Since the end of the military rule of President Musharraf (1999-2008), Pakistan has made impressive gains on the democratic front. Fresh elections facilitated the transfer of power from military to the civilian rule; legislative, administrative and financial powers have been devolved to the sub-national level; and the balance of power shifted towards the elected prime minister. Despite these gains, there is a deepening public perception of the failure of the federal and provincial governments, leading to increasing doubts among the general public and even some political leaders about democracy and its workability in Pakistan.

## Key Recommendations

- Further consolidate democracy
- Delegate powers to the lower tier of administration
- Remove discriminatory codes
- Ensure transparency and accountability
- Enforce the rule of law

## The 4 Pillars and the assessment

### **Origins: Why perform a SoD assessment?**

Democracy in Pakistan has experienced long spells of military dictatorship or a blend of some aspects of democracy with authoritarianism. Democratic institutions have not developed to be fully responsive to the people's needs and aspirations. Poor quality of democracy disappoints people and often results into the failure or derailment of the whole process. The need for strengthening and improving democracy was greatly felt in 2008 when democracy was restored in Pakistan after nearly a decade of military rule. In order to make Pakistani State Institutions more responsive, accountable, effective and relevant to the needs of the citizens by undertaking assessment of the quality of democracy on a yearly bases, Pakistan Institute of Legislative Development And Transparency-PILDAT through support of Foundation for the Future (FFF) undertook Assessment of the Quality of Democracy by using the framework initially pioneered by the Democratic Audit, UK and later refined by International IDEA.

### **Citizen, Law and Rights**

#### ***Nationhood and citizenship***

The Constitution guarantees fundamental rights for all. Cultural diversity is also acknowledged and valued by the State. The Citizenship Act provides Pakistani citizenship to a female foreigner who marries a Pakistani man, but not for the converse. The people of Azad Jammu and Kashmir (AJK) are demanding that the AJK be granted interim status as a province until the issue of Kashmir is resolved between India and Pakistan. This is necessary to allow the people of the AJK the same rights and representation as other provinces in Pakistan. Although person charged with blasphemy has ever been executed in Pakistan, the code dealing with the issue – blasphemy law – is criticized for being open to abuse. There is generally a consensus within Pakistan on state boundaries; however, the Durand Line demarcating the border with Afghanistan has been a subject of controversy.

#### ***Rule of law and access to justice***

In Federally-Administered Tribal Areas (FATA), where acts of Parliament and the writ of the superior courts have always been inapplicable, militants have challenged the State. In Balochistan province, an insurgency broke out and in Karachi, 'target killings' with apparent ethnic, sectarian and political linkages have been witnessed. The civil administration seems to be helpless in controlling the situation. With the passage of the 18th Amendment, the higher courts now have an unprecedented degree of independence from the executive, but there still remains a widespread belief that cases likely to harm military interests are not being addressed; and that in some cases the executive simply ignores judicial decisions.

#### ***Civil and political rights***

The Constitution of Pakistan guarantees freedom of movement, expression, association, and assembly for all. The situation for religious minorities has been especially poor with several reported attacks on them. With the growing Talibanization in Pakistan, NGOs and human rights groups were faced with increasing intimidation - though the role of civil society organizations

(especially those monitoring human rights) has expanded significantly in the past few years.

#### ***Economic and social rights***

The basic necessities of life are not yet guaranteed for all: water quality is extremely poor, food insecurity has increased, and health services are in poor condition. The right to association is guaranteed by the Constitution though only 2.4% of the labour force is unionized. The right to free elementary education is now guaranteed in the Constitution by the 18th Amendment.

## **Representative and Accountable Government**

### ***Free and fair elections***

Elections in Pakistan are characterized by low voter turnout and allegations of vote rigging. The 18<sup>th</sup> Amendment to the Constitution introduced reforms to end this by changing the appointment process of the Chief Election Commissioner (CEC) and including permanent members from the provinces as members of the Election Commission of Pakistan (ECP). The ECP is also undertaking reforms to do away with inaccurate registration process.

### ***Democratic role of political parties***

The general public's interest in joining political parties is low despite there being no bar to do so. Some national political parties that have attempted to cross or defuse different cultural identities and other fault lines have emerged; regional or ethnic parties (or those with other parochial interests) have strengthened regional or ethnically-based politics in Pakistan as well. The majority of political parties in Pakistan are personality driven and have weak organisational structures. Although national and provincial parliamentary selection boards are used by parties to select candidates for national and provincial elections, the final decision is usually left to the party heads.

