

Strengthening Governance in Pakistan

Assessing the National Action Plan to
counter Terrorism and Extremism



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List of Acronyms

ADR	Alternate Dispute Resolution
AJK	Azad Jammu & Kashmir
AML	Anti-Money Laundering
APG	Asia-Pacific Group
APS	Army Public School
AQIS	Al-Qaeda in the Indian Subcontinent
ASWJ	Ahle Sunnat Wal Jamaat
ATA	Anti Terrorism Act
ATCs	Anti-Terrorism Courts
ATF	Anti-Terrorist Force
BRAS	Baloch Raji Ajohi Sangar
CCI	Council of Common Interests
CCNS	Cabinet Committee on National Security
CE	Counter-Extremism
CFT	Combating Financing of Terrorism
CII	Council of Islamic Ideology
CoC	Code of Conduct
CT	Counterterrorism
CTDs	Counter-Terrorism Departments
CTF	Countering Terrorism Financing
CVE	Counter-Violent Extremism
DGPR	Directorate General Public Relations
DGRE	Directorate General of Religious Education
EPTS	Elite Police Training School
FATA	Federally Administered Tribal Areas
FATF	Financial Action Task Force
FBR	Federal Board of Revenue
FC	Frontier Corps
FCR	Frontier Crimes Regulations
FGCM	Field General Court Martial
FIA	Federal Investigation Agency
FIF	Falah-e-Insaniyat Foundation
FIU	Financial Intelligence Unit
FMUs	Financial Monitoring Unit
GB	Gilgit-Baltistan

GC	General Committee
HEC	Higher Education Commission
HRCP	Human Rights Commission of Pakistan
IBOs	Intelligence-based Operations
ICAP	Institute of Chartered Accountants of Pakistan
ICJ	International Court of Justice
ICMAP	Institute of Cost and Management Accountants of Pakistan
ICT	Islamabad Capital Territory
IDPs	Internally Displaced Persons
IPCM	Inter-Provincial Coordination Ministry
ISI	Inter-Services Intelligence
ISIS/IS	Islamic State [group]
ISPR	Inter-Services Public Relations
ITMP	Ittehad Tanzeemat-e-Madaaris Pakistan
JeM	Jaish-e-Muhammad
Jl	Jamaat-e-Islami
JID	Joint Intelligence Directorate
JuD	Jamaatud Dawa
JUI-F	Jamiat Ulema-e-Islam-Fazal
KP	Khyber Pakhtunkhwa
LeJ	Lashkar-e-Jhangvi
LeT	Lashkar-e-Taiba
MER	Mutual Evaluation Report
MFE&PT:	Ministry of Federal Education and Professional Training
ML	Money Laundering
NAB	National Accountability Bureau
NACTA	National Counterterrorism Authority
NAP	National Action Plan
NEC	National Executive Committee
NFC	National Finance Commission
NGOs	Nongovernmental Organisations
NISC	National Internal Security Committee
NISP	National Internal Security Policy
NPOs	Nonprofit Organisations
NSA	National Security Advisor
NSC	National Security Council
OIC	Organisation of Islamic Cooperation
PATA	Provincially Administered Tribal Areas

PBC	Pakistan Bar Council
PBUH	Peace Be Upon Him
PCCs	Provincial Coordination Committees
PECA	Prevention of Electronic Crimes Act
PEMRA	Pakistan Electronic Media Regulatory Authority
PeP	Paigham-e-Pakistan
PHC	Peshawar High Court
PIPS	Pak Institute for Peace Studies
PM	Prime Minister
PML-N	Pakistan Muslim League-Nawaz
PoR	Proof of Registration
PPC	Pakistan Penal Code
PPP	Pakistan Peoples Party
PTI	Pakistan Tehreek-e-Insaf
PTM	Pashtun Tahaffuz Movement
SAFRON	Ministry of States and Frontier Regions
SC	Supreme Court
SHC	Sindh High Court
SIG	Special Investigations Group
SLA	Sindhudesh Liberation Army
SRA	Sindhudesh Revolution Army
SSU	Special Security Unit
TF	Terrorism Financing
TLP	Tehreek-e-Labbaik Pakistan
TTP	Tehreek-e-Taliban Pakistan
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner of Refugees
UNODC	United Nations Office on Drugs and Crime

