



COLLECTIVE FOR SOCIAL SCIENCE RESEARCH

NAVIGATING CIVIC SPACES IN PAKISTAN  
BASELINE REPORT

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Navigating Civic Space (NCS) examines changing civic space in Pakistan, Mozambique and Nigeria under the impact of COVID-19. This project is part of a wider research programme called Action for Empowerment and Accountability (A4EA). NCS focuses on tracking and evidencing the kinds of changes taking place in the nature of civic space in these countries, the implications of those changes, and the ways in which organised citizens and civil society organisations are responding. The project combines ongoing media and social media tracking, cataloguing of events, country observatory panels, key informant interviews, global literature and evidence review. In Pakistan the project is led by Ayesha Khan at the Collective for Social Science Research with research support provided by Asiya Jawed and Komal Qidwai.

**Action for Empowerment and Accountability (A4EA)** is a multi-country programme investigating how and when social and political action leads to empowerment and accountability in contexts characterised by fragility, conflict and violence. This programme is supported by the Foreign Commonwealth and Development Office of the UK government, but managed by an independent consortium led by the Institute of Development Studies in the UK. The views expressed in this publication do not necessarily reflect the official policies of our funder.

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# **NAVIGATING CIVIC SPACES IN PAKISTAN**

## **BASELINE REPORT**

September 2020

This background paper is a review of changing civic spaces in Pakistan during the brief period from July 2018, when national elections brought a new government to power, until the first lockdowns due to the Covid-19 pandemic began in March 2020. It will provide the context for interpreting events since the start of the pandemic, to show how civic spaces were grappling with growing pressure from the state even before this new emergency began. The source material for this paper is a combination of academic articles, advocacy organization reports, and press articles.

The discussion begins with an overview of the governance context during these twenty months under scrutiny, followed by a section on the civil society context which provides examples of areas of mobilization and change. We then turn to the state's response, and measures that sought to regulate or curb these spaces. Next, we discuss other threats to civic space actors which curb their freedoms, and close with a brief summary of the roles and strategies employed to counter these curbs and regulations.

## **The Governance Context**

Pakistan has had three extended periods of military rule, each of them came to an end after extensive civil society mobilisation. The first (1958-1970) experience culminated in the overthrow of Ayub Khan, after widespread trade union and student protests in 1969. He was replaced with another military leader who held elections and oversaw a civil war that led to the eastern half of the country's independence and creation of Bangladesh in 1971. The second period of military rule (1977-1988) heralded a process of Islamisation under President General Zia ul-Haq; the state made effective use of religious political forces to achieve its goals. It silenced political parties began widespread press and academic censorship, and broke the student and trade unions movements during this period. Pakistan's third military ruler (1999-2007), General Pervez Musharraf, carved a deliberately moderate ideological position and invited representatives of non-government organisations to join his government as technocrats. At the same time, he conceded power to anti-progressive forces and tolerated the rise of militancy in the north-west border with Afghanistan. Lawyers' associations launched a widespread judicial movement against his imposition of emergency rule and interference in the Supreme Court, forcing his resignation in the face of growing unpopularity.

After two civilian governments led by the mainstream political parties (2008-2013, 2013-2018) a new party came to power in 2018. The current government is headed by a former cricketer-turned politician called Imran Khan, who founded the Pakistan Tehreek-i-Insaaf (PTI) on an anti-corruption platform. Prior to the elections he became an iconic figure of protest politics, holding a mass camp-out for months at a time in front of Parliament in the capital city of Islamabad, determined to topple the sitting government of Nawaz Sharif for having squandered the wealth of the people for personal gain of politicians. His popular support base is primarily urban based, comprising educated youth, business groups, and middle-class voters disgruntled with the performance of the political class and the slow pace of development.

