Defining National Interest in Human Development

The Impact of Pakistan's INGO / NGO Policy 2015, in the Economic, Developmental and Relational markers

Dr. Qais Aslam, Peter Jacob
A study prepared by the NGOs in Pakistan

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Dr. Qais Aslam, Peter Jacob

Articles: Harris Khaliq & Ahmad Rashid

Pakistan Human Rights Defenders Network
Centre for Social Justice
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1. Preface

i) Caught in Global Drift and Domestic Trudge

The humanity bade farewell to 20th century with a sense of accomplishment and hope. A delivering United Nations Organization and a hand full of multilateral and regional systems were gigantic achievements. Alongside the states, the participation of international civil society had been crucially important in all landmark successes in international norms particularly the recently passed Rome Statue that established the International Criminal Court later. In 2000 the international community vowed to pull out the humanity from sufferings linked to poverty, disease and illiteracy using time bound benchmarks set in the Millennium Development Goals.

Shortly after, the spirit of internationalism was met with distracting challenges. The international non-governmental organizations (INGOs) or Civil Society Organizations (CSOs) which were the harbingers of the dream of common future suffered setbacks by the turn of century.

The 9/11 attacks in 2001 narrowed down focus of the state policies on National Security globally which reduced the scope of human development, human freedoms and rights. Though the international cooperation for the humanitarian response e.g. to earth quakes and floods remained encouraging.

The CSOs had manifested strength in pushing people centric agenda aggressively during 1993 the World Conference on Human Rights in Vienna as well as Durban Conference on Racism, etc. in 2001 which made the states uneasy. The openness amongst the growing democracies in global South which had come after collapse of Soviet Union started diminishing after events such as invasion of Iraq in 2003 and later Arab Spring in 2011.

Leaders in Latin America, Africa, and Asia such as Venezuelan President Hugo Chávez, Zimbabwean President Robert Mugabe, and Ethiopian Prime Minister Meles Zenawi, and the Military Junta in Myanmar began lambasting Western democratic programmes and reduced the space for international engagement in their countries (Carothers, and Brechenmacher 2014).

Secondly, the donor countries reduced, restructured or diverted their shares of resources, particularly under different pressures including the recession following the US financial crisis in 2008.
Thirdly, growing trends in authoritarianism or illiberal democracies and semi-dictatorships was placing INGOs/NGOs, particularly the rights based organizations, in conflict with these governments. Big countries; China and Russia, averse to democratic functioning and post-colonial half democracies were found accusing INGOs/NGOs of promoting Western agenda. Countries such a Bangladesh, India, Maldives and Pakistan working with a Western models and aspirations of a democratic order were also found pushing INGOs/NGOs back.

Moreover, the proliferation of illiberal democracies in Eastern Europe, Asia and Africa had put considerable pressure on the fault lines and blind spots of the contemporary architecture of the human rights. The populist leaders learnt to exploit such weaknesses: the overreliance on international funding; the concentration of agenda-setting power in INGOs; the difficulties of INGOs in collaborating on a level playing field with global South organizations and in adopting agendas of high priority for global South organizations (such as economic justice and social rights); the insufficient connection among NGOs, social movements, and online activists; the inordinate dominance of law-centred discourses and strategies; the insufficient attention to economic inequality; and the difficulties in developing persuasive human rights narratives that meaningfully engage with the majority of the population (Rodríguez-Garavito 2014).

Hence, barring exceptions, the space for civil society reduced internationally, both from the source as well as from receiving ends. The illiberal democracies averse to civil and political rights restrict the INGO’s freedom to carry on their lawful activities at the cost of undermining their economy and polity. The INGOs were no substitute for investments but because a running a market based economy is impossible without liberal political framework of inter and inter-state relations. So the countries clamouring to promote tourism and direct foreign investment could not succeed with pushing back the international civil society which has become an indicator of market openness.

Interestingly, the last two military governments in Pakistan (Zia and Musharraf) had welcomed the INGOs mainly due to the international climate of cooperation in relation to situation in Afghanistan. Although the geo-political realities did not change drastically for the civilian governments that followed, yet they relinquished a soft policy on INGOs/NGOs.
The reduced cooperation with international governmental INGOs since 2014 particularly in the wake of hike in petroleum prices in international market, low exports, etc. has implications on Pakistan’s progress towards democracy and the existing level of social cohesion. Hence rather than following the international trend in relation to INGOs, Pakistan must device a INGOs / NGOs policy based its own national interest with human development of the people of Pakistan in consideration.

The government set up a Federal Ministry for Human Rights, National Commission for Human Rights, National Commission on Status of Women, etc. however these institutions were not taken on board for introducing INGOs/NGOs policy. NCHR worked closely with NGOs including its strides with Pakistan Human Rights Defenders Network about developing the Policy Guidelines on Protection of HRDs in December 2018.

All fears, including internal and external security need to be reassessed and addressed. The governmental as well as non-governmental actors in Pakistan need to jointly carry out a review of the policy at hand. This study is an effort to bring data and various angles for a better evaluation situation and the way forward.

The civil society in Pakistan can proudly claim that it has withstood the test to working through difficult circumstances; offering solutions and working for democracy; upholding human rights and supporting development ever since the creation of Pakistan.

The study incorporates the economic, legal and technical analysis of the of INGO policy 2015, as well as the analysis of the socio-political context, a survey looking at impact on the NGOs, working Human Right, Gender Equality, Child Rights, Persons with Disabilities, Poverty, Advocacy and Democracy, Health, and Education in Pakistan. The articles written by Harris Khaliq and Ahmad Rashid contribute richly to the subject.

Peter Jacob
ii) Background of the Study

What is Civil Society and NGOs?

“Civil society is conceived as a social and public space and sphere that is above the domain of family and below the state. Nearly all private-owned media, out-of-government political parties, various non-profit social, political and economic associations of people, institutions and organizations form a civil society of a country. Insofar as the role of civil society in governance is concerned this is important particularly for having good governance. Without an active civil society, the prevalence and institutionalization of good governance is not possible” (Khan, 2018).

“With a view to strengthening ADB cooperation with civil society organizations (CSOs), the NGOC periodically prepares reports as the context for CSO activities in various developing countries in Asia and the Pacific. These studies contribute to awareness of the important role that CSOs play in promoting development across the Asia-Pacific region. The reports are usually prepared by NGOs or with substantial input from NGOs” (Asian Development Bank, 2009). “In Pakistan, Civil Society is considered as an umbrella phrase of non-state and non-market citizen organizations and initiatives, network and unions operating in an expensive gamut of economic and cultural fields” “the progress of Civil Society in Pakistan has been marred by the structural dynamics of state configuration, legitimization, and consolidation” Bhattacharya, 2016).

For past many years, the non-state actors have killed and harassed the NGOs workers particularly in Khyber Pakhtunkhwa (KP), Baluchistan and Karachi attacking their offices and field operations. On the other hand, an unprovoked smearing against NGOs in the mainstream and social media continues mainly carried out by the extremism apologists.

In October 2015, (Ministry of Interior, Government of Pakistan, 2018) the Federal Ministry of Interior introduced INGOs policy following a controversial raid and closure of Save the Children Fund in June 2015, later allowed to reopen with restricted functions (Haider I., 2015). 19 more organization were reported to be stopped from working and their registration (Miraj, 2015) withheld. 29 INGOs were ordered to leave the country (Baqi, 2017) in December 2017. In May 2018 (Azeem M., 2018), 11 INGOs whereas in October 2018 (Reuters, 2018), Ministry asked 18 INGOs to shut down their operations (Five out of 18 received orders and police was ordered to seal their offices in May 2018).

In May 2018 the Islamabad police ordered 11 INGO’s to shut down their
operations. “Four of these INGOs are based in the UK, two are in USA and one each in China, Denmark, Switzerland, the Netherlands and Pakistan” (Azeem, 2018).

“The INGOs which were denied permission to operate are the Zia-ul Ummat Foundation UK, Al-Khair Foundation UK, Safe World UK, International Alert UK, Centre for International Enterprise USA, Acumen Fund Inc. USA, AVRDC-World Vegetable Centre Taiwan Republic of China, Central Asia Education Trust Pakistan, Danish Refugee Council Denmark, Foundation Open Society Institute Pakistan Switzerland and Oxfam Novib Netherlands”.

“In December 2017, authorities in Pakistan told at least 10 foreign-funded aid groups to close, including a charity founded by hedge fund Billionaire and philanthropist George Soros. “The group had spent $37 million on grants and relief assistance in Pakistan since 2005” (The Express Tribune, 2018).

Till June 2018, 141 INGOs were obliged to apply for (re)registration with the Ministry. Mostly of these had been working in Pakistan for decades. While 72 were under consideration, 63 had been approved and MoUs were signed between these INGOs and Ministry (Ministry of Interior, Government of Pakistan, 2019).

The Heinrich Böll Stiftung linked to Green Party Germany announced closing its operation in March 2019 after 25 years of meaningful engagement in Pakistan.

- On 14 September 2018 the Islamabad based Ambassadors from Australia, Canada, European Union, Japan, Norway, Switzerland and United States of America wrote a letter to the Ministry asking for the reasons for expulsion of the 18 INGOs (The News, 2018).

- In October 2018 the State Bank of Pakistan returned funds from some organizations including, a Washington based bipartisan donor, National Endowment for Democracy.

- On 9th October 2018, 20 National NGOs issued a statement which termed the government’s action arbitrary; the policy a flawed one and bound to bring negative consequences (The News, 2018) warning that outreach to 34 million people with humanitarian relief and development assistance would be affected by the policy.

**Observations**

Government action is not only arbitrary and lacks legal basis but it is also
highly inconsistent because:

a) It does not use a defined criterion for rejecting the application for registration;

b) Action against INGOs is not similar, some get notification other ordered to shut down through police;

c) Since the government has implemented INGO policy on NGOs as well. NGOs were required to obtain No Objection Certificates (NOCs) for each and every activity.

d) An open and harassing surveillance made hundreds of organizations particularly in South Punjab and Baluchistan to close their operations (Reference to survey pages 32-35).

iii) The immediate effects

The impact of the policy was not limited to 47 organizations refused to register without an explanation in 2018.

➢ This arbitrary action without legal justification weakened the concept of rule of law in the country.

➢ Hundreds of local NGOs working in partnerships had to lay off the staff and close down institutions including schools and health service. This policy forced several independent donors to stop their financial assistance that forced the local NGOs into resource crisis (Ref: p. 32 Survey). The Swiss, Norwegian and Swedish Embassies have already slashed their development support in Pakistan substantially.

➢ The economic fall out of this policy is estimated to go up to 1.6 billion dollars a year, from UN, Multilateral, Inter-governmental and independent donors contributed to social sector development. Pakistan is struggling with economic challenges will be left with no option but to either borrow or leave the poor masses without development subsidies.

➢ Ostensibly, this policy is discouraging the International donors, INGOs and local NGOs from providing important services/ projects concerning social and economic development, humanitarian aid and promotion of human rights or Pakistan's vital interest (Ref: p.33 Survey).

On November 15th, 2018 statement by the Foreign Office (of Pakistan) sought to address the concerns expressed by a number of donor countries and media. It listed the concerns as alleged lack of clarity or insufficient information, non-transparent process. The foreign office stated, “We
remain committed to pursuing an open and transparent INGO policy, which is underpinned by national laws, rules and regulations. There is an inter-agency mechanism that is mediated inter alia to examine applications for registration, review necessary documentation, undertake monitoring and evaluation and attend to appeals” and that the policy was fully aligned with the nationally determined development priorities and needs. It underscored the state’s right to formulate laws, policies and regulatory framework in view of national context, circumstances and needs.”