Acknowledgments

Pak Institute for Peace Studies conducted this study with the collaboration of Friedrich-Ebert-Stiftung Pakistan. PIPS sincerely thanks Muhammad Amir Rana for overseeing the study in all phases, from data collection to report writing. Special thanks to Safdar Sial for developing the analytical framework, tabulating and analysing the data, and drafting the report. The Institute is really grateful to all those who helped in making the fieldwork possible during the difficult times of the Covid-19 pandemic, especially Abdullah Dayo, Zia Ur Rehman (in Karachi), Sabookh Syed (Quetta & Gilgit-Baltistan), Shahzada Zulfiqar (Quetta), Shozab Askari (Islamabad & Lahore), and Aqeel Yousufzai (in Peshawar). Last but not least, PIPS would like to express its gratitude to Najam U Din for editing the final report.

Foreword

Pakistan and its citizens have suffered from terrorism for a long time. Thousands of people have been killed, many more were injured. Finally, when in December 2014 seven heavily armed terrorists entered the Army Public School in Peshawar, killing 150 people including 134 pupils, Pakistani politics and society finally had enough. Very quickly a national consensus emerged to rid the country from the evil of terrorism, no matter how it was justified. Only eight days after the crime committed in Peshawar, the Pakistani Parliament passed the “National Action Plan (NAP) for Countering Terrorism and Extremism”. In 20 points of different importance the NAP presented a way to overcome terrorism, not even closing the eyes in regard to some difficult topics, like the role of sectarian extremism and violence.

Today, more than six years later, the amount of terrorism and political violence is much lower, with less than 400 people killed in 2019. While terrorism in Pakistan has not ended completely, it does not any longer dominate the attention nationally and internationally. It is high time to look back and analyze to what degree this partial success has been the result of the NAP itself, or of other factors. It is time to evaluate its successes and weaknesses. This will allow to keep and build on the successes the NAP has produced, and identify elements where reform or additional measures might be required. In our humble view, the success or failure of the fight against terrorism in the long run will depend on legitimate and effective governance in Pakistan, as is other countries as well. This paper, researched and written by the Pak Institute for Peace Studies (PIPS) in Islamabad, will hopefully contribute to this. It provides an in-depth analysis of the strength and weakness of the NAP, and presents suggestions to further strengthen it. The Friedrich Ebert Stiftung (FES) has been happy to support this endeavor, without at any time influencing its contents. The suggestions, analysis and opinions offered in this paper are, therefore, are those of the authors alone, and do not necessarily reflect the positions of FES.

We hope this paper will contribute to a constructive discussion in Pakistan on how the struggle against the crime of terrorism can be strengthened even further.

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December 2020

Executive Summary

The National Action Plan (NAP) was rolled out almost immediately after the December 2014 Army Public School (APS) attack with the intent to reach a meaningful consensus on countering terrorism and extremism. The 20 action points under NAP have since achieved varying levels of success. The Karachi operation was concluded successfully, achieving its goals of eliminating armed actors and restoring peace to the city. The erstwhile FATA region has been merged with Khyber-Pakhtunkhwa and the introduction of political, administrative and judicial structures in the merged tribal districts is underway. Significant measures have been taken to curb terror financing. Tactical operations across Pakistan have contributed to an improved overall security environment, evinced by a gradual decrease in the number of violent incidents nationwide since the NAP's launch. However, there is evidence suggesting that NAP has had minimal success in countering violent and non-violent extremism in the country. Extremist literature is abundantly available online and offline, and the glorification of terrorists and their acts continues. Nothing substantial has been done so far to support the process of political reconciliation in Balochistan either. A major NAP clause related to revamping and reforming the criminal justice system has also largely been a non-starter. Superior courts have set aside a significant number of convictions awarded by post-NAP military courts. On the other hand, NACTA has failed to establish itself as an effective civilian-led body on countering terrorism, as was originally envisaged. Furthermore, concerns have been raised over misuse of counter-terrorism (CT) and counter-extremism (CE) laws, such as PECA 2016, among others. The parliament is also no longer focused on NAP or CT and CE on the whole, with the exception of legislations on terror financing this year. Apparently, even that focus is due to pressure from the FATF.