The main power broker behind the scenes in Pakistan's government is the military and its related intelligence agencies.<sup>1</sup> The country has seen the rise to power and dismissal of several civilian governments despite the return to democracy. Commonly referred to by some commentators as the 'miltabishment',<sup>2</sup> referring to the entrenched interests of a powerful bureaucracy together with the military, this arena of power needs to be courted in order for any elected dispensation to survive. As Freedom House reported, the freedom of major political parties 'to operate is related to the strength of their relationships with unelected arms of the state, which have sought to sideline figures not to their liking through a variety of legal and extra-legal means.'<sup>3</sup>

The military's role in Pakistan's politics and governance is often justified as a security imperative. This is in part due to the fact that political unrest and simmering conflict persists in much of the country. In the province of Sindh, the military, and para-military forces, have been called in more than once to Karachi to impose law and order when violence consumed the urban metropolis over the last few decades.<sup>4</sup> Rural Sindh is the mainstay of support for the Pakistan People's Party, with a long history of opposition to military rule, as well as a number of smaller nationalist parties accused of being anti-state. After the 2018 national elections, it is the only province with PPP in power.

The province of Khyber Pakhtunkhwa (KP) is located at the heart of global geo-political conflict. After 9/11 and the US invasion of Afghanistan, Pakistan's Taliban movement was based in the Federally Administered Tribal Areas (FATA), a semi-autonomous region in the country's north-west which has since been integrated into KP. A series of army operations succeeded in quelling the Taliban insurgency on the country's border with Afghanistan. Indeed, the suppression of militancy reduced terrorist attacks across the country from 3,682 in 2015 to 228 just four years later.<sup>5</sup> Nonetheless, the military action to defeat the Taliban included the destruction of villages, markets, and the death or disappearance of many individuals not involved in the conflict, which became the trigger for a youth-led ethnic Pashtun social movement.

In Balochistan, province, a nationalist insurgency and military action to control 'terrorism' has stymied ordinary life outside the main city of Quetta, making it unsafe for many NGOs to open programmes in the rural areas or even visit their offices if they have them. A citizen-led missing persons campaign persists for the return of political dissidents who have vanished over the years. Since 2010, Quetta itself has been the site of frequent terrorist attacks by Taliban insurgents and sectarian organizations targeting minority Hazara community members and lawyers.

Even after this last round of elections in 2018, Pakistan is still best classified as a 'hybrid' regime.<sup>6</sup> Opposition political and civil society circles informally dubbed Imran Khan the 'selected' rather than 'elected' Prime Minister, in reference to the allegations that the 2018 elections were rigged. A leading democracy watchdog organization, FAFEN, praised the electoral process, while the monitors from the European Union gave a diplomatic statement that no rigging had occurred on polling day. Human rights activists alleged instead the military interfered with the pre- and post-polling process, pointing out the 2018 elections were the first time in Pakistan's history that the army was deployed within the premises of polling stations.<sup>7</sup>

In the post-election, lull observers, analysts and activists waited to see how the new government would proceed regarding policies that affected civic freedoms. The country's overall score on the World Democracy Index (Table 1) has declined, despite this second smooth transition between elected governments and an increase in political participation. There was no improvement in the broader political culture and civil liberties to accompany the improved scores for electoral process and political participation.

**Table 1. Pakistan scores on World Democracy Index (2018)**

Year	Rank	Overall Score	Electoral Process and Pluralism	Functioning of Government	Political Participation	Political Culture	Civil Liberties
2018	112	4.17	6.08	5.36	2.22	2.5	4.71
2013	107	4.64	6	5.36	2.78	3.75	5.29
2008	108	4.46	6.08	5.71	1.11	4.38	5

Source: Economist Intelligence Unit (2018).

The quality of political culture and debate declined under the new government's anti-corruption agenda and discomfort with multi-party politics. It has filed numerous anti-corruption cases against opposition politicians, including former Prime Minister Nawaz Sharif and former President Asif Zardari, through a special body set up by the previous military government called the National Accountability Bureau (NAB). Bureaucrats, too, became concerned their decisions may lead to investigations by NAB in future, causing delays in the functioning of government. Parliamentary debate and law-making was stymied by the delay in notifying standing committees and the new government's preference for legislating through ordinance rather than drafting new laws.