The statement further stated, “In terms of concerns regarding lack of clarity or insufficient information on grounds for rejection, we believe that such concerns primarily have arisen from misunderstanding. In our view, the grounds for rejection are clearly laid out in the policy document provisions. With regard to transparency, our policy framework is very transparent. All information on registration requirements are available on Ministry of Interior’s online portal. Moreover, all requirements of due process were met. Representatives of all 18 INGO’s were given the right to appeal and the opportunity to provide additional details and discuss mutual concerns” (The Dawn, 2018).

In sum, the Foreign Office had reverberated the view that already existed, but did not dilate on the implication of the INGOs policy on the foreign relations of Pakistan.

iv) Social and Economic Impact of INGOs Policy

Closing down operations by donors in Pakistan:

- Millions of citizens will be under economic pressure on already small social sector spending (PSPD), federal and provincial budgets on education, health, etc. (Kundi, 2011)
- Work on poverty alleviation, nutrition, education, observance of human rights, particularly impacting the disadvantaged groups, women and children, the areas in need, for instance, South Punjab and Thar, for years to come.
- Several hundred thousand of development workers in charitable schools, health care, etc. run by INGOs will face unemployment and their families suffer.
- The foreign investments may be hard to attract in the wake of weak protection of civil liberties (freedom of expression, association and assembly).
v) Foreign Relation of Pakistan

The world around Pakistan is fast changing and that has seriously affected the strategic position of Pakistan, has seen a shift from its traditional economic relations with USA and EU towards China, Russia and the emerging economies of the region. This shift is proving painful, when the large-scale business houses of Pakistan still have contractual relations to sell and buy from USA and EU markets while the policy shift seems to favour Chinese, Russian and regional markets, especially with the signing of CPEC agreements. The trade war between USA and China as well as the prolonged stay of USA’s forces in neighbouring Afghanistan are becoming increasingly painful upon the limited policy choices faced by Pakistan, in particular with this new PTI government in place. A major foreign policy gap seems to arise from the situation in Kashmir and the antagonistic attitude between the governments of India and Pakistan, even when the official statements on both sides favour peaceful resolution.

Pakistan is also caught between the conflict between the rulers of Saudi Arabia and Iran, both leaders of the Islamic world, but practicing different versions of the religion, namely Sunni Islam (Wahhabism) and Shia Islam and standing on conflicting sides in Syria and Yemen. Pakistan having its residents practicing both versions of Islam has often seen sectarian conflicts flaring up in its short history among its residents from these versions of Islam. These sectarian conflicts often increase hostility against the religious minorities like Christians, Hindus, Ahmadis’ etc. who usually get the blunt of the hard line extremists.

Relational effects (internal)

➢ The local beneficiary communities in Baluchistan, South Punjab, Swat where development assistance was stopped, will be deprived particularly in the short fall of government services, leaving a political baggage for the political parties to handle.

➢ The policy has repercussions in international relations since INGOs community enjoy international credibility therefore countries and international civil society will not have a positive view of our country. Pakistan will suffer an irreparable loss in soft power or image particularly with the Industrially Advanced West.

➢ The withdrawal of services will effect, Inter-provincial and inter community relations as the marginalized areas and section will be hit more severely.
2. Conclusions and Recommendations

This policy apparently is dissuading the international donors as well as international civil society from engaging in Pakistan hence various effects linked to national or people's interest can be seen.

It is concluded that the policy has repercussions in Economic well being of the people, particularly the poorer sections who are the beneficiaries of international cooperation, bilateral and multilateral relations since INGOs community enjoy international credibility therefore countries and international civil society will not have a positive view of the policy. Therefore, Pakistan will suffer loss in its soft power or image. The withdrawal of services will effect; the Inter-provincial and inter community relations as the marginalized areas and section will be hit more severely. This policy places the issues of human rights, women and child rights, minority rights and advocacy are placed on the back burner. That, can undermine the relationship of this new government and people and with the international community, especially with USA, UK and EU from where the INGO’s as Rashid Ahmad warns (The New York Times, 2018).

Importantly, five local NGOs which adopted legal recourse after bids to close down were reinstated by the courts (Ref: p. 35 Survey)¹. The two High Courts (Lahore and Peshawar) were not convinced with the substance of allegations against the NGOs.

The PTI government seems to be as uninformed or helpless as PML (N) government about their strategy regarding the INGOs. The letter to PM Imran Khan written by Ambassadors of eight countries in October 2018 observed, “In the interest of the Pakistani people and our ongoing cooperation, we regretfully seek your leadership to help shape a more cooperative and nuanced arraignment on INGO’s. (Dawn 26th October 2018).

Recommendations

Besides the national aspiration to become an inclusive and vibrant democracy, rule by the constitution and law, Pakistan is obliged to work for enabling working environment, ensure meaningful cooperation and

¹ WISE and SAP-Pakistan Lahore, TWO Sargodha, Cholistan Development Organization Bahawalpur, Paiman, Peshawar.
engagement with civil society under the Sustainable Development Goals (SDGs), Generalized System of Preferences (GSP+) and Financial Action Task Force (FATF). Therefore the government is urged to:

1. Revisit the decision of rejecting the registration applications of several INGOs made by Ministry of Interior that have been asked to stop operations without a plausible justification. Besides, it should carry out transparent scrutiny of INGOs expelled or refused registration.

2. Review INGOs Registration Policy Framework 2015 through a transparent and consultative process, meeting the standard of due process to ease the process and make the organizations accountable without undermining their lawful functions.

3. Maintain profile of development cooperation, and enhance interaction with INGOs as well as bi-lateral donors to share Government's concerns, and develop strategies agreed upon by all concerned parties for implementing initiatives for development of society.

4. Strengthen linkages with INGOs and bi-lateral donors to build trust and understanding, and to broaden foreign relations of Pakistan with developed countries, and introduce foreign policy that promotes enabling civic spaces and operating environment for INGOs, and encourages investment in social/development sectors of Pakistan.

5. Give due regard to the Human Rights Council's resolution of March 21, 2013, that affirms the right of human rights defenders to access funding from foreign countries and ensure that “no law should criminalize or de-legitimize activities in defense of human rights on account of the origin of funding”.

**Recommendations for parliament/political parties**

The parliament should:

6. Question the legality of INGOs policy 2015 in the parliament, and ask government to apply rules and regulations that are prescribed by law of parliament clearly defining the imminent danger resulting in a flagrant violation of national law.

7. Initiate an informed discussion in the parliament on the basis of findings of the Functional Committee on Human rights in the Senate of Pakistan (The Sanate, Pakistan Website, 2018), in order to guide and repair the damage caused, moreover initiate a call by the federal cabinet for halting the smear campaign against INGOs and NGOs.
8. The parliament should assess the viability of the INGOs/NGOs policy with regards to Articles 18 and 19 of the Constitution of Pakistan and Pakistan's obligations under ICCPR.

9. Advise government to avoid interpreting and applying FATF Recommendation No. 8 as a cover for strangulating civil society as a whole though it should be applied to prevent terror financing.

10. Assess and analyze the negative effects of the over-regulation of I/NGO in the name of national security, national interest and counter-terrorism measures to avoid building image of the country as adversarial to development agenda;

11. Convince government to issue statement that harassing civil society and human rights defenders will not become a norm in Pakistan, and democratic freedoms and civic spaces for all including civil society actors will be guarded.

12. Alleged unlawful activities should be prosecuted in the due process through court of law, and any evidence justifying the accusation should be made public ensuring accuracy, transparency and rule of law.

13. Review and remove unreasonable restrictive regulations imposed on I/NGOs to make these consistent with Article 17 of the Constitution of Pakistan and Article 22 of ICCPR protecting right to freedom of association; registration and renewal of local NGOs.

14. Ask government to provide information about measures taken to ensure that human rights defenders are able to carry out their legitimate work in a safe and conducive environment without fear of retaliation, intimidation or harassment of any sort, which is crucial for protection and enforcement of human rights in the country;

15. Ask government to provide information about the legal basis for closure of and refusal for registration of various organizations, including local NGOs and INGOs since 2015.

**Recommendations for local NGOs**

16. Promote a culture of proactive disclosure and accountability mechanisms that includes regular submission of information and documentation to relevant registration authority to ensure transparent and judicious utilization of funds.

17. Engage government particularly Ministry of Interior in dialogue about developing a policy and legislation about regulating and facilitating
the work of local organizations operating based on its fundamental right to
defend the citizens' interests against encroachment from any side.

18. Approach the court upon any encroachment or infringement of
right to freedom of assembly and association as guaranteed in constitution
of Pakistan, and legitimacy of arbitrary regulations imposed on NGOs.

19. Engage government more effectively to help counteract shrinking
democratic space for civil society by dispelling misperceptions and
building confidence.

**Recommendations for INGOs**

20. Underline the significant contribution INGOs make in supporting
Pakistan's development agenda, humanitarian relief, development and
human rights projects in the fields of infrastructure development, service
delivery, capacity building, research and advocacy for empowering local
communities socially, economically and politically;

21. Engage government particularly the Ministry of Foreign Affairs
and Ministry of Interior in dialogue for development of viable policy about
regulating and providing the operating environment for INGOs in Pakistan.
3. Economic, Political and Traditional Analysis

a) Political Structures & Situation of Pakistan in 2019

Pakistan is a multi-ethnic, multi-cultural society having four federating units and Gilgit Baltistan that are at economic stages of growth. The country has a Muslim majority population further divided into different sects and religious minorities with Hindus, Christians, Baha'is, Sikhs, etc.

Socio-economic and political disparities in Baluchistan, Khyber Pakhtunkhwa (KP), Sindh, Karachi, and Southern Punjab have frequently given rise to political movements and unrest. The security forces have carried out different military operations to stem out terrorism throughout Pakistan particularly since 2009.

Pakistan has a Parliamentary form of government, with a directly elected lower house of Parliament and an indirectly (by the 4 federative parliaments or Electoral College) elected upper house called the Senate and the President of Pakistan as a titular head of the State. Women (60 National Assembly, 17 Senate) and minorities (10 National Assembly, 4 Senate) also have reserved seats in the parliament indirectly elected by the house on party lines.

The leading political parties of the country are PTI as the majority party in the parliament with PM Mr. Imran Khan as the leader of the house, PML(N) as the second largest party with Mr. Shabaz Sharif as the leader of the opposition. PPP is the third largest party with Ex-President Mr. Asif Ali Zardari and his son Mr. Balawal Zardiri Bhutto also sit in the opposition. There are other very small right-wing (religious) as well as nationalist members of the parliament and other pressure groups that influence the politics of Pakistan. The military has ruled the country almost half of its independent life therefore its role in politics is a reality.

PTI with a thin majority rules the country, while the PML (N) - the party in power up till 2018 sits in the opposition. Apart from the federation, PTI is ruling the provinces of Punjab (the largest by population province) and Khyber Pakhtunkhwa (KPK), while PPP is in power in the province of Sindh and Baluchistan is ruled by a collision of nationalist and regional political parties.
Former PM Mian M. Nawaz Sharif, the supreme leader of PML (N), is in prison, serving a seven-year sentence in corruption cases, with other such cases pending in courts of law against him, his sons, his daughter, and his family. Few other ex-ministers of this party as well as Mian M. Shabaz Sharif and his son Hamza Sharif (leader of opposition in the Punjab Assembly) are also facing corruption cases or are in jail. The leaders of PPP, Ex-President Asif Ali Zardari, his sister, and his son Balawal Zardari Bhutto are facing money laundering cases against them. Some close associates of Mr. Zardari are also behind bars, including the speaker of the Sindh Assembly, Mr. Durani, on charges of corruption and money laundering. NAB and FIA are very active against politicians on issues of corruption and fake accounts.