Successes and Failures So Far

In the aftermath of the APS attack, the informal moratorium on executions was lifted to send the death-row terror convicts to the gallows, and military courts were established to expedite prosecution of terror cases. Individuals convicted for involvement in the assassination attempt on General Pervez Musharraf in 2003 and the military headquarter attack in 2009 were the first ones to be hanged. By the end of 2015, around 340 persons, mostly convicted in non-terrorism cases, were executed. Some questioned the effectiveness of executions since there is little demonstrable evidence to link death penalty with reduction in incidents of terrorism or any serious crime. Similarly, the military courts went on a conviction spree, giving death penalty to hundreds of terror accused, mostly on the basis of confession statements through secret trials. The secrecy surrounding these trials was bound to raise eyebrows, and legal experts expressed fears that the right of accused to fair trial were compromised. The Supreme Court ruled that these verdicts were subject to judicial review, and in June 2020, the Peshawar High Court rejected the confession statements and set aside convictions of around 200 suspects who had been handed down death sentences and jail terms by the military courts.

At operational levels, the military led the tactical operations that reduced the militants' capacity to executed major attacks over the years. However, there has been a disturbing resurgence of jihadist militants and sectarian extremists lately. Areas of Khyber Pakhtunkhwa, such as North Waziristan and Bajaur, have seen militant activity in recent months, and sectarian extremists have also taken out rallies in several cities. Unfortunately, NAP has not been an effective framework for countering sectarianism. Although laws such as the Sound System Ordinance 2015 and Prevention of Electronic Crimes Act 2016 have been enacted to check hate speech, the results are disappointing so far because hate materials are freely propagated on the internet. Since the launch of NAP, the government has banned

18 outfits and sanctioned 88 individuals, seizing their properties and freezing their bank accounts. In the post-Pulwama attack, the pressure on extremist groups was again intensified apparently because India worked to mount international pressure on Pakistan, and particularly because of the FATF conditions. The renewed clampdown mostly targeted the finances of the militant groups.

On the other hand, Sindhi nationalist insurgents have also become active in Sindh lately, and Baloch separatist outfits are attempting to expand their reach which is evident from the BLA attack on the Pakistan Stock Exchange in Karachi in June 2020. Insurgent attacks have also continued in Balochistan where Tehreek-e-Taliban Pakistan and other IS-affiliated groups already have some operational support structure. NAP promised to deal with sectarian terrorists with an iron hand, and there were tangible actions towards that end initially. Many extremist sectarian elements were prosecuted, and some others were killed by security agencies, yet despite everything there are continued manifestations of sectarian extremism in the country. Sectarian hate speech is disseminated on the internet without effective check from the authorities. Although the government has produced clergy-backed documents like the Paigham-e-Pakistan and the Code of Conduct with an aim to promote interfaith and intersect harmony and countering the ideologies and narratives of extremist groups, effectiveness of these initiatives remains to be seen. At the institutional level, the performance of security agencies like NACTA with regard to NAP has not been very impressive. The agency is a decade old and has a nationwide mandate, but it lacks presence in the provincial capitals, including Peshawar, which was worst hit by terrorism in the recent past. It has, however, taken some useful initiatives like reviewing policies relating to CT and CE, and gathering monthly intelligence input for security analyses. Overall, confusion still surround NACTA as it is marred by lack of active political ownership.