Pakistan is a federation of four provinces, each with distinct ethnic, social and economic conditions. The provinces have historically resisted the tendencies at the centre to enhance the power of federal authorities at the expense of their financial and political autonomy. In 2010, the 18th Amendment to the Constitution, passed unanimously, devolved significant power to the provinces in an effort to address these concerns, thereby neutralizing the power of ethno-nationalist forces and strengthening allegiance to the federation. It removed the power of the President to dissolve the elected assemblies, thus reducing the chances of this office enjoying supra-democratic powers and being subject to manipulation by the military. Progressive political forces claim a major reason the military supported PTI to form a government was its cooperation to reverse this Amendment.<sup>8</sup> A sensitive issue amicably resolved through the political process has been placed on the political agenda once again.<sup>9</sup>

## The Civil Society Context

Some broad features of Pakistan’s civil society have been remarkably persistent over the last forty years, since the advent of donor funded non-government associations and the intermittent periods of civilian rule. First, it is vibrant, innovative, and in constant flux despite the reluctance of all governments, both military and civilian, to nurture civic spaces and concede the rights and freedoms guaranteed under the Constitution. Second, NGOs such as the Human Rights Commission of Pakistan and women’s advocacy organizations (e.g. Aurat Foundation and Shirkat Gah) have played a vital role in holding the state to account for its deficiencies in upholding citizens’ rights, democratic politics, and obligations for human development. These advocacy organizations provide technical support to the government to report against its international treaty commitments, such as CEDAW, and also write shadow reports of their own, which are often critical of the state.<sup>10</sup> Government, in turn, favours partnership with those organizations that focus on service provision in the health and education sector, while reluctantly tolerating the calls from advocacy NGOs to improve its record on human rights, democracy, and civic freedoms in general. In times of crisis, such as the 2006 earthquake and 2010 floods, the government eagerly partnered with NGOs in its relief efforts, but later regretted the facility with which donor funds were allowed to flow into these organizations. Finally, the state’s discomfort with civil society spaces does not extend to activities related to religious organizations, funding of religious education and relief efforts, and associations or protests formed to counter the claims of progressive mobilizations.<sup>11</sup>

**Table 2. Composition of the Nonprofit Sector<sup>12</sup>**

Major Non-Profit Organizations	Number	Percentage
Culture and Recreation	2453	5.5
Education and Research	20,699	46.4
Health	2700	6.1
Social Services	3704	8.3
Environment	103	0.2
Development and Housing	3264	7.3
Civil Rights and Advocacy	7815	17.5
Religion	2184	4.9
<b>Total</b>	<b>44,625</b>	<b>100</b>

\*As per the International Classification of Non-Profit Organizations.

The last major survey of the non-profit sector in Pakistan, which for this purpose was defined as private, not profit distributing, self-governing and largely voluntary, estimated 45,000 active organizations (Table 2). Almost half of them were devoted to education and research activities, which, comprised mainly religious learning. (*Madrassas*, or religious seminaries, were excluded from the survey). A substantial proportion were engaged in rights-based advocacy work, many of which played a significant role creating a discourse for social transformation, in support of the vision provided by the women’s movement, labour movement, child rights’ advocates, the environment and sustainable development agenda, and human rights more generally. These

organizations, or NGOs depend largely on foreign donor funds to support their work, while the welfare-oriented NGOs doing charity work for the poor receive funds from philanthropic donations.<sup>13</sup>

Formal NGOs, important as they are in Pakistan, do not constitute all of civil society space. It includes social movements and other instances of collective action, such as professional and workers' associations mobilization. Thus, the selected examples of current mobilizations and activism discussed below reflect our understanding of civil society beyond formal community-based or non-government organizations.

### *Student Solidarity March*

Student unions on university campuses in Pakistan have been banned since the late 1980s. In early November of 2019, student organizations formed the Student Action Committee (SAC), led by the Progressive Students Collective.<sup>14</sup> The SAC promised to address pressing issues such as sexual harassment on university campuses, cuts in the education budget, and interference of security forces in institutions.<sup>15</sup> The Committee organized the Student Solidarity March, which took place in 50 cities across Pakistan on 29<sup>th</sup> November, 2019.<sup>16</sup>

Police in Lahore arrested around 300 organizers and participants of the March on charges of sedition, including Ammar Ali Jan, Farooq Tariq, Iqbal Lala (father of Mashal Khan who was lynched over allegation of blasphemy in Mardan), and Alamgir Wazir (nephew of MNA and Pashtun Tahaffuz Movement leader Ali Wazir).<sup>17</sup> In response to the protests, Balochistan University banned all political activities on campus.<sup>18</sup>