Recent International polls show that a majority of people of Pakistan support the PTI government of PM Khan. Recent skirmishes between India and Pakistan on the line of control in Kashmir have united to some extent all the political parties of the country and the people of Pakistan in support of government and the Pakistan's military establishment. The common observation is that the “Pakistan's government, military and people are on the same page”.

Although Pakistan's armed forces and its successive governments have successfully tackled the menace of terrorism through Zarb-e-Azab military campaign against terrorism, still a large part of the people are inclined towards religious conservatism and nationalist extremism that pose a threat to external and internal security and peace of the country. Religious minorities and women are under threat from these extremist elements. Pakistan has been placed in a grey list by FATF for less implementation of its laws on terrorism related drug financing and money laundering. Pakistan's ranking in International financial indicators was also rolled down to B negative and pronounced a fragile economy by the World Bank.

**b) Economic Overview of Pakistan in 2018**

According to census 2017, the current population of Pakistan is 208 million, 55% of which live in rural areas and 45% live in urban areas (Ministry of Finance, Government of Pakistan, 2018). Almost 50 million (24%) of the population live below International poverty line of PRK 250 a day (World Bank, 2019). 104 million (50%) live below PRK 500 a day and almost 166.4 million (80%) live below PRK 1,000 a day. These 80% people lack basic means and opportunities of subsistence (entitlements, economic assets,
skills, etc.) The rest 41.4 million (20%) are the moneyed classes of which there are 10.4 million (5%) super rich which according to researches, owe more than 95% of the entire resources of the country. The middle income group with income between PRK 1,000 and PRK 10,000 a day) and upper middle-income group with income more than PRK 10,000 a day are 31.2 million (15%) of the population that own, and live off less than 5% of the resources of the country.

Researchers have shown that about 4-6% of the rich in the country own 94-96% of the property and resources while the 94-96% of the rest of the population just own 4-6% of the property and resources in Pakistan thus creating a large divide between the haves and have nots. Official figures show poverty at 24.3%, though the researches assess that multi-dimensional poverty has reached 40% and another 40% of the people living above poverty line are also poor. The population deprived of decent living conditions and necessities of life cannot participate constructively and productively in economic activity. The richer section pays relatively less taxes while using a major portion of the government’s budgetary allocations in health, education, water, infrastructure etc. Such a development gap between the extreme-rich and the extreme-poor is always a breeding ground for socio-political conflicts.

Women and girls in Pakistan that constitute 50% of the population are subjected to multiple discriminations because of economic, social, religious and cultural restraints and taboos in a male dominated feudalistic society. Statistics also show that Pakistan has not been able to comply with even 10% of its Millennium Development Goals (MDG’s) as well as the Sustainable Development Goals (SDG’s) especially with respect to poverty, child and women health, education, nourishment as well as clean water and sanitation.

The prevalence of corruption at all levels in the country, moreover issues such as, bonded labour, forced disappearances, kidnapping, rapes of children and girls, murders as well as extra judicial killings are not merely indicators of but also the drivers behind lack of rule of law. More the poor or marginalized, bigger is the lack of empowerment of people. Judiciary as well as executive is so overwhelmed by criminality and human right abuses that it takes many a year for the aggrieved to find justice or respite from normal channels that people tend to take law in their own hands undermining the state.
Overview of the Economy 2018-2019 (In PTI's Government)

In June 2018, the growth rate of GDP of Pakistan was 5.2% while in February 2019 the growth rate of GDP of the country is 4.5% or a decrease of 0.7%. In 2018, Agriculture's share to GDP was 19%; share of manufacturing sector was 13.6%, out of which large-scale industry (LSM) contributed 10.8% to GDP; Small-scale manufacturing contributed 2.8% to GDP. In other words, Agriculture and Manufacturing sectors together contribute only 32.6% of the GDP of the country while the rest 67.4% comes from Service sector. Which in turn means that jobs opportunities for those with less skills or less education levels are being limited when the share of both job creating and labor-intensive sectors is continuously decreasing every year.

Most of the growth in Pakistan over the years came from import substitution industry rather than export oriented industry. GDP growth came from pharmaceuticals, motor cars, and cement in the industrial sector, as well as retail, doctors, lawyers, banking and IT in the services sectors of Pakistan. The service sector employment requires high skills and highly educated people graduating from the public and private universities leaving the less skilled and less educated or living in poverty or working for low paid employments.

The current economic crisis of Pakistan comes from two sources

(1) The Fiscal deficit that is direct result of over spending of previous governments where the PRK 4 trillion tax revenue (50% of which had to be collected from direct taxes and another 50% from indirect taxes) is not collected each year. There are serious shortfalls of about PRK 1.5 trillion in tax collection, because the rich and the powerful do not contribute their share of the direct taxes and the Federal Board of Revenue is unable to collect therefore relying on indirect taxes, over burdening the salaried middle classes and the poor. On the spending side almost 50% of the revenue is spent on debt servicing, another 30% on defense need, leaving only 10% for salaries, perks and federal current and development expenses and another 10% for provinces economic and social sector's needs. Thus new debt (local and foreign) is generated every year in order to pay back old debts and to run the governments colossal development and current expenditures, leaving the future generations to pay for the current governments spending.

(2) The Balance of payments deficit – which is the cause of the decline
in Pakistan's exports due to internal productivity inefficiencies as well as shrinking demand for Pakistani goods in external markets. Pakistan's exports stand at PRK 287.8 Billion in January 2019. In addition, there is an increase of Pakistan's imports, mainly petroleum products, edible oil, machinery, raw materials and luxury consumer items. Pakistan's imports stood at PRK 624.6 Billion, resulting in a trade deficit of PRK 336.8 Billion (Trading Economies, 2019). In addition, over the years, Pakistan's remittances for overseas Pakistanis declined from PRK 2.7 Trillion (US $ 19 billion) to PRK 1.8 Trillion (US$ 13 Billion). (Rehman, 2019).

(3) Subsequently Pakistan's debt liabilities in 2018 was PRK 31 Trillion. In September 2019 Pakistan's external debt was PRK 13.3 Trillion (US$ 95 billion) and in January 2019 is PRK 13.6 Trillion (US$ 97 billion). With each Pakistani indebted by PRK 127,000 (Farooq Baloch, 2019).

Pakistan's Public sector spending on social sectors, health, education, women, children, clean water, housing and environment pollution etc. is one of the lowest in the world (less than 10%) resulting in poor health of the population, environmental degradation, deforestation, pollution of water channels, climate change, drop outs in the school systems, child mortality and low participation of women in economic life. In 2015 Pakistan achievement on Millennium Development Goals (MDGs) was only 10% and Pakistan is yet to comprehend the importance of Sustainable Development Goals (SDGs) and Climate Change. The issues of law and order, extremism, terrorism and extra-judicial killings and terror financing has affected the credibility of the country's seriousness as international economic partner with pathetic human right record at all levels of the society and government.

In short, 80% of Pakistan's poor have no contribution to or from the country's growth models. The super-rich do not pay their share of taxes. The industry and agriculture sectors are shrinking, so are Pakistan's exports and remittances receipts. On the other hand, Pakistan's imports and debt liabilities are increasing, so is the countries' fiscal deficit and unproductive expenditures. The country's profile on the social, health, education, human rights and environmental indicators as well as ease to do business are among the lowest in the world and Pakistan falls at 41 in GDP growth in the world. The country needs serious educational, bureaucratic, technological, structural and legal reforms in order to join the list of progressive, developing countries having a rapid growth model. The government, the private sector as well as the population at large have to adjust themselves for drastic changes in attitudes, behaviors, lifestyles and productivity for...
entering the economic fronts of the 21st century, which would need a long-term, enduring scientific policy planning taking all its federative units on board for sustainable economic development and growth. Otherwise the world fast changing behaviors will leave us far behind to grope in the darkness, away from the light of the future economic, social, political and technological gains that should come by year 2030.

c) Falling Development Expenditures 2014-2015 and 2017-2018


During the same period (2014-2018)
- Expenditure on Education decreased from PKR 536.6 Billion to PKR. 331.3 Billion.
- Expenditure on Health decreased from PKR 202.0 Billion to PKR. 144.6 Billion.
- Expenditure on Population Planning decreased from PKR 12.6 Billion to PKR. 4.9 Billion.
- Expenditure on Rural Development decreased from PKR 14.76 Billion to PKR. 8.4 Billion.
- Expenditure on PRSP decreased from PKR 1934.0 Billion to PKR. 1134.0 Billion.
- Expenditure on Benazir Income Support Programme (BISP) decreased from PKR 91.8 Billion in 2014-2015 to PKR. 58.0 Billion during the same period.

d) Economic Indicators 2013-2018

According to World Bank Indicators, Pakistan's per capita income in 2014-2015 was US$ 1,514 (PKR 185,000) while in 2017-2018 is US$ 1,640.5, (PKR 200,000) or an increase of US$ 126.5 (PKR 15,000) at an exchange rate of PKR 122 = 1 US $. Per capita analysis shows that Pakistan remains a poor country with a per capita income of US $ 4.5 per day (PKR 548.3 a day) in 2017-2018, which is US $ 0.5 above the world poverty line of US$ 4.0 a day.
<table>
<thead>
<tr>
<th>Economic Indicators</th>
<th>2013-2014</th>
<th>2017-2018</th>
<th>Rate of Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pakistan’s GDP</td>
<td>PKR 10.1 trillion</td>
<td>PKR 13.1 trillion</td>
<td>Increase of PKR 3 trillion</td>
</tr>
<tr>
<td>GDP Growth rate</td>
<td>4.0%</td>
<td>5.8%</td>
<td>Increase of 1.8%</td>
</tr>
<tr>
<td>Services Share in GDP</td>
<td>58.4%</td>
<td>60.2%</td>
<td>Increase of 1.8%</td>
</tr>
<tr>
<td>Services growth rate</td>
<td>4.5%</td>
<td>6.5%</td>
<td>Increase of 2%</td>
</tr>
<tr>
<td>Industrial Share in GDP</td>
<td>20.4%</td>
<td>21%</td>
<td>Increase of 0.6%</td>
</tr>
<tr>
<td>Industrial growth rate</td>
<td>4.5%</td>
<td>5.8%</td>
<td>Increase of 1.3%</td>
</tr>
<tr>
<td>Agriculture Share in GDP</td>
<td>21.1%</td>
<td>18.8%</td>
<td>Decrease of 2.3%</td>
</tr>
<tr>
<td>Agriculture growth rate</td>
<td>2.5%</td>
<td>3.8%</td>
<td>Increase of 1.3%</td>
</tr>
<tr>
<td>Terrorism Index</td>
<td>9.07</td>
<td>8.4 (in 2016)</td>
<td>Decrease of 0.67</td>
</tr>
<tr>
<td>Inflation (GDP Deflator)</td>
<td>235</td>
<td>261</td>
<td>Increase of 26%</td>
</tr>
<tr>
<td>Core Inflation (Food &amp; Energy)</td>
<td>8.32%</td>
<td>5.45%</td>
<td>Reduced by 2.87%</td>
</tr>
<tr>
<td>Energy Supply (Giga watts per hour)</td>
<td>6000</td>
<td>8000</td>
<td>Increase of 2000 Giga watts per hour</td>
</tr>
</tbody>
</table>