### ***Effective and responsive government***

Unemployment, inflation, and poor law and order have eroded elected officials' ability to deliver basic needs and services. A majority of respondents (71%) said that the national government had a bad influence on the country. Major financial resources have been moved to the provinces. The general public and media haven't made any significant effort to utilize the eight-year old Freedom of Information Ordinance.

### ***Democratic effectiveness of Parliament:***

A member of parliament is mandated to vote along party lines only on annual budget and electing the Leader of the House. After the next General Election in 2013, there will also be a ban on voting on constitutional amendments along party lines. The Public Accounts Committee is - for the first time in Pakistan's parliamentary history - headed by the Leader of the Opposition. Overall, due to lack of research or qualified staff, the parliamentary committee system remains limited in its ability to effectively oversee the executive or respond to constituent petitions. The Parliament and public's ability to influence the federal budget is also extremely limited.

### ***Funding and form***

The report was authored by the Pakistan Institute of Legislative Development and Transparency (PILDAT) from 2008-2010. A "scorecard" was then prepared by a 24-member Democracy Assessment Group (DAG), which was chosen with a special focus on reflecting Pakistan's diversity of gender, provinces, professions, languages, and political affiliation. PILDAT received financial assistance from Foundation for the Future.

### ***Civilian control of the military and police***

Although civilian military relations have been chequered at best, the military enjoys sufficient autonomy in professional and service matters. Political interference on the part of the police is still a notable problem. Paramilitary units continue to operate in Pakistan, allegedly with the overt or covert support of the State.

### ***Integrity in public life***

According to Transparency International's 2009 annual report, Pakistan's Corruption Perception Index Score in 2009 stood at 2.4 on a scale from 10 to 0. There is no mechanism to prohibit office holders and the public from involvement in bribery. The existing anti-corruption laws are criticized

as being ineffective and the Anti-Corruption Establishment has long and cumbersome procedures to follow and no powers to initiate an inquiry.

## **Civil Society and Popular Participation**

### ***The media in a democratic society***

The Constitution now guarantees the right to information as a fundamental right. While public networks broadcast in regional languages, there are also private media channels covering regional languages, religion, or focusing on women and youth, etc. Media enjoys relative freedom in Pakistan and has contributed to unearthing corrupt practices relating to government bodies but is still denied access in areas such as defence issues, war against militancy, etc. and has to depend on official and military sources. Journalism is a hazardous profession in some parts of the country.

### ***Political participation***

Non-profit and voluntary associations in Pakistan have grown considerably in number and scope in recent years. The National Assembly, where 22% of members are women, elected its first woman Speaker of Pakistan. A PILDAT analysis found that women parliamentarians have been the most active legislators, having introduced 83% of Private Members' Bills. Political, electoral and cultural structures, however, obstruct women's participation and ability to contest elections. Public institutions may reflect geographical, ethnic and religious diversity to an extent, but income disparity and the poverty levels preclude the poor from ever aspiring to hold public office.

### ***Decentralisation***

Powers have been transferred to the provinces. The Council of Common Interest, which deliberates upon matters of interest to the four provinces, is further empowered. The 7th National Finance Commission Award distributed resources to the provinces using an equitable distribution mechanism. The Provinces have also been empowered to raise domestic or foreign loans with the approval of the National Economic Council.

## **Democracy Beyond the State**

### ***International dimensions of democracy***

Pakistan's strategic relevance to global politics, owing to its frontline role in global efforts to curb terrorism, has continued to hold ground. Despite Pakistan's alliance with the US, the Pakistani Parliament and public at large are mostly unaware of the nature and details of much of the relationship.

### ***Country's democratic impact abroad***

Pakistan cultivates close and brotherly relations with the Muslim states; it also continues its support for the rights of the Palestinians and Kashmiris. The country takes an active part in the deliberations of the UN and other international and regional organizations. Pakistan is a top contributor to UN peacekeeping missions across the world, with military and police forces serving in 12 peacekeeping missions. Moreover, Pakistan contributed to international relief efforts in disaster hit areas.

#### ***Links***

##### ***Full Report:***

<http://www.pildat.org/Publications/publication/SDR/PILDATMidTermDemocracyAssessmentReportSeptember2010.pdf>

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