The Human Rights Commission of Pakistan (HRCP) gave a statement deploring the government's response to the peaceful protests and highlighted that propaganda against the marchers on social media could put their lives at risk.<sup>19</sup> Prime Minister Imran Khan promised to remove the ban on student unions after establishing a code of conduct for how they would operate, but did not.<sup>20</sup> Meanwhile, Sindh Police lodged a sedition case against Sindh University students for allegedly chanting anti-Pakistan slogans, wall-chalking and carrying Sindhi flags. The students rejected the allegations. Sindh University's Vice Chancellor protested he was not consulted before the police case was registered.<sup>21</sup>

### *Doctors' Protests*

In 2019 a series of new laws were passed with the purpose of improving efficiencies in the public health sector through introducing privatization measures. Punjab, Pakistan's largest province with a population of over 110 million, is often a bell-weather of social and political sentiments. When the 2019 Medical Teaching Institutes (MTI) Reforms Bill surfaced in Punjab, paramedical staff, nurses and young doctors formed The Grand Health Alliance (GHA) to mobilize against it.<sup>22</sup> Members of the Pakistan Medical Association and the Young Doctors' Association joined in. Healthcare workers argued the Act would make them contractual

employees, affecting their job security.<sup>23</sup> After 10 days of protests, healthcare workers called off their strike when the government agreed to negotiate. Demonstrations and strikes resumed a few months later, with protestors alleging the law was ‘anti-patient’, making affordable healthcare less accessible for the poor.<sup>24</sup> Next, government banned all political activities and gatherings in hospitals and educational institutions,<sup>25</sup> and a lawyer filed a writ petition in the Lahore High Court against the young doctors’ protests.<sup>26</sup>

In March 2020, as healthcare workers turned their attention to the coronavirus pandemic, the Punjab Assembly passed the MTI law.<sup>27</sup> A new round of demonstrations began, and there was a clash between police and protestors at a sit-in in Lahore in which some healthcare providers were injured.<sup>28</sup> Advocate Siddique filed a plea in the Lahore High Court to initiate contempt proceedings against protestors citing that they were violating an interim order issued by the court to cease protests.<sup>29</sup>

### *Lady Health Workers*

Lady Health Workers (LHW) are the front-line community health service providers in Pakistan, numbering over one hundred thousand today. In 2008 they formed an Association to stage protest actions and file legal petitions to demand a salary increase and full integration into the government’s service structure. They were broadly successful, but continue to mobilize to improve their employment conditions and benefits. In March 2019, LHWs held a sit-in outside the Punjab Assembly to demand the new government provide them with social security registration, pension, free healthcare, and other facilities.<sup>30</sup> In Khyber Pakhtunkhwa province LHWs blocked one of the main roads in front of the legislative assembly to make their demands heard.<sup>31</sup> LHWs are not subject to the same harsh treatment that political activists experience, possibly because their demands are focussed on employment rights and their contribution to primary health care provision is vital to achieving the government’s targets.

### *Women’s Day Marches*

A new phase of the women’s movement led by young feminists emerged in 2018, through a series of marches organized in urban centres to celebrate International Women’s Day. The ‘Aurat’ (Women’s) March, brought together feminists, grass-roots workers, and members of a diverse range of community organisations in Karachi, Lahore and Islamabad. They demanded greater social and political justice and decried the patriarchal and cultural practices that limit sexual rights and freedoms in contemporary life. These Marches generated a great deal of social media backlash, mainstream press coverage, and broader social debate. In 2019, more cities joined in the March, once again attracting thousands of women in a show of street power not seen since the 1980s when the women’s movement protested against the military regime’s discriminatory laws in the name of its Islamization programme. In 2020, just before the pandemic led to lockdowns, the March took place for the third time.