Source: (Government of Pakistan, 2018)
The Table 1 shows that between 2013-2014 and 2017-2018, Pakistan’s GDP increased from PKR 10.0 Trillion to 13.0 trillion or an increase of PKR 3.0 Trillion. GDP growth rate grew from 4% to 5.8% with an increased growth rate of 1.8%. The share of Service Sector in GDP grew to 60.2%; the share of Industrial sector to GDP grew to 21%, while the share of Agriculture sector in GDP decreased to 18.8%.
### In the External Economic Relations

#### Table 2. Balance of Payments and Trade Relations of Pakistan 2014-2018

<table>
<thead>
<tr>
<th>Economic Indicators</th>
<th>2014-2015</th>
<th>2017-2018</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pakistan’s Trade Deficit</td>
<td>US$ - 17.3 Billion</td>
<td>US$ - 19.7</td>
<td>Increase of minus US$ 2.4 Billion</td>
</tr>
<tr>
<td>Pakistan’s Total Exports</td>
<td>US$ 24.1 Billion</td>
<td>US$ 16.0 Billion</td>
<td>Decrease of US$ 8.1 Billion</td>
</tr>
<tr>
<td>Pakistan’s Exports to USA</td>
<td>PKR 374 Billion</td>
<td>PKR 222.5 Billion</td>
<td>Decrease of PKR 151.5Billion</td>
</tr>
<tr>
<td>Pakistan’s Exports to EU</td>
<td>PKR 466.5 Billion</td>
<td>PKR 315.3 Billion</td>
<td>Decrease of PKR 151.2Billion</td>
</tr>
<tr>
<td>Pakistan’s Exports to China</td>
<td>PKR 220.0 Billion</td>
<td>PKR 96.3 Billion</td>
<td>A decrease of PKR 123.7 Billion</td>
</tr>
<tr>
<td>Pakistan’s Remittances</td>
<td>US $ 18.7 Billion</td>
<td>US $ 12.8 Billion</td>
<td>Decrease of US $ 5.9 Billion</td>
</tr>
<tr>
<td>Pakistan’s External Debt</td>
<td>US$ 60 Billion</td>
<td>US$ 90 Billion</td>
<td>Increase of US$ 30 Billion</td>
</tr>
<tr>
<td>Foreign Direct Investment (FDI)</td>
<td>US$ 0.92 Billion</td>
<td>US$ 1.94 Billion</td>
<td>Increase of US$ 1.02 Billion</td>
</tr>
</tbody>
</table>

Source: (Government of Pakistan, 2018)
Table 2 Shows that from 2014-2015 to 2017-2018

- The Current Account Deficit of Pakistan’s Balance of Payments increased from US$ 3.13 Billion to US$ 10.83 Billion or an increase of minus US$ 7.7 Billion. Pakistan’s Trade Deficit increased from US$ 17.3 Billion to US$ 19.7 Billion, or an increase of minus US$ 2.4 Billion. FDI to Pakistan increased from US$ 0.92 Billion to US$ 1.94 Billion, or an increase of US$ 1.02 Billion. Pakistan’s Foreign Remittances decreased from US$ 18.7 Billion in 2014-2015 to US$ 12.8 Billion in 2017-2018, or a decrease of US$ 5.9 Billion during this period. Pakistan’s External Debt increased from US$ 60.0 Billion to US$ 90.0 Billion, or an increase of US$ 30 Billion during this period.

- Total Pakistan’s Exports were PRK 2,940.2 Billion (US$ 24.1 Billion) in 2014-2015 that decrease to PRK 1,952.0 Billion US$ 16.0 Billion in 2017-2018, or a decrease of PRK 988.2 Billion (US$ 8.1 Billion) during this period.

- Pakistan’s export to EU (UK, Germany, Italy, Spain and France) decreased from PKR 466.5 Billion (US $ 3.8 billion) in 2014-2015 to PKR 315.3 Billion (US $ 2.58 Billion) in 2017-2018, although EU’s percentage market shares of Pakistan’s exports increased from 20% to 22% in the same period. Pakistan’s exports to USA decreased from PKR 374 Billion (US$ 3.06 billion) to PKR 222.5 Billion (US $ 1.82 Billion) in this period. Pakistan’s exports to China decreased from PKR 220.0 Billion (US $ 1.80 Billion) to only PKR 96.3 Billion (US $ 0.80 Billion) in 2014-2018 (a decrease of PKR 123.7 Billion (US $ 1.0 Billion) and the percentage share of Chinese markets of Pakistani exports decreased from 9% to 7% in this period.
4. Social Uplift in Pakistan 2014-2018

Human Rights in Pakistan

According to (Human Rights Watch, 2016), “The establishment muzzled dissenting and critical voices in nongovernmental organizations and media. While according to (Human Rights Watch, 2018) “Although Pakistan witnessed fewer attacks by Islamist militants than in previous years, scores of people were killed in attacks primarily targeting law enforcement officials and religious minorities”. Security forces remained unaccountable for human rights violations. The government muzzled dissenting voices in nongovernmental organizations (NGOs) and media on the pretext of national security. Militants and interest groups also threatened freedom of expression. In January 2017, security forces abducted five men—Salman Haider, Waqas Goraya, Aasim Saeed, Ahmed Raza Naseer, and Samar Abbas—who were vocal critics of militant religious groups and Pakistan's security establishment. They were released after three weeks of public protests. “In 2017, Pakistan witnessed an increase in blasphemy-related violence while the government continued to encourage discriminatory prosecutions and other forms of discrimination against vulnerable groups by failing to repeal discriminatory laws and using religious rhetoric inciting hatred against minority groups”. “In April 2017, a mob dragged Mashal Khan, a 23-year-old student at a university in Mardan, Khyber Pakhtunkhwa province, from his dormitory and shot him dead over accusations that he made blasphemous remarks against Islamic injunctions. In May, a 10-year-old boy was killed when a mob tried to storm a police station in Baluchistan to attack a man held on blasphemy charges”

Women & Gender Issues in Pakistan

The following cases against women in the Punjab were reported in 2015 – 2,720 Rape cases; 173 honour killings; 22 cases of acid burning; 35 cases of burning, and 588 cases of beating. In KP – 32 cases of gang rape, 20 cases of attempted rape, and 987 cases of honour killing and total incidences of reported violence against women were 164. In Sindh – 344 cases of gang rape, 860 cases of honour killing, 90 cases of Acid burning, 72 cases of burning and 535 cases of violence against women with 481 cases of domestic reported violence. In Baluchistan – 939 cases of gang rape, sodomy, harassment and stripping, 143 cases of acid burning and setting on
fire, and 279 cases of domestic violence of different types including burning and acid throwing. (White Ribbon Pakistan, 2016) “The government took inadequate action to protect women and girls from abuses including rape, murder through so-called honour killings, acid attacks, domestic violence, and forced marriages. According to local groups, hundreds of honour killings took place. In March 2017, Punjab province passed a law setting tougher penalties for those who arrange or conduct child marriages. However, the law did not, raise the age of marriage from 16 to 18, in line with international standards, as Sindh did in 2014. The government's Council of Islamic Ideology denounced the Punjab reform. The government failed to address the issue of forced conversion to Islam of Hindu and Christian women.”

In 2017-2018, Violence against women and girls—including rape, “honour” killings, acid attacks, domestic violence, and forced marriage—remained a serious problem. Pakistani activists estimate that there are about a 1,000 “honour” killings every year. In June 2017, a tribal council (Jirga) in Khyber agency ordered the “honour” killing of Naghma, a 13-year-old girl, for “running away with men.” Parliament had passed in February a controversial bill giving legal cover to tribal and village councils”. “At least 180 cases of domestic violence were reported in Khyber Pakhtunkhwa province in 2017, including 94 women murdered by close family members”. “Women from religious minority communities were particularly vulnerable. A report by the Movement for Solidarity and Peace in Pakistan found that at least 1,000 girls belonging to Christian and Hindu communities are forced to marry Muslim men every year. The government failed to act to stop such forced marriages”. Child marriage remained a serious concern, with 21 percent of girls in Pakistan marrying before the age of 18, according to the United Nations Children's Fund (UNICEF).

**Child Rights in Pakistan**

The government of Pakistan failed to constitute the National Commission on the Rights of Child despite having passed the law to this effect in September 2017. Attacks on schools and the use of child suicide bombers by the Taliban and affiliated armed extremist groups continued. Rampant sexual abuse of children was exposed in August 2017, when police uncovered a child pornography racket by a criminal gang that had produced and sold more than 400 videos of girls and boys being sexually abused in Kasur, Punjab. These videos had been filmed over a span of 10 years, affecting 280 child victims”. (Imran, 2018) States, “From January to June 2018, a total 2,322 cases of child abuse were
reported in media which indicates 32 per cent increase as compared to 1,764 cases of first six months in 2017. The data shows that almost 12 children were abused every day from January to June 2018”.

(Sahil, 2018) working on child protection with a special focus on sexual abuse, has been publishing Cruel Number reports for the last 17 years, which is based on data collected through monitoring online and printed newspapers, direct cases received at Sahil offices for free legal aid, and cases are also shared by other organizations working on CSA. This year (2018) Cruel Numbers 2017 has been compiled from monitoring of 91 Newspapers (National and Regional). In 2016, overall 694 cases more were recorded than in this year 2017. In the year 2017, a total 3445 child abuse cases were reported in newspapers from four provinces and Islamabad Capital Territory (ICT), Azad Jammu and Kashmir (AJK), Gilgit Baltistan (GB), and Federally Administered Tribal Areas (FATA). The data reveals that now, in a day more than 9 children have been abused during the year 2017. The major crime categories of the reported cases are, abduction 1039, missing children 517, rape 467, sodomy 366, attempt of rape 206, gang sodomy 180, gang rape 158 and 109 cases of child marriages. This year (2018) 109 cases were reported of murder after sexual abuse, it shows that 9% cases have increased as compared to 100 cases reported last year 2016. A gender analysis shows that 58% girls and 42% boys have been murdered after sexual abuse in 2017. The statistics of Cruel Numbers shows that out of the total reported 3445 cases, (2077) 60% victims were girls and (1368) 40% were boys. A total number of 5284 abusers are identified, which includes the data of gangs involved in all the 3445 cases of abuse excluding 143 cases of child marriages. Whereas in 99 cases the police refused to register the case, 44 cases were unregistered with the police and 797 cases registration status were not mentioned in newspaper this year (2018) out of the total 3445 cases, 1746 cases of child sexual abuse only (excluding cases of abduction, child marriages and missing children) were reported. It shows that, 59% cases of sexual abuse were girls and 41% were boys. This year (2018) a total 1229 cases of abduction have been reported in newspapers in Pakistan Out of these cases, 81% victims were girls and 19% were boys. The cases of murder after abduction and sexual abuse have increased as compared to the last year. Abduction and rape-murder cases have increased from 7 cases in 2016 to 15 cases in 2017. In 2017, total 143 cases of child marriages have been reported in newspapers in Pakistan Out of the total cases, 89% were girls and 11% were boys. The provincial divide of child marriages indicates that, 63% cases from Sindh, 32% from Punjab, 5 cases from Khyber Pakhtunkhwa and 2 cases were reported from AJK. Out of the
child marriages, 83% cases were reported from rural areas and 17% from urban areas”.