Pakistan also faced a renewed external challenge in 2018 in the form of FATF. The country was put on the watchdog's grey list with the warning that it could be blacklisted if its deficiencies in combating terror financing were not removed within a year. In February 2020, the government announced an action plan to meet the outstanding commitments with FATA by June. However, Covid-19-related relief gave the government some more time to work on its promises. So far, it has pushed through over a dozen legislations to satisfy the FATF. But implementing these laws would be a challenge because the state's responses take time to evolve especially in the context of Pakistan's undocumented economy. On the other front, the Securities and Exchange Commission of Pakistan has de-registered thousands of NGOs in the country, and Pakistan Post has been linked with the national banking digital system as part of a larger effort to check money laundering and terror financing. Actions have also been taken to prevent proscribed groups from collecting zakat and animal hides during Ramzan and Eids. However, the government has not paid much attention to the NAP provision regarding madrasa reforms. Attempts at reforms have revolved around curriculum, and even that has failed to bring about any change in the madrasa environment or mindset. There has also been no progress on financial regulation of madrassas.

Similarly, there has been no considerable progress on addressing the separatist insurgency in Balochistan. NAP provided for reconciliation with the insurgents, and the government initiated the Pur Aman Balochistan (Peaceful Balochistan) project to offer monetary and rehabilitation support to militants laying down their weapons. Sadly, such undertakings have lacked consensus and proper roadmaps. Even before NAP, the PPP government brought the 18th constitutional amendment and economic incentives like the 'Balochistan Package' and the 7th NFC Award in order to mitigate the grievances of smaller provinces like Balochistan. However, no initiative has so far been successful in putting an end to the insurgency. The situation of the former FATA region is also no different. NAP called for FATA's merger with KP. What has happened so far is just constitutional merger without political, administrative, and economic integration. A substantial number of internally displaced persons still await repatriation while the military continues to patrol and police the erstwhile FATA districts. The government has, however, achieved marked success in putting down the militancy in

Karachi. After NAP was announced, the government expedited security operations in the metropolis, targeting militant groups including Al Qaeda, Lashkar-e-Jhangvi, etc. The operation achieved most of its objectives as violence and street crimes declined, although sporadic and low-level incidents of terrorism continue to happen.

Challenges to Implementation

The foremost issue impeding the implementation of NAP has been lack of political resolve and sustained focus. Experts believe the government has been using NAP to flaunt its anti-terror credentials to the world, instead of using it as a meaningful framework for addressing the challenges of terrorism and extremism. Besides, NAP was produced in haste following the APS attack without much consultation with and engagement of the wider stakeholders. Inherently, the trust level between the state and society is low which has also caused low acceptability of NAP at the society level. In addition, there has also been absence of effective coordination among state agencies regarding NAP implementation. The framework has remained military-centric with little promise to help the civilian law enforcement or judicial and political structures to rise to the challenge. The government, on its part, has also faltered on several occasions in the face of pressure from extremist groups and elements. For instance, just in July this year it backtracked on its decision to allow construction of a Hindu temple in Islamabad due to pressure from religious extremists. Earlier in 2018, the government fired its economic advisor, Atif Mian, for his Ahmadi faith. On the whole, the persecution of religious minorities continues unabated.

Political and Policy Orientation of NAP

Adopting soft approaches to countering terrorism and extremism has never been a strong point for governments in Pakistan. Matters relating to security, including terrorism and extremism, are generally considered military domains. NAP has failed to civilianize the CT and CE policies and responses. In the past, the civilian governments of PPP and PML-N had made attempts to take lead against terrorism, but ultimately they deferred to the military. The PPP fully owned the 2009 Swat operation, and the PML-N produced the National Internal Security Policy (NISP) that admitted that threats to national security were internal, but there was no substantial follow-up, partly because the PML-N government found itself cornered by political agitations by the PTI and PAT. It was amid the prolonged PTI-PAT protest sit-in that the APS tragedy happened.

Experts believe that NAP is weak on the soft approaches. This is concerning because religious extremism is a far deeper problem than terrorism. Much of the problem is the byproduct of past policies that promoted radicalism and militancy for a number of strategic objectives. Such policies also gave birth to sectarian extremism which is a major driver of faith-based violence in Pakistan. The government enacted the PECA 2016 to curb sectarian hate speech, but the law has also been used to target journalists. One of the most critical areas where NAP is silent is the educational curricula. Historically, textbooks have been used both as means of education and as a political tool to shape public thinking on national identity and security. In the 1980s, a lot of religious and jihadist content was added to the textbooks that survives to this day, and NAP does not explain how that would be rectified. Similarly, the de-radicalization component is also missing from the CE regime. The military has been running some limited de-radicalization programs, but not much is known about them.