This time, conservative forces tried hard to prevent the March from taking place. Lawyer Azhar Siddiqui, representing a Judicial Activism Panel filed a petition in the Lahore High Court to stop the Aurat March and its promotion on social media. He argued it was against Islamic values and funded by anti-state groups. The judge allowed the March to proceed with the caveat that it should refrain from any ‘immorality’.<sup>32</sup> Similar petitions in Islamabad and Sukkur were also filed to stop the March in those cities, without success, while religious groups threatened to prevent the protestors from gathering.<sup>33</sup>

Political parties weighed in on the growing controversy, broadly supporting the rights of Marchers to proceed.<sup>34</sup> In response to threats of violence, Amnesty International issued a statement supporting both the March and its popular slogan, ‘*mera jism meri marzi*’ (my body, my choice), which had attracted the most criticism from right-wing groups and politicians.<sup>35</sup>

The government position was less supportive. The Special Assistant to the Prime Minister on Information, said at an event that some slogans used at the Aurat March violate Islamic values.<sup>36</sup> The Pakistan Electronic Media Regulatory Authority (PEMRA) issued an advisory to television channels on airing ‘controversial’ content in relation to the Aurat March, particularly ‘indecent’ banners and slogans. PEMRA claimed it had received complaints from citizens regarding indecent slogans and discussions regarding these slogans being aired on television channels.<sup>37</sup> During a speech Prime Minister Imran Khan blamed the lack of a standardized education system for cultural clashes in the country, citing the Aurat March as an example of a ‘different culture’.<sup>38</sup>

Meanwhile, religious, right-wing parties and groups organized ‘Haya’ (a reference to women’s honour) Marches in a number of urban centres on International Women’s Day to express opposition to the Aurat March, and support for women’s roles and rights within Islam. In Islamabad, protestors included students of the militant Jamia Hafsa, members of political party Jamiat Ulema-e-Islam (JUI) and the religious organization Sunni Tehreek. Indicating its implicit support for their mobilization, the government did not require the Haya marchers to obtain a No Objection Certificate (NOC) for their events, while Aurat March organizers were obliged to do so. In some venues, where the two divergent Marches came into contact, some feminist protestors suffered physical assaults.<sup>39</sup>

## **Regulation of Civil Society and Civic Space**

Civic spaces are ‘the physical, virtual, and legal place where people associate, express themselves, and assemble’.<sup>40</sup> Yet to flourish, civil society actors need to be able to function without fear of sanction, threat or abuse.<sup>41</sup> In Pakistan both the spaces, and the atmosphere in which they function, are subject to growing restrictions combined with hostility and threats if these restrictions are not complied with. Pakistan’s Constitution protects the individual’s right to be dealt with in accordance with the law, along with freedom of movement, of association and assembly. Activists invoke these fundamental rights as they try to negotiate wider civic spaces.

There are a number of regulations and laws in place to govern the registration and operation of non-government organizations.<sup>42</sup> During periods when the state is displeased with the vocal tone of advocacy NGOs, it has imposed additional restrictions or threatens to withdraw registration from these organizations. These NGOs are often accused of serving western interests because they receive international donor funds and argue for the implementation of human rights and compliance with international treaties. Governments regularly accuse women's NGOs of representing un-Islamic, decadent and western values, threatening to shut them down.<sup>43</sup>

The government increased its scrutiny of NGOs in the aftermath of 9/11 in response to concerns raised internationally about the need to curb terrorist financing and an incident with a US NGO linked to espionage leading to the assassination of Osama bin Laden in 2011.<sup>44</sup> In 2013 new regulations required extra oversight of organizations which receive foreign funding.<sup>45</sup> These have affected those working in the development sector more than organizations involved in receiving illegal foreign funds for religious extremism. The Pakistan Centre for Philanthropy, which serves as a governance advisory body for NGOs and helps them to qualify for government registration, acknowledged that the public image of non-profit organizations has deteriorated after the bin Laden incident, and that the multiple new legal requirements are proving onerous to comply with for many organizations.<sup>46</sup>

Recent developments increased pressure on foreign-funded NGOs and international NGOs with offices in Pakistan. In 2015 all international NGOs were told to register with the Ministry of Interior and reveal their sources of funding. Some, such as the Open Society Foundations in Pakistan turned to court action to appeal against this step.<sup>47</sup> While some of the petitions have been accepted and the INGOs are allowed to operate, others remain pending. This adversely affected funding to Pakistani NGOs which rely on the flexibility of support from INGOs which are focussed on supporting civil society activities.