**Minorities Rights in Pakistan**

Religious minorities face an institutional and *de jure* discrimination. The constitution and laws maintain preference or discrimination on the basis of religion for instance, bar on holding of highest political offices on one hand whereas the jobs for sanitation workers are advertised as reserved for religious minorities on regular basis and only majority religion is taught in schools. As a result, religious minorities (Hindus and Christians particularly) are marginalized economically, socially and politically. The blasphemy laws pose an existential threat to life, liberty and wellbeing. “The government failed to take adequate steps to prevent and respond to deadly attacks on Shia and other religious minorities in 2015”. Attacks on minorities by the religious extremists of mainstream sects, “highlighted the threat armed extremist groups to pose to religious minorities, and the government’s failure to apprehend or prosecute perpetrators” “19 people remained on death row after being convicted under Pakistan's draconian blasphemy law; hundreds awaited trial. The majority facing blasphemy charges were members of religious minorities, often victimized by these charges as a result of personal disputes”

In April 2015, the Sindh provincial assembly enacted a law requiring the mandatory psychological examination of any person accused of blasphemy and allowing judicial discretion to reduce the sentences of those convicted of blasphemy whose medical evaluation produces a diagnosis of a “mental disorder.” (Human Rights Watch, 2016). The blasphemy laws impact Muslim population also. “In June 2017, a counterterrorism court in Punjab province sentenced Taimoor Raza to death for committing blasphemy on Facebook. He was arrested in 2016 after a debate over Islam on Facebook with a man who later turned out to be a counterterrorism agent.

**Persons with Disabilities in Pakistan**

According to a study (Anwar, 2016) there were “two million visually impaired persons in Pakistan” and “around 1.4 million children with disability do not have access to inclusive or special schools in Pakistan”. In addition, according to (Warraich, 2017) in 2017 “Only 0.48pc disabled persons registered in Pakistan” as per national Census. Also (Pakistan Today, 2017) wrote that, “The population of the disabled as per the 5th Population and Housing Census conducted in 1998 was recorded at 2.38 per cent of the total population, indicating that there has been a decline of 80 per
Poverty in Pakistan

According to (Rana, 2016) “the country’s official Multidimensional Poverty Index (MPI), which shows a sharp decline with national poverty rates falling from 55% to 39% from 2004 to 2015”. Further states, “38.8% of Pakistan’s population lives in poverty. A majority of the rural population (54.6%) lives in acute poverty while this ratio is 9.4% in urban areas”. If regions are also included, the Federally Administered Tribal Areas (Fata) has the highest poverty rate, where three out of every four persons (73.7%) are poor, followed by Baluchistan (71.2%) and Khyber-Pakhtunkhwa (KP), where half of the population (49.2%) suffers from acute poverty and deprivation. In Sindh, 43.1% population is extremely poor due to lack of education, health facilities and poor living standards. In Gilgit-Baltistan, 43.2% people are poor while in Punjab, three out of ten (31.4%) are poor and in Azad Jammu & Kashmir (AJK) four out of 10 (25%) persons are poor”.

World Bank Report titled ‘State of Water Supply, Sanitation and Poverty in Pakistan’, states, ‘Baluchistan has by far the highest rural poverty rate, with more than 62 per cent of its rural population living below the poverty line. However, the gap between rural and urban poverty is the widest in Sindh at almost 30 percentage points. In contrast, the urban-rural gap in Punjab and Khyber-Pakhtunkhwa was 13 and 15 percentage points, respectively” “poverty head count rate in rural Pakistan was twice as much in urban areas — 36pc versus 18pc — and the gap had remained virtually unchanged since 2001-02. Combined with the slow pace of urbanization — only about 35pc of the country's population lived in urban areas in 2014 — this gap indicated that 80pc of Pakistan's poor continued to live in rural areas” Further “Nationally, the rural net enrolment rate was 13 percentage points lower for primary school and 11 percentage points lower for middle school than in urban areas. For girls, these gaps stood at 17 and 14 percentage points, respectively. The rural female literacy rate, at 28pc, was also less than half of that in urban areas”. According to the report, “rural children are 8.5 percentage points less likely than urban children to have adequate immunization by three years of age, and rural women are 10 percentage points less likely to receive prenatal care, 28 percentage points less likely to give birth in a facility or hospital, and 12 percentage points less likely to

\[2\text{ it remained unexplained decrease as much as unimaginable hence it makes the authenticity of the Census 2017 questionable} \]
receive postnatal care. Rural households are also far less likely to have access to key utilities. They are 15 percentage points less likely to have an electricity connection and 63 percentage points less likely to have a natural gas connection than urban households”. The Report further pointed out that “Karachi, for example, was the third-richest district in Pakistan in 2014-15, but despite its low poverty rate of 8.9pc its large population share meant that 2.5pc of the country’s poor lived there. Similarly, Lahore — the sixth-richest city — was home to 2.2pc of Pakistan’s poor. Together, these two cities accounted for almost as many poor people as the 10 poorest districts, where poverty rates are six or seven times higher” (Ahmad, 2018).
5. Legal Analysis

A critique in relation to the Democratic Governance, Domestic and the International laws

The Policy for regulation of INGOs issued by the Ministry of Interior (MoI) notified No.6/34/2015-PE-III for the Government of Pakistan on 1st October 2015 manifests following lacunas vis-à-vis legal validity, policy making and implementation process:

1. The policy draft does not refer to any statutory mandate or any law that makes INGOs regulation an exclusive responsibility of the MoI or inter-agency collaboration with other relevant departments such a Security Exchange Commission of Pakistan or Registrar of Companies, Economic Affairs Division of the Ministry of Finance.

2. The policy fails to mention to explain the bounds of the policy in relation to relevant laws and fundamental rights in the constitution of Pakistan.

3. Though carrying huge implications on various aspects of national interest, the policy fails to mention its approval by the Federal Cabinet or concerned Committee in the parliament.  

4. In spite of appreciation and good will expressed in the preamble for the services performed by INGOs, the MoI reserved the policy drafting and implementation entirely to itself. INGOs or NGOs were not involved at any stage, whose work is interrelated and interdependent on each other. Furthermore, the INGOs Committee set up to approve registrations, etc. had no representation of INGO/NGOs.

5. The Committee or MoI violated its own standards set out in point 4.7 as it failed to respond to the application for registration within 60 days. Some applications for registration remained pending for two years which shows that the impracticality of policy.

6. The point 7.3 of the policy which states, “Cancellation of registration cannot be challenged in any court of law”, the constitutional guarantee of due process under article 10-A of the

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3 On 5 November 2018 Human Rights Committee of Senate expressed their concern over observation 1 and 3, requesting the government to rethink the policy and have this approved by the Cabinet.
Constitution of Pakistan.

7. Point 7.4 states “If the Government may deem it in public interest (such as in situations of national disasters and other calamities), it may, subject to such conditions that it may specify, exempt an INGO from all or any of the provisions of this policy for a period not exceeding 6 months.” This clause is arbitrary and a pathway to corruption of the system.

a) Conflict with International Norms

8. The Policy does not comply with the right to freedom of expression and the right to freedom of association under Articles 19 and 22 of the International Covenant on Civil and Political Rights (“ICCPR”) and general international law, in at least three major areas: prior authorization, funding controls, and administrative dissolution, which Pakistan is obligated to adhere to as ICCPR was acceded to on 23 June 2010.

9. Amongst the rights protected by the ICCPR and relevant to the treatment of INGOs in Pakistan, are the right to freedom of association (Article 22) and to freedom of expression (Article 19). The provisions of the ICCPR have been further developed and interpreted by the Human Rights Committee that monitors the implementation of the ICCPR by State parties. The right to freedom of association is incorporated in Article 22 of the ICCPR, according to which:

Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

b) Conditions for legitimate restrictions to the right to freedom of association

10. The rights to freedom of association and of expression can only be limited by national governments in exceptional cases. All restrictions must meet the requirements of, being prescribed by law, pursuing a legitimate aim, and be necessary in a democratic society.

i. The requirement that any restrictions must be prescribed
by law is only met when the restriction is introduced by a legislative body of the government (UNO, 2011) and is "formulated with sufficient precision to enable an individual to regulate his or her own conduct accordingly, and it must be made accessible to the public" (U.N. Human Rights Committee, 1999). As such, any restriction must be transparent and predictable enough for its recipients to be able to identify what constitutes compliance and non-compliance.

ii. With regards to the requirement that any restrictions must pursue a legitimate aim, Article 22(2) of the ICCPR, complemented by case law of the Human Rights Committee (BELARUS, 2007) established that, with reference to the right to freedom of association legitimate aims are: interests of national security, public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms. With regards to the right to freedom of expression, legitimate aims are: protecting the rights and reputation of others, national security, public order, public health or morals. No other grounds may be invoked by State parties.

iii. The final requirement, that restrictions must be necessary in a democratic society, includes a proportionality and necessity requirement, pursuant to which any restrictions "must be appropriate to achieve their protective function; they must be the least intrusive instrument amongst those which might achieve the desired result; and they must be proportionate to the interest to be protected.""}

iv. Moreover, it is required by general international norms that foreign nationals and foreign NGOs be treated equal to their domestic counterparts. Foreign NGOs' right to freedom of association is protected under the ICCPR without discrimination.

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c) Non-Compliant Elements Of The Policy With ICCPR.

a. Prior authorization

11.1 Article 4.1 of the Policy requires all INGOs to obtain prior registration exclusively with the MoI. A requirement for registration per se does not violate the requirements of Article 22. However, the analysis should be focused on the conditions imposed upon registration. In the case of Zvozskov v. Belarus, the Human Rights Committee concludes that conditions imposed upon registration are restrictions to freedom of association and subject to a three-prong test.

11.2 The Policy does not satisfy the very first prong of the test, i.e. prescription by law. This prong requires that the law is sufficiently precise for an individual or an association to foresee a violation to the law. The Policy provides no grounds for denying registration. This results in uncertainty for the INGOs applying for registration and leaves full discretion for the MoI, denying registration on any grounds. A complete and precise set of conditions for registration should be prescribed by the Policy, which are subject to the scrutiny of Article 22(2) of the ICCPR.

11.3 Second, the Policy does not require any written justification for denial of registration, which again fails to assist INGOs to foresee any violation in future applications. A written justification should be required under the Policy, which sets out the grounds for denial and provides reasons therefore.

11.4 Third, Article 7.1 of the Policy prescribed that the right to appeal is only limited to the event of cancellation of registration. Therefore, INGOs are given no remedy to challenge the decision of denying registration. INGOs should be given “the opportunity to challenge decision before an independent and impartial court.” To conclude, the provisions of the Policy regulating registration of INGOs violates Article 22 of the ICCPR and impedes the INGOs' right to association.

11.5 Besides, the freedom of association includes the right to operate as an unregistered organization. If a registration requirement exists, the registration process must meet minimum international
standards and be non-discriminatory.\textsuperscript{iii} However, there is no legislation in Pakistan prescribing a comparable set of procedures for prior registration of domestic NGOs. Furthermore, unregistered INGOs are banned from activities core to achieving their goals. This results to a blunt discrimination against unregistered INGOs. Therefore, the international norm of non-discrimination is violated.

b. Funding control

i. The right to access funding is a necessary component of the right to freedom of association. NGOs function as not-for-profit entities and depend almost exclusively on external sources of funding to carry out their work, which is why several reports of the Human Rights Committee underline that any "undue restrictions on resources available to associations impact the enjoyment of the right to freedom of association."\textsuperscript{iv} The Policy contains a number of provisions that may place unnecessarily restrictions.