The security establishment's predominant role in security matters also tends to create problems of political will as politicians generally feel a degree of detachment from matters relating to security. Back in 2008, the then Prime Minister, Yousaf Raza Gilani, unveiled his government's CT policy of 'deterrence, development, dialogue', or the 3D strategy, but in the end the matter was left to the military. Likewise, Prime Minister Nawaz Sharif provided a political direction on security through NISP and NAP but there was lack of political will to implement those policies. Limitations of civilian capacity

to deliver has also negatively affected the political will of the leaders. Apart from the political will, the issue of NAP ownership has also been an obstacle. Constitutionally, law and order is the domain of provincial governments, yet NAP was developed without full consultation of the provinces. On the top of that, the parliament has also had minimal interest in the NAP implementation. And lastly, the military too did not share much detail about its CT operations. Information trickled to public knowledge only in bits, further increasing the general disinterest in NAP.

Recommendations

The report offers a number of recommendations for policy reforms and restructuring of the overall anti-terrorism regime. It underlines the need to redefine NAP in a way as to civilianize the counter-terrorism policy and refocus on counter-extremism efforts. The parliament should take the lead in debating the issue and determining the broad contours of security policies. Similarly, the police should be expanded and modernized as it stands at the forefront and serves as the first line of defense against terrorism and extremism. Likewise, NACTA should be put under the Prime Minister's Office, and the PM should take ownership of the agency and use this platform for overseeing the NAP implementation. In addition, the inter-provincial coordination ministry should be reinvigorated with regard to NAP because law and order in each province is the domain of the provincial government. The criminal justice system should also be reformed, starting with fundamentals like redefining acts of terrorism in the Anti-Terrorism Act 1997 and increasing parliamentary oversight of the criminal justice system. The report also recommends building and promoting robust narratives against terrorism and sectarianism, and giving more space to the youth to debate issues and express themselves more freely. Likewise, civilian-led de-radicalization and reintegration programs should be introduced as part of the CT and CE strategy.

Lastly, the report recommends policy reforms on education, foreign policy as well as internal security. The state should end the policy of using education for shaping the national thinking on identity and security, and purge the textbooks of exclusionary contents and inaccurate presentations of Pakistan's political history. Besides, terrorism and extremism should be taught as subjects at universities, with a view to counter them. On the foreign policy front, the report urges the government to pursue meaningful dialogue with India over bilateral issues including Kashmir and seek peaceful resolutions of conflicts because the Kashmir-centric transnational militants thrive on the mutual hostility between the two states. The environment of hostility also has had negative domestic impacts in Pakistan including on the economy and political stability. Similarly, a genuine initiative for political reconciliation with the disgruntled Baloch leaders and insurgents is recommended. The report calls for an end to the policy of high-handedness in Balochistan because coercive measures have not only failed to bring peace to the province but also hardened the stance of the separatist elements.

1. Introduction & methodology

The National Action Plan (NAP) was adopted by the federal government as a multi-pronged counterterrorism and counter-extremism roadmap immediately following the December 2014 terror attack on Army Public School in Peshawar. It entailed 20 clauses calling for countering multiple aspects of terrorism and extremism, such as crackdown against hate speech, action against banned and violent sectarian groups as well as terror financing, protecting minorities, and reforming madrassas, among others. It also pledged some institutional and constitutional measures such as the establishment of special courts and an anti-terrorism force, revival of NACTA, mainstreaming of what was then the FATA region, and criminal justice system reform, etc. NAP had indeed galvanized all political parties and military leadership to publicly take a stand against terrorism, besides facilitating a public discourse on the government's counter-militancy efforts.

As NAP closes in on six years of its inception, there are many who are not impressed by the execution and results of the diverse measures espoused in this state-led counter-terrorism plan. Others, however, point to the declining trends of militant violence and terrorism in the country since the launch of NAP as signs of success. And again many people would contest the assertion attributing the country's success against terrorism and militancy to NAP alone.