Pakistani NGOs are allowed to operate only after going through an increasingly onerous process to obtain a Memorandum of Understanding (MoU) and No-Objection Certificate from the Economic Affairs Division (EAD) of government. It is mandatory for all organizations to be registered with EAD before implementing any project, and the MoU gives these organizations the right to receive foreign funding and open bank accounts.<sup>48</sup> The Pakistan Human Rights Defenders Network (PHRDN) condemned the federal government's rejection of applications claiming that most of the NGOs were 'wrongly rejected' as they were working for the welfare and rights of the people.<sup>49</sup> Many leading advocacy NGOs, such as Shirkat Gah, are struggling to obtain EAD approval at present despite working in the field for over thirty years, thus holding up the implementation of programmes which have received funding approval from international donor agencies.

The government has set up Charity Commissions for the first time, to further regulate NGOs under a new national plan, adding another regulatory layer to the official requirements. Its spokesman explained the rationale as adding efficiency and facilitating the checking procedure from the interior ministry which permits NGOs to access foreign funds, thus avoiding delays in

their projects. He acknowledged a ‘trust deficit between the state and civil society’ which the new regulation was intended to redress.<sup>50</sup>

In July 2018 the provincial Punjab government made it mandatory for all NGOs in the province to register with its Charity Commission’s online portal. Soon after, the government ordered 18 international NGOs to shut down operations and leave the country. Many of them worked on human rights issues, but some of them were blamed for pursuing an ‘anti-state’ agenda. Their written appeal to the government of Pakistan was rejected.<sup>51</sup> According to authorities, the systematic crackdown on international organizations was due to discrepancies in visa and registration documentation. The Human Rights Minister tweeted that these organizations were asked to leave because they spread disinformation and do not work according to their mandate. The Pakistan Humanitarian Foundation, which represented 15 of these 18 organizations reported that those charities alone helped 11 million poor Pakistanis and contributed more than \$130 million in aid.<sup>52</sup>

Human rights activists and other civil society members urged the government to change course, arguing the arbitrary laws curb constitutionally guaranteed freedom of expression, assembly and association. As Karamat Ali, Executive Director of Pakistan Institute of Labour Education and Research (PILER) said, ‘Pakistan’s civil society in recent years has come under increasing pressure for its work on fundamental freedoms. Not only have the members of civil society faced curbs on their operations, there have also been threats to the lives, security and well-being of those involved in any activity related to the advancement of democratic cause and fundamental freedoms.’<sup>53</sup> Civicus reported that critical journalists and activists from civil society continue to face arrests and warnings from Twitter that they had violated Pakistani laws.<sup>54</sup>

The government’s efforts to develop legislative oversight of digital spaces began well before the 2018 elections. The Prevention of Electronic Crimes Act (PECA) was drafted in haste and passed without taking the opposition into confidence in April 2016.<sup>55</sup> When it went to the upper house for approval, several senators termed it a ‘dangerous’ and ‘black law’<sup>56</sup> which gave the interior ministry ‘blanket order’ to act against those posting online against the army or Pakistan’s national interests. The law has been used to arrest or investigate journalists for their posts on social media<sup>57</sup> although 41 banned terrorist and anti-state organizations have been operating freely on such platforms.<sup>58</sup> The government failure to protect a woman from cyber-harassment has been blamed for her suicide.<sup>59</sup> It has now added an amendment to PECA through which blasphemy and pornography would also fall under its ambit.<sup>60</sup>

One of the leading civil society voices in preserving freedoms in cyber space is the Digital Rights Foundation advocacy organization, which argues that government has used the law to silence dissent instead of protecting its citizens.<sup>61</sup> It says the Federal Investigation Agency has been inconsistent in its application of the law, registering police cases against journalists yet refusing to do the same against religious leaders or individuals favoured by government.<sup>62</sup> Further evidence for this argument came in January 2019, when the authorities pressurized Google to censor a faculty petition on academic freedom signed by concerned faculty members

across several universities in Pakistan. The government cited PECA's provision on 'hate speech' and section 37 on 'unlawful online content' as the legal basis to remove the open letter on Google Drive.