(I) Restrictions on accessing funds;

(II) Restrictions on utilizing funds;

(III) Declarations relating to funds accessed or used.

(I) Restrictions on accessing funds

ii. The Policy and its attached Memorandum of Understanding ("MoU") restrict INGOs ability to raise funds, either obtained domestically or from abroad.

(II) Restrictions On Accessing Foreign Funds

iii. Clause 4.2 of the MoU institutes an obligation on INGOs to obtain prior approval before obtaining any additional funding or funding from a different source than initially declared.

iv. With respect to sources of funding, it has already been established that the right to freedom of association includes the right "to seek, receive and use resources [...] from domestic, foreign, and international sources."\textsuperscript{v} In restricting the ability of international NGOs to raise or
receive funds locally, the Policy eliminates an important source of funding for these associations. This provision is particularly problematic since there are no rules or procedure laid down to govern the request for and granting of the authorisation to raise funds locally. This imbibes the authorisation provision with an unacceptable degree of arbitrariness. First, INGOs may be deprived of authorisation without any justification. Second, INGOs are denied the opportunity to build a proper case for obtaining authorisation, since no provisions make clear under what circumstances authorisation will be granted. Third, INGOs may be required to wait unreasonably long periods of time before such authorisation is granted. This is particularly detrimental because INGOs typically carry out their activities using foreign funding and only in exceptional circumstances raise funds domestically, in situations where there is a stringent need for such funds.

(III) Restriction on accessing local funds

v. Article 4.2 of the Policy and Clause 4.20 of the MOU establishes a blanket ban on raising funds or receiving donations locally, unless specifically authorised.

vi. In addition to the above arguments, which hold true for the prohibition on accessing local funds as well, by denying INGOs access to local resources, the Policy has the effect of segregating them from domestic NGOs and subjecting them to discriminatory treatment. On this point, the Human Rights Committee made clear that national governments "should not discriminate against NGOs that have some members who reside outside of its borders" and it is broadly agreed that international norms require INGOs be treated in the same manner as their domestic counterparts. Furthermore, the Policy mentions no valid reasons grounded in interests of national security or public policy to justify the differentiated treatment.

(c) Restrictions on utilizing funds

vii. INGOs are prevented from freely using their resources
through a number of measures that encroach their freedom of association and expression.

viii. INGOs are required to obtain prior approval before providing assistance to other NGOs, either directly or indirectly (Policy point 5.4, MOU Clause 4.24). Under the ICCPR, requirements "to obtain authorization from the authorities to receive or use funds" constitute violations of Article 22. Furthermore, the obligation not to provide assistance indirectly is excessively vague as it leaves room for INGOs to be reprimanded for actions outside their powers or control.

ix. INGOs are further prohibited from using funds to assist political activities or carry out missionary work and must further request prior authorisation before conducting any research unrelated to their previously declared areas of research. (Clause 4.23 MoU). These restrictions do not pass the requisite tests of being prescribed by law in a predictable and transparent manner. In this respect, it has already been established that the term 'political activities' leaves ample room for state authorities to interpret it "in such a broad manner as to cover all sorts of advocacy activities" that are otherwise legitimate. The term 'research' could be subject of similarly broad interpretations, including mere conversations with locals. This unduly restricts INGOs' freedom of expression by awarding state authorities the tools to repress any activity "solely motivated by the need to deter any forms of criticism." Furthermore, the motivation behind the restrictions is not grounded in the need to secure any of the objectives deemed legitimate interferences with the right to freedom of expression (Article 19, ICCPR), nor is it made clear how the chosen regulatory measures succeed in being the least restrictive means of achieving those objectives.

x. INGOs are further obliged to use banking channels for any payments above Rs 20,000 (Clause 4.9 MoU) and ensure that administrative expenses do not exceed 30% of a project's cost (Clause 4.12 MOU). The cap on administrative expenses limits the ability of associations to freely conduct their activities and make their own cost/benefit decisions. This provision does not pass the requisite test of being prescribed by law in a transparent and predictable fashion, as it does not mention whether the cap is to be assessed on a yearly or monthly basis.
Moreover, this provision does not meet the standard of proportionality as it does not take into consideration the different needs that INGOs operating in different fields may have.

xi. INGOs are further prohibited from disposing of their assets through transfer, leasing or use unspecified in the MOU (MOU Clause 4.25). The right to own property is not enshrined in the ICCPR, but is broadly guaranteed under other instruments of international law. The right to property includes the right to freely dispose or utilise one's property. The provisions of the Pakistani policy unduly limit that right.

c. Declarations relating to funds accessed or used

xii. INGOs are obliged to submit to monitoring and control of funding, accounts and tax returns by, amongst others, declaring all bank accounts, foreign funds, terms and conditions thereof (Policy points 4.3, 6.2), making biannual declarations regarding all expenditures of foreign funds (Policy Point 5.3, MOU Clauses 4.1, 4.14), and submitting to extensive auditing (Policy point 6.3, MOU Clauses 4.16). INGOs must further provide such information at any time, upon request (Policy point 6.2).

xiii. The above reporting requirements can be a violation of the principle of minimum state interference. Through these provisions, the government retains an absolute right to interfere in the normal conduct of business of INGOs without providing any reason. Such provisions do not pass the requisite test of being prescribed by law in a predictable and transparent manner, as they can occur 'at any time' or from 'time to time'. Furthermore, these restrictions cannot be construed as necessary in a democratic society due to their arbitrariness. The provisions allow abuse by state authorities to disrupt and _de facto_ block all operations of the targeted INGOs without going through the official channels of cancellation of activities prescribed by the Policy.

xiv. International law principles recognize that reporting requirements "should not be burdensome [and] should be
appropriate to the size of the association and the scope of its operations.” Similarly, auditing requirements should not be generally imposed on all undertakings, but only here appropriate to the size of the organization, and only under the supervision of impartial auditors, free of undue state influence.

(d) Administrative dissolution

12.1 Point 5.11 of the Policy together with Clause 4.23 and Clause 5.2.2 of the MoU provide for a two-folded restriction on the right to freedom of association. First, it provides the Government with a mechanism to arbitrarily and one-sidedly cancel the registration of an INGO in circumstances to be discussed below. Second, it prohibits INGO’s from taking part or assisting in activities related to politics, research and surveys. Which are the core functions of many INGOs.

12.2 Point 5.11 of the Policy and Clause 5.2.2 of the MOU allows for the cancellation of registration of an INGO in situations where INGO’s activities breach security or where INGOs are involved in any activity inconsistent with Pakistan’s national interest or contrary to Government policy. This part of the policy does not satisfy the first prong of the test, i.e. prescription by law, as it contains vague and inappropriate grounds. It does not define or give proper examples as to what would constitute i) a breach of security or ii) involvement in any activity inconsistent with Pakistan’s national interest or iii) activity contrary to Government policy. Should the Government want to cancel the registration of an INGO based on the prohibitions and restrictions under this point and Clauses in the MoU, the Government must prove the precise nature of the threat involved as well as the specifics of the actions taken or activities involved in, by the associations.

12.3 Further, point 5.11 and Clause 4.23 of the MOU allows for the overall ban on participation or assistance in political activities and research. This blanket ban on political activities is an impermissible restriction to the freedom of association as it threatens the very core of an INGO’s mission and legal status. Nearly all INGOs have as their mission, to advocate and stand up for issues of national or public importance. According to Mr. Maina
Defining National Interest in Human Development

Kiai, "it is clear that this interpretation is solely motivated by the need to deter any forms of criticism." Thus, since the INGOs are not able to participate in and achieve their missions through these functions, it may result in a de facto dissolution.

12. 4 It is of utmost importance to remember that States have an obligation not to unduly obstruct the exercise of the right to freedom of association. Therefore, the cancellation of registration and the de facto dissolution of an INGO must be "necessary in a democratic society" and the least restrictive measure available. Through this point the Government retains an absolute right to unilaterally dissolve an INGO for minor irregularities should the Government not agree with the INGO’s activities. Therefore cancellation of registration and the de facto dissolution of an INGO, will be the severest restriction of this right and only be taken when there is a clear and imminent danger resulting in a flagrant violation of national law, in compliance with international human rights law.

12. 5 To conclude, the provisions of the Policy regulating the cancellation of registration and the de facto dissolution of INGOs violates Articles 19 and 22 of the ICCPR and impedes the INGOs' right to association.

13. Conclusion

i. The policy is not in conformity with Constitution of Pakistan, the norms of justice and process of adoption, moreover, its application does not serve the purpose of advancing human rights and democracy in Pakistan.

ii. Being a signatory party to the ICCPR, the Pakistan is obliged to interpret the right to form an association as provided for in its Constitution in conformity with international law, standards and principles.

iii. The restrictions set out in the INGO/NGOs Policy are not in conformity with the ICCPR nor other international principles and standards.
I read with interest a recent news story on NGO funding. In principle, I agree with the position taken in the story about the state being informed and able to regulate any foreign funding made available to Pakistan through charitable aid, concessional facility or pure lending.

However, a better understanding is needed to see from where, and how, this money comes in and what is the current status of different non-governmental and civil society organisations working in different parts of Pakistan. Besides, it is important to distinguish between local and international organisations working in the country.

As far as legal status is concerned, most organisations in Pakistan are registered under five laws. First and the truly stringent one is Section 42 of the Companies Ordinance where registered organisations are regulated by the Securities and Exchange Commission of Pakistan. Certainly not all but most large national organisations fall under this category. The other major laws include the Trust Act, the Societies Act, the Voluntary Social Welfare Agencies Act and the Cooperative Societies Act. Different government agencies, ranging from ministries and departments at the federal and provincial level to social welfare departments in the provinces register and regulate these organisations.

The debate about bringing all types of organisations under one law has been waged at the national level since the first term of Benazir Bhutto; it took off from an existing earlier debate. The issue has been raised on various occasions under successive governments. However, the nature and demand of the multifaceted work and the social and fiscal environment in which they operate has prevented one single law to be devised for all kinds of outfits.

It is a given that these organisations have to be audited annually by independent and established audit firms, irrespective of where the donations are received from or even if money is generated by some commercial activity.

Their audited accounts have to be submitted to the relevant registering authority. Moreover, if these organisations are legally required to contribute to the Employees Old Age Benefit Institution run by the government, EOBI can and has taken action in the past if the requirement is
If these organisations have to withhold tax on goods or services, both the tax and the annual returns have to be submitted to the area income tax offices and/or the Board of Revenue – that is, the national treasury. Therefore, the laws are there and are followed by all major and small organisations. If the law of the land in these matters is not being followed by some of these organisations or if there are issues with its enactment by the corresponding government agencies, promulgating a new law will not serve any purpose.

As far as international NGOs and development agencies are concerned, they either have a letter issued by the Board of Investment or they are required to sign a memorandum of understanding/agreement with the government of Pakistan, mostly through the Economic Affairs Division at the Ministry of Finance. In the case of Khyber Pakhtunkhwa, NOCs are required for both national and international organisations from the Provincial Disaster Management Authority for any humanitarian work to be carried out in the province. That has been a long standing practice.

The government of Pakistan can and has asked expatriates associated with international NGOs to leave the country at a very short notice if the state is not satisfied with their conduct. Also, it can and has refused to issue or has not extended or has outright cancelled their agreements to work in a particular geographical area or the whole of country. This has been the case with corporate management organisations working in social and community development as well. Many such cases are already being scrutinised by the government.