Apart from the news media reports and analyses, and claims made by the government, there is serious dearth of systematic and objective accounts of the NAP implementation and outcomes. Civil society organizations and academic institutions have also largely failed to make NAP part of their research and policy advocacy discourses. Many believe that a dwindling focus on NAP by the state and civil society would only add to the country's counter-extremism and counterterrorism challenges.

Pak Institute for Peace Studies (PIPS) conducted a comprehensive review of NAP implementation in 2017, whose outcome was published in the form of a report that also included data on NAP progress compiled by the office of the National Security Advisor.¹ PIPS also held an exclusive consultation on NAP with a group of experts including government officials the same year, which noted that for each of the different points of NAP, a proper plan might be charted, along with specific indicators, goals, and responsible institutions.

In one of the consultations PIPS held on NAP in 2017, the participants emphasized the need for concerted efforts to map the progress on NAP actions and evaluate the outcome employing empirical evidence and local responses from all regions of the country. Such mapping should also include the responses of those affected by different manifestations of violent and non-violent extremism and also terrorism, especially on how NAP has changed their perception of insecurity over time. Another key goal of such mapping should be linked to policy advocacy where suggestions should be sought and documented to reform and consolidate the NAP measures, using the local contexts in different parts of the country.

The need for such an evaluation increased over recent years on several accounts. For one, Pakistani youth's vulnerability, in particular, to extremist, polarizing narratives and ideologies, which are also rife with hate speech, has increased manifold, mainly on cyberspace and social media. Those indulging in hate speech are marked for speaking ill against sectarian or religious minority communities, such as Shia Muslims, Ahmadis, Christians, and Hindus. That not only negatively affects social cohesion but also hinders efforts to counter violent extremism. As NAP calls for "countering hate speech and extremist material," there should be a renewed

1. Pak Institute for Peace Studies, Conflict and Peace Studies (2017) 10 (1).

discussion on how to achieve this point, as well as the means to assess implementation of this point.

Secondly, only a few years ago, most of the public and policy discourses in the country were largely oriented around insecurity and instability caused by militant groups, including those with violent sectarian agendas. However, the present focus on these and related issues is almost negligible. The recent decrease in the frequency of terrorist violence notwithstanding, many questions still remain. Has the militancy landscape of the country completely changed and inherent threats eliminated? What happened to those violent groups that wreaked havoc with the lives of people and security forces at a time and place of their own choice? What are the prospects of those groups reconsolidating and/or relocating to mainland Pakistan? To what extent has NAP stopped banned groups from promoting narratives of hatred and extremism? All these questions need to be addressed by employing local responses.

Thirdly, one particular aspect of religious extremism in Pakistan is linked to growing faith-based intolerance and persecution. Apart from faith-based attacks and targeted killings by militant groups, persecution of religious minorities is also increasingly penetrating individuals' attitudes and behaviours in Pakistan. Against this background, there is a need to seek local responses including those of minority communities in order to evaluate how NAP is helping them and how it could become a factor of change in that regard.

There are many other similar questions regarding NAP actions, which need a comprehensive appraisal, such as those related to curbing sectarian and communal violence, stopping propagation of terrorist/extremist ideologies, choking terror financing, regularizing madrassas, and reforming criminal justice system, etc.

This report entails the outcome of a research study that was designed and conducted against the backdrop cited earlier, with the aim to map the NAP implementation status across Pakistan and evaluating its success and impact. Another

overarching goal of this mapping exercise is informing and influencing the government's efforts on countering extremism and terrorism, including through NAP, using local, empirical insights from across Pakistan. On the whole, the study focused on three broad areas or objectives:

- Mapping and contextualizing the execution of NAP measures;
- Exploring the outcome of NAP measures employing empirical evidence and local responses; and
- Suggesting ways to make NAP measures more comprehensive and effective in terms of countering violent extremism and terrorism.