In January 2020, the federal cabinet approved a new set of regulations called the Citizens Protection (Against Online Harm) Rules 2020.<sup>63</sup> It requires social media companies, including Facebook, Twitter and YouTube to register with government and set up permanent offices in Islamabad. The companies must remove within 24 hours any content that the Pakistani government deems 'unlawful.'<sup>64</sup> They will be required to provide decrypted content and information on users accused of posting material which is blasphemous or related to terrorism, extremism, hate speech, defamation, fake news, incitement to violence and national security.<sup>65</sup> A national coordinator will be appointed to enforce these rules. Activists dubbed these rules 'draconian' and an attack on freedom of speech.<sup>66</sup>

In February, the Islamabad High Court ordered the government and relevant law and information technology ministries to submit replies to a petition arguing these regulations violate Article 19 and 19 (a) of the Constitution and termed it an attempt by the government to stifle dissent and free speech.<sup>67</sup> The court refused to suspend the application of these new rules in the meantime. Several social media companies wrote a letter to the Prime Minister threatening to withdraw their services because these new regulations would make it difficult for them to operate.<sup>68</sup> The government responded by forming a consultative committee with stakeholders to review the laws.<sup>69</sup>

The tightening of regulatory mechanisms on national and international NGOs in Pakistan has curtailed the flow of aid funds to support their activities. Multi-lateral donors, such as the United Nations agencies, World Bank, Asian Development Bank and European Union, have a strong presence in Pakistan but work primarily directly with government on a wide range of social sector support programmes and post-conflict reconstruction initiatives. Bi-lateral aid agencies, led by USAID and UK Aid, have large programmes that include support to NGOs and community-based organizations. The *modus operandi* for disbursing these amounts, however, has changed since July 2018 because a number of national NGOs through which major programmes were implemented have lost their registration with government. For example, the UK's Department for International Development (DFID) implemented its £39 million AAWAZ programme (2012-2018), to enable citizen action towards an inclusive and tolerant Pakistan, through partnering with a consortium of national development NGOs, two of which eventually had their No-Objection Certificates to work in certain districts cancelled.<sup>70</sup>

## **Constraints to Civic Space**

The state constrains civic spaces in the name of maintaining security and safeguarding the national ideology of Pakistan, which involves preserving the Islamic character of state and society. Public discourse is indirectly controlled through pressure on journalists to adhere to the state narrative, limitations on academic and cultural discourse, and tacit permission for religious

extremist groups to threaten and intimidate dissident voices. The abduction and disappearance of political dissenters and public critics has led two helplines being established run by charity organizations for citizens to report missing persons. The HRCP reported 2,141 missing persons cases up until 2019.<sup>71</sup>

As Pakistan's 'national ideology' became increasingly Islamic during the 1980s, a number of laws to limit religious freedoms were passed to enforce a majoritarian Sunni Muslim state. The blasphemy laws, punishable by death, have been used to target non-Muslims, minority Muslims belonging to other sects,<sup>72</sup> human rights activists, and political dissenters. In a recent example after the 2018 change in government, an angry mob of religious leaders attacked a Hindu temple in Sindh after a Muslim student accused a Hindu teacher of blasphemy. The source of the dispute turned out to be political rivalry, yet the tool of intimidation was easy to employ in a context where religious sentiments are easily manipulated. Although political parties and civil society organizations condemned the mob action and filed police cases, the accused have since been released.<sup>73</sup>

Pre-election pressure on the media helped to cast doubts on the fairness of the electoral process.<sup>74</sup> In one instance, armed men entered the Karachi Press Club and harassed journalists, and forcibly took pictures and videos from their phone cameras. The day after the attack, 200 journalists held demonstrations in front of the Governor House to protest the violation of the sanctity of Karachi's oldest press house.<sup>75</sup> After the elections, the new government announced plans to merge separate regulatory bodies into one unified body to manage all electronic media, including social media. Several media associations including The All Pakistan Newspaper Society (APNS), Council of Pakistan Newspaper Editors (CPNE), Pakistan Federal Union of Journalists (PFUJ) and Press Council of Pakistan (PCP) strongly opposed the measures.<sup>76</sup> In another move, a new watchdog Content Committee was formed to approve all advertisements for print and electronic media, comprising provincial information ministers from the ruling party.<sup>77</sup>