Before we come to the issue of foreign funding, let me attempt a rather quick and not exhaustive list of functions and the types of these organisations. The biggest presence across Pakistan in terms of reaching out to people is through the Rural Support Programmes (RSPs), most established by the government itself, and similar organisations that have micro-credit programmes for those who have no access to credit provided by mainstream banking coupled with basic entrepreneurial capacity building and fundamental service provision in the areas of health, education, water and sanitation.

Some RSPs do not even refer to themselves as NGOs; the biggest among them, the National Rural Support Programme (NRSP), came about in Nawaz Sharif’s first term at the government’s initiative. Pakistan Poverty Alleviation Fund (PPAF), an independent company, again established by the government with a major endowment received from the World Bank, is
perhaps the biggest funding facility at the moment. Interestingly, the Trust for Voluntary Organisations (TVO), another endowment-based funding facility for small community-based organisations, was established by the government with support from USAID. The Orangi Pilot Project (OPP), founded by the legendary Dr Akhtar Hameed Khan, is another such organisation that has done pioneering work in provision of fundamental municipal services in poorest areas of the country as well as struggling for the land rights for the poor.

The other type of organisations is those that provide human development and rights-based capacity-building support to communities through training, social mobilisation and community organisation. They also do pro-people campaigning for women and child rights, peasant and labour rights, etc. One of the largest among such organisations is Strengthening Participatory Organisation (SPO), a company registered by SECP like most RSPs and PPAF, which was transformed from Pak-Canada Small Projects Office, a project run by the Economic Affairs Division and Canadian International Development Agency (CIDA). Sungi Development Foundation, founded by the late Omar Asghar Khan, is another such organisation which came out independently but is registered as a company and has worked closely with government on various occasions besides being an effective advocate for people's rights in the Hazara and Malakand divisions of Khyber Pakhtunkhwa.

Then there are organisations of human rights defenders, women rights campaigners and labour rights activists. From South Asia Partnership Pakistan (SAP) to Aurat Foundation (AF) to Shirkatgah to Pakistan Institute of Labour Education and Research (PILER) to the Human Rights Commission of Pakistan (HRCP), there are familiar names in them. Some of these organisations also undertake community development and social mobilisation work. Most such organisations are registered under the Societies Act. Many independent research and policy think tanks are also registered under one of the five laws mentioned above but mostly under the Societies Act. The Sustainable Development Policy Institute (SDPI) and Social Policy Development Centre (SPDC) are two such examples.

All these organisations are audited annually and try to fulfil all requirements set forth by the government in order to operate in their respective geographic and thematic areas. Also, there are quite a few trusts and societies working exclusively for the promotion of education, health and citizens’ rights. Finally, (and the above is by no means an exhaustive typology), there are small community-based organisations at the village.
and union council level who do a host of activities and are on occasion partners with large organisations. In many cases, their annual budgets are less than the monthly income of corporate executives and media anchor

Any funding coming into Pakistan and spent by these organisations is under bilateral or multilateral agreements. The government’s own development expenditure in what they call soft areas like education and health is hugely subsidised by foreign donor. It is incomparable in terms of volume to what these organisations collectively spend across Pakistan. Not even a penny of an off-budget programme, money that is not spent by the government, comes into Pakistan without the government knowing it. Therefore, the issue is more with riyal-driven outfits and less with dollar-driven outfits. No doubt all must be regulated but the point is that some are already being regulated. And if some are not, they should be regulated by enacting the existing laws.

We should worry more about the acceptance of aid by the state of Pakistan due to our inability to fulfil the needs of our people and the realisation of their basic human rights on its own rather than trying to discourage and stifle civil society organisations.

— Courtesy: The News International
“Why Imran Khan Must Bat for Civil Society in Pakistan”

The prime minister must reverse policies that are preventing NGOs from carrying out their necessary work.

Ahmed Rashid Sept. 2, 2018

Prime Minister Imran Khan of Pakistan has set out an ambitious development and reform agenda. He is determined to reign in elite corruption and increase spending on health, education and women's welfare.

To carry out these important social programs, Mr. Khan needs the support of Pakistan's battered and bruised civil society. He needs to put an end to the coercion civil society groups have faced from the previous government and the military and help them to function effectively and without constraints.

In the past, Mr. Khan had taken various regressive positions — supporting the discriminatory blasphemy laws, attacking liberals, criticizing the press and describing the Taliban insurgency in Afghanistan as a legitimate jihad against occupying forces — but he has an opportunity to turn the page and embrace a new, more inclusive vision for the country.

Pakistan features on the lower margins of most international human development indexes. It has the worst infant mortality rate. A child born in Iceland has a one-in-1,000 chance of death at birth, while a child born in Pakistan has a one-in-22 chance, according to the United Nations Children's Fund. Twenty-three million Pakistani children are out of school and millions of children enrolled in public and private schools can barely read or write.

Pakistan needs all the help it can get. Mr. Khan has to find the money and expertise to face these challenges when his government faces immense international debt repayments and collapsing revenues from taxes and exports.

Several international nonprofit groups such as Action Aid, Asia Foundation, Mercy Corps and Open Society Foundation have worked in Pakistan for yeaPRK. Civil society organizations have helped during national crises like floods; promoted education in remote, rural areas; and have worked with minority groups such as Christians and Hindus, who are ignored by the state.
Instead of supporting local and international nongovernmental organizations, the Pakistani establishment has responded with a crackdown on these groups. The previous government and the military initiated proceedings to curtail the work and even eject scores of international civil society groups working in Pakistan. Sections of the establishment and right-wing television networks in Pakistan have been promoting allegations linking international NGOs to espionage and antigovernment activities.

Last year, Pakistan ordered 21 international nongovernmental organizations to renew their registration in the country. When they submitted new applications in December, they were denied registration. No official explanation for the decision was provided. They are still waiting for a reply to an appeal.

Various programs run by these groups have been paralyzed for more than a year because of the uncertainty the government has created about their future. And tens of thousands of Pakistanis who work for nongovernmental organizations face the specter of unemployment. Donors such as Western governments are hesitant to come forth.

Pakistani nongovernmental organizations work under extremely difficult conditions, as they don’t have the option of leaving the country nor of effectively challenging clampdowns by the state. Thousands of Pakistani civil society groups, especially the ones working to promote human rights, have been asked to renew their registration and submit answers to highly personal questionnaires. Foreign funding for these organizations has also been suspended.

Mr. Khan cannot make any real progress on his agenda of reform until he ends the curbs on civil society and enlists these groups in creating a better Pakistan.

It is tragic that while Islamabad has pressured and coerced nongovernmental groups, it has opened up greater political and social space for Islamic extremist groups and their affiliates. Pakistan’s Election Commission allowed several extremist groups such as Lashkar-e-Taiba — a State Department-designated terrorist group, which faces sanctions from the United Nations — to contest the recent general elections while using front organizations.

The military has argued that it is mainstreaming these groups by bringing them into the electoral process. But without any de-radicalization program in place, without a commitment from these groups to disarm their tens of...
thousands of followers and disavow their extremist ideology and show a commitment to democratic processes, allowing them to contest elections only helps them increase their support base.

Extremist groups fielded some 1500 candidates in the elections. While Lashkar-e-Taiba's proxy failed to win a seat, the Sunni extremist group, Tehreek-i-Labbaik, won two seats in the Sindh Provincial Assembly and got over four million votes.

Mr. Khan needs to rectify this reckless state of affairs as Pakistan remains on the Financial Action Task Force's “grey list” of countries that have not fulfilled their obligations to curb terrorist activities. According to Western diplomats, the F.A.T.F. review of Pakistan's compliance in August did not go well.

F.A.T.F. is concerned about extremist groups being allowed to operate as charities in Pakistan while they are listed as terrorist groups by the United Nations. By October, Pakistan could be moved up to the “black list” of F.A.T.F. that includes North Korea and Iran and would result in international sanctions on Pakistan, unless it changes its behavior.

Apart from its direct political consequences, the failure to comply with the F.A.T.F. will also force donor countries to stop bilateral funding, most of which goes to nonprofit groups.

At present there is enormous good will for Mr. Khan, but how long it lasts will depend on whether he will continue policies that are clearly harming Pakistan's global image, undermining civil society and preventing NGOs from carrying out their tasks.

Policy decisions to return international nongovernmental organizations to their previous status, complying with F.A.T.F. obligations and stopping the growing power of Islamic extremist groups are urgently required. At stake is Pakistan's democratic future.

*The writer is the author, of “The Taliban,” “Pakistan on the Brink: The future of Afghanistan, Pakistan and the West.”*

– Courtesy Washington Post.
6. Key Findings of the Survey

This study carried out a survey in order to assess the impact of INGOs policy. Here are the results from questionnaires put to INGOs and local NGOs on the issue of how this government policy has affected their role and performance in their respective fields in Pakistan.

Results of the Questions posed to Local NGOs

Twenty-six local NGOs responded to our request for information. The results of these respondents are as follows:

1. “The working of organizations was effected by the Policy, 10 respondents strongly agreed, 7 agreed, 5 were neutral, 3 disagreed and 1 strongly disagreed.

2. “It became difficult in (Re)registering of NGOs after 2015” 11 respondents strongly agreed, 6 agreed, 5 were neutral, 2 disagreed and 2 strongly disagreed.

3. “The generating of funds from the INGOs became restricted after October 2015” 5 respondents strongly agreed, 14 agreed, 3 were neutral, 3 disagreed and 1 strongly disagreed.

4. “The focus of INGOs in funding specific social sector projects became difficult after October 2015” 7 respondents strongly agreed, 15 agreed, 3 were neutral, Nil disagreed and 1 strongly disagreed.

5. “Our organization had to restrict a few of our social sector projects in Pakistan after October 2015” 4 respondents strongly agreed, 11 agreed, 6 were neutral, 4 disagreed and 1 strongly disagreed.

6. “Our work in Human Rights related sectors was restricted after October 2015” 6 respondents strongly agreed, 7 agreed, 8 were neutral, 5 disagreed and Nil strongly disagreed.

7. “Our work in Gender (Women’s rights, equality) related sectors was restricted after October 2015” Nil respondents strongly agreed, 8 agreed, 11 were neutral, 6 disagreed and 1 strongly disagreed.

8. “Our work in Child rights related sectors was restricted after October 2015” Nil respondents strongly agreed, 4 agreed, 12 were neutral, 8 disagreed and 2 strongly disagreed.
9. “Our work in Minority rights related sectors was restricted after October 2015” 3 respondents strongly agreed, 8 agreed, 10 were neutral, 3 disagreed and 2 strongly disagreed.

10. “Our work in Democracy related sectors was restricted after October 2015” 3 respondents strongly agreed, 5 agreed, 12 were neutral, 4 disagreed and 2 strongly disagreed.

11. “Our work in Advocacy related sectors was restricted after October 2015” 4 respondents strongly agreed, 8 agreed, 7 were neutral, 6 disagreed and 1 strongly disagreed.

12. “Our work in Education related sectors was restricted after October 2015” Nil respondents strongly agreed, 6 agreed, 11 were neutral, 7 disagreed and 2 strongly disagreed.

13. “Our work in Health related sectors was restricted after October 2015” 4 agreed, 13 were neutral, 6 disagreed and 3 strongly disagreed.

14. “Our work in MDG related sectors was restricted after October 2015” Nil respondents strongly agreed, 6 agreed, 14 were neutral, 4 disagreed and 2 strongly disagreed.