The clampdown on social media increased post 2018 elections. According to 'Facebook Transparency Report' released in November 2018, Pakistan emerged as the number one country in the world with 2,203 requests from government to Facebook for content restriction. The 'Twitter Transparency Report' ranked Pakistan third highest with 3,004 accounts inciting violence and spreading hate material. The Freedom House declared Pakistan 'Not Free' in terms of internet use for the seventh consecutive year in its global report released in December 2018.<sup>78</sup> The democracy monitor reported that Pakistani authorities blocked more than 800,000 websites and platforms from being accessed within the country, including political, religious, and social content from June 2018 to May 2019.<sup>79</sup>

A leading national English-language newspaper, Dawn, has come under pressure for its criticism of the new government, leading to withdrawal of state advertising, nearly causing its financial collapse. Similar pressure has led to the collapse of many local language daily papers due to the same withdrawal of advertising revenue. Dawn's foreign affairs and international security correspondent was stopped by two men in civilian clothes after he had met a British diplomat and was asked to accompany them for inspection.<sup>80</sup> According to the Committee to Protect

Journalists, ‘the country’s powerful military quietly, but effectively, restricts reporting by barring access, encouraging self-censorship through direct and in-direct acts of intimidation.’<sup>81</sup>

## **Civil Society Roles and Strategies**

This brief overview has shown that civil society and civic spaces in Pakistan were vibrant during the period immediately post-election in 2018 until the time the pandemic struck less than two years later. The range of strategies to articulate demands remained similar to ones that civil society actors and social mobilizations have employed for decades: court petitions, sit-ins, demonstrations, awareness-raising and advocacy with policy makers, and speaking out through different forms of media. The High Courts have been responsive to petitions from civil society against arbitrary regulations restricting their voice, however senior judges critical of the government have also found themselves subject to allegations of corruption. Feminists turned to the ruling Pakistan People’s Party in the province of Sindh, which is relatively more progressive than other mainstream parties on gender issues, for police protection during the Karachi Aurat March this year. The Human Rights Commission of Pakistan used the protection afforded by its national and international platform to raise questions about the electoral process and curbs on civic spaces, and it continued to publish reports critical of the state’s measures. Other advocacy NGOs lobbied with politicians and bureaucrats behind the scenes to share their concerns about the new Charities Commission, but they made little headway. When security agencies target individual activists, behind the scenes negotiations with influential individuals have reduced the pressure in some cases. Politicians, meanwhile, struggled to contend the threat of NAB cases, and petitioned the Supreme Court to stop the government from using accountability for corruption as a means to silence dissent.

Growing restrictions to curtail media freedoms and digital spaces have become a source of extensive debate. Some senior journalists, such as Talat Hussain and Nusrat Javed, left their positions as news anchors and columnists due to differences with management over new editorial restrictions.<sup>82</sup> Social media provides a valuable alternative space for sharing political views, but it has increasingly become an arena for the harassment of dissent as well. Journalists use YouTube to share their analysis, independent from editorial oversight, and the platforms provided through online webinars have become increasingly popular for sharing discourse critical of the government.

Civil society groups are monitoring the curbs on digital spaces in an effort to protect the rights of citizens. The Digital Rights Foundation (DRF), a feminist, not-for-profit organization set up a Cyber Harassment Helpline to provide digital security assistance, psychological aid and legal assistance to victims of cyber bullying and abuse. It established another project called ‘Ab aur Nahi’ in light of the #MeToo Movement to create spaces for individuals to report their stories of abuse, and designed an application called ‘Hamara Internet’ to provide free information to all Pakistanis regarding the reporting mechanisms in place in case of cyber harassment.<sup>83</sup> Bolo Bhi, another CSO geared towards advocacy and policy research in the areas of digital rights and responsibility, tracks laws, files petitions and carries out campaigns to ensure freedom of

expression, privacy, digital safety and data protection for Pakistani citizens. DRF and Bolo Bhi collaborated to ensure digital accessibility during the 2018 elections.<sup>84</sup>

Under the new PTI government and enhanced influence of the military in matters of governance and security, the tense relationship between the state and civil society took a turn for the worse. The mobilizations and activities discussed above are non-violent and framed in terms of citizen's rights already guaranteed under the constitution of Pakistan. Some activists were charged with blasphemy and/or sedition for their involvement in student mobilizations discussed earlier. Yet others were arrested on other charges or found themselves embroiled in court cases which prevent them from engaging in further activism. These measures have the effect of silencing voices and shrinking the numbers of those willing to bear the consequences of engaging in civic spaces.

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