15. “Our work in Environment related sector was restricted after October 2015” Nil respondents strongly agreed, 3 agreed, 12 were neutral, 8 disagreed and 3 strongly disagreed.

16. “Our work in Poverty related sector was restricted after October 2015” 2 agreed, 14 were neutral, 7 disagreed and 3 strongly disagreed.

17. To the question “As a result of the government policy, was your organization forced / obliged to reduce between 2014-2015 and 2017-2018” out of 26 respondents, 

To the question of “Reduced Donors 18 replied yes because they were obliged to reduce their work as result of the INGO policy 2015, while 8 replied with No.

To the question of “Reduced Projects 17 replied yes because they were obliged to reduce their work as result of the INGO policy 2015, while 9 replied with No.

18. “Does your NGO engage in international human rights advocacy?” 14 responded yes, because they were obliged to reduce their work
as result of the INGO policy 2015, while 8 responded with No and 4 did not respond.

19. To the question “Was your organization stopped from organizing activities”, 8 responded yes, 16 responded with No and 2 did not respond to the question.

To the question, “Staff was harassed / detained” 8 responded yes, 15 responded with No and 3 did not respond to the question.

To the question “Refused renewal or registration with EAD” 3 responded yes, 12 responded with No and 11 did not respond to the question.

20. “Did your organization experience any of the following” 7 responded yes, because they were obliged to reduce their work as result of the INGO policy 2015, while 5 responded with No and 14 did not respond. Although a few organizations were subjected to direct closure, etc. lot many were harassed or maimed.

To the question, “what allegations were levelled against your NGO / head”, 7 responded yes, 5 responded with No and 14 did not respond to the question. They noted the following types of harassment:

- We were accused that we are working on the Western Agenda
- Character Assassination
- Accused of being a Foreign Agent. Working on a Western Agenda”
- Who is sending money? Why money is been sent?
- Yes, here are much difficulty our organization faced by local agencies
  a) - Engagement in “dubious activities
- We were accused that we are working on the Western Agenda
Character Assassination

- Accused of being a RAW Agent. Working on a Western Agenda by local agencies questioning Who is sending money? Why money is been sent?
- Engagement in “dubious activities
To the question, “Accused of trying to take out Islam from the Textbooks”, 4 responded yes, 5 responded with No and 17 did not respond to the question. They noted the following types of harassment:
  - Accused of preaching Christianity
  - Harassment and Detention
  - Accused of trying to Eradicate Islam from the Textbooks
  - Where are you spending money
To the question, “Accused of trying to promote a Liberal & Secular Ideology”, 4 responded yes, 5 responded with No and 17 did not respond to the question. They noted the following types of harassment:
  - Calling INGOs an agent
  - Subjected to Extra Judicial Surveillance
  - Accused of trying to promote a Liberal & Secular Ideology
  - To question 21. “What action did your NGO take?”

“Court Intervention” 2 legal action.

Negotiation, EAD / PCP compliance” 6

a) NGOs approached beneficiary communities and the influential people for help
  - Had a detailed discussion with government agencies
  - Submitted appeal to home department,(Provincial Ministry of Interior)
To question 22.1.1. “Do you know of any other NGO that was shut down, please name if any?” The names of the following organizations were noted that had been harassed or restricted under the new procedures and rules
- Sojhla for Social Change. Was not shut down but faces many difficulties.
- BRAC in Rahim Yar Khan
- Taangh Wasaib Organization, in Sargodha
- Save the children
- Oxfam Novib
- Plan International
- Women in Struggle for Empowerment (WISE) in Lahore
- South Asia Partnership (SAP) Pakistan in Lahore
- PAIMAN Trust

To question 22.1.2. “Has the new NGO policy impacted the work of your organization in following ways?”

a) “Levy of extra taxes” 13 responded yes,
b) “Opening account in bank” 8 responded yes,
c) “Finding Funding opportunities” 16 responded yes,
d) “Difficulties in finding employees” 5 responded yes,
e) “Cannot work on projects of choice or mandate of the organization” 10 responded in affirmative.

It should be noted here that apart from serious hampering of human rights watch in the country, tens of thousands of Pakistanis working in local NGOs and INGOs have been rendered unemployed and lost their livelihoods because of restraints on the funding mechanisms and workings of the INGOs in the country since October 2018.
<table>
<thead>
<tr>
<th>Sr. No</th>
<th>Questions to NGOs working and Social Sector of Pakistan</th>
<th>05 Strongly Agreed (81% - 100%)</th>
<th>04 Agreed (61-80%)</th>
<th>03 Neutral (41-60%)</th>
<th>02 Disagreed (21-40%)</th>
<th>01 Strongly Disagreed (0-22%)</th>
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<td>01</td>
<td>The working of our organization was effected by the INGO Policy of Ministry of Interior, Pakistan October 2015</td>
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<td>02</td>
<td>It became difficult in (Re)registering of our NGO after 2015</td>
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<tr>
<td>03</td>
<td>The generating of funds from the INGO’s became restricted after October 2015</td>
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<td>04</td>
<td>The focus of INGO’s in funding specific social sector projects became</td>
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Appendix I
Questionnaire to Local NGO's
Name of the Local (Pakistani) NGO (Respondent)
<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>05</td>
<td>Our organization had to restrict a few of our social sector projects in Pakistan after October 2015</td>
<td></td>
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</tr>
<tr>
<td>06</td>
<td>Our work in Human Rights related sectors was restricted after October 2015</td>
<td></td>
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</tr>
<tr>
<td>07</td>
<td>Our work in Gender (Women) related sectors was restricted after October 2015</td>
<td></td>
<td></td>
</tr>
<tr>
<td>08</td>
<td>Our work in Child rights related sectors was restricted after October 2015</td>
<td></td>
<td></td>
</tr>
<tr>
<td>09</td>
<td>Our work in Minority rights related sectors was restricted after October 2015</td>
<td></td>
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<table>
<thead>
<tr>
<th></th>
<th>Our work in Democracy related sectors was restricted after October 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
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</tr>
<tr>
<td>11</td>
<td>Our work in Advocacy related sectors was restricted after October 2015</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Our work in Education related sectors was restricted after October 2015</td>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Our work in Health related sectors was restricted after October 2015</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Our work in MDG related sectors was restricted after October 2015</td>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Our work in Environment related sectors was restricted after</td>
</tr>
</tbody>
</table>
Our work in Poverty related sectors was restricted after October 2015

**Additional questions:**

17. As a result of the government policy, was your organization forced/obliged to reduce between 2014-2015 and 2017-2018:

<table>
<thead>
<tr>
<th>1701 Reduction</th>
<th>Yes</th>
<th>No</th>
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</thead>
<tbody>
<tr>
<td>1702 Reduce projects</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1703 Reduce donors</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1704 Reduce staff</td>
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</table>

18. Does your NGO engage in international human rights advocacy?
No

19. If your organization experience any of the above--NO
What allegations were leveled against your NGO/head?

a)   x
b)   x
c)   x

<table>
<thead>
<tr>
<th>1901 Stopped from organizing activities</th>
<th>Yes</th>
<th>NO</th>
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</thead>
<tbody>
<tr>
<td>1902 Staff was harassed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1903 Staff was detained</td>
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</table>

20. What action did your NGO take?

<table>
<thead>
<tr>
<th>2001 Action Type</th>
<th>Yes</th>
<th>No</th>
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</thead>
<tbody>
<tr>
<td>2002 Court intervention</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2003 Negotiation, EAD/PCP compliance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2004 Any Other</td>
<td></td>
<td></td>
</tr>
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</table>

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21. Do you know of any other NGO that was shut down, please name if any?

22. Has the new NGO policy impacted the work of your organization in following ways:
   i) Levy of extra taxes
   ii) Opening account in bank:
   iii) Finding funding opportunities:
   iv) Difficulties in finding employees
   v) Cannot work on projects of choice or mandate of the organization: (2205)
   vi) Cannot make your work more visible:
## Appendix II
### Results of Questionnaires to Local NGO's

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
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<th>Answer</th>
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<td>Strongly disagree</td>
<td>disagreed</td>
<td>neutral</td>
<td>agreed</td>
<td>strongly agreed</td>
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### Additional Questions

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62  Defining National Interest in Human Development
References


The Express Tribune. (2018, October 7). Authorities order George Soros foundation, other aid groups to close. Retrieved from The Express


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End Notes


ii- "Foreign NGOs...should be subject to the same set of rules that apply to national NGOs; separate registration and operational requirements should be avoided." Report submitted by UN Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, to the UN General Assembly (4 August 2009) p. 24.

iii- Alex Conte & Richard Burchill, Defining Civil and Political Rights (Routledge, 2016) p. 39.

iv- Zvozckov et al v Belarus, Communication 1039/2001, UN Doc CCPR/C/88/D/1039/2001 (2006) "finding that, in the absence of any reasons linked to the objectives under Article 22(2), it was a violation of Article 22 for Belarus to require, as a condition for registration, that an association be restricted in its activities to the exclusive representation and defence of the rights of its own members"


vii- Maina Kiai Report, paras.56-57, "The right to freedom of association “equally protects associations that are not registered. Individuals involved in unregistered associations should indeed be able to carry out any activities...This is particularly important when the procedure to establish an association is burdensome and subject to administrative discretion, as such criminalization could then be used as a means to quell dissenting views and beliefs.”

viii- Report submitted by UN Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, to the UN General Assembly (4 August 2009) p. 24: “Foreign NGOs...should be subject to the same set of rules that apply to national NGOs; separate registration and operational requirements should be avoided.”

ix- Maina Kiai Report, paras. 9, 67-68
x- Maina Kiai Report, para. 8.

xi- UNHRC, Concluding Observations: Ethiopia


xiii- Maina Kiai Report, para. 36.

xiv- Ibidd. at para. 43

xv- Id.

xvi- See also UNCHR, 27 May 2011, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, para. 69

xvii- Universal Declaration of Human Rights, Article 17


xx- United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association

xxi- Maina Kiai Report, para. 43,

xxii- Maina Kiai Report, para. 64.

xxiii- Id.
The proliferation of illiberal democracies in Eastern Europe, Asia and Africa had put considerable pressure on the fault lines and blind spots of the contemporary architecture of the human rights. The populist leaders learnt to exploit such weaknesses: the overreliance on international funding; the concentration of agenda-setting power in INGOs; the difficulties of INGOs in collaborating on a level playing field with global South organizations.

Hence, barring exceptions, the space for civil society reduced internationally, both from the source as well as from receiving ends. The illiberal democracies averse to civil and political rights restrict the INGO’s freedom to carry on their lawful activities at the cost of undermining their economy and polity. So the countries clamouring to promote tourism and direct foreign investment could not succeed with pushing back the international civil society which has become an indicator of market openness.

Interestingly, the last two military governments in Pakistan (Zia and Musharraf) had welcomed the INGOs. Although the geo-political realities did not change drastically for the civilian governments that followed, yet they relinquished a soft policy on INGOs/NGOs.

The reduced cooperation with international governmental INGOs since 2014 particularly in the wake of hike in petroleum prices in international market, low exports, etc. has implications on Pakistan’s progress towards democracy and the existing level of social cohesion. Hence rather than following the international trend in relation to INGOs, Pakistan must devise a INGOs / NGOs policy based its own national interest with human development of the people of Pakistan in consideration.

All fears, including internal and external security need to be reassessed and addressed. The governmental as well as non-governmental actors in Pakistan need to jointly carry out a review of the policy at hand. This study is an effort to bring data and various angles for a better evaluation situation and the way forward.