Methodology

As many as six (6) consultations were held with a total of over 100 experts and local resource persons across the country, on the NAP actions. These entailed five regional consultations including one each in Lahore, Karachi, Peshawar, Quetta, and Gilgit, and one national level consultation in Islamabad. The consultations were closed-door occasions, attended by the invitees only, and were structured to invite empirical and policy discussion.

General talking points in all consultation sessions oriented around how NAP has, has not, been instrumental in countering aspects of violent and non-violent extremism including those linked to hate speech, protection of minorities, communal or faith-based violence, and dealing with banned and other religious extremist groups. Some specific NAP provisions are, however, grouped together in three following themes:

- Action against banned groups as well as violent sectarian groups
- Crackdown against hate speech and glorification of terrorists
- Checking persecution of and violence against minorities

Some specific themes of NAP actions also come under discussion in regional consultations, such as:

- The issue of facilitating reconciliation with Baloch insurgents (Quetta consultation).
- The post-FATA-KP merger situation and impact on militant violence and terrorism (Peshawar consultation).
- Forced conversions in interior Sindh and the status of Karachi operation and sustainability of its impact (Karachi consultation).
- Action against Punjab-based banned and sectarian groups (Lahore consultation).
- The status of NACTA (Islamabad consultation).

Meanwhile, **secondary data** on NAP implementation and its impact was mapped through desk research, exploring media reports, government records and academic and research material, where available.

2. Pre-NAP scenario or NAP baseline

In Pakistan, there are views aplenty, for and against, on whether NAP was or was not a watershed moment in the country's protracted fight against violent extremism, militancy and terrorism.

As a policy tool, NAP is something of a departure from what has generally been the national norm in that it is the outcome of a conscious effort to achieve broad-based consensus. However, the 20 points articulated in the plan were neither exceptionally groundbreaking nor unique. In one form or another, all these elements were already part of either the existing modus operandi or at least part of the ambitions.

NAP's significance arguably lies both in the 'national consensus' that accompanied the articulation of its content as well as reiterating and gathering the various stated objectives in a single document. The relatively holistic focus of NAP in envisioning the roadmap to counter terrorism and extremism in the country is in marked contrast to the previous practice of these challenges largely being tackled in a reactive and piecemeal manner. In that respect at least, NAP has been a definite step forward.

Before proceeding to assess the status of implementation of the stated goals under NAP, it may be rewarding to briefly recall the pre NAP context with respect to the themes covered in the 20 points.

The APS attack took place at a time when Pakistan had been in the throes of significant internal security challenges in the form of extremist militancy and nationalist insurgency in its northwestern and southwestern regions, respectively, for much of the previous decade.

Suicide bombings and other terrorist attacks in major urban centers were still common.

Just a few months before NAP was developed, the country's first National Internal Security Policy (NISP) 2013-18 was presented to parliament in May 2014.² The policy had three major elements: "dialogue with all stakeholders; isolating terrorists from their support bases; and enhancing deterrence through capacity-building [in order] to enable the security apparatus to neutralize threats to internal security."³ Other related components or issues were linked to reforming madrassas, developing an anti-terrorist force at the federal level, enhancing cooperation and coordination, curbing terrorism financing, and managing registration and repatriation of Afghan refugees. Most of these proposed actions later appeared as NAP clauses.

The NISP policy framework had relied on two components, soft and hard, which were to be implemented by NACTA. However, the December 2014 terrorist attack on Army Public School in Peshawar changed the orientation and substance of these two components with National Action Plan and military operations (Zarb-e-AZ and Khyber) undertaking the soft and hard measures, respectively.⁴ The NISP remained largely a non-starter also due to the fact, as noted by counterterrorism expert Farhan Zahid, that "the civilian government and the military establishment were unable to reach a consensus as to how to implement the policy."⁵ Similarly, besides issues of control of the security policy, the implementation phase also faced financial constraints in view of the huge funds needed.

Later, National Internal Security Policy (NISP) 2018-23 unveiled another instance of Pakistan's

2. Farhan Zahid, "Counterterrorism policy measures: A critical analysis of Pakistan's National Action Plan," The Mackenzie Institute, July 19, 2016, <https://mackenzieinstitute.com/2016/07/counter-terrorism-policy-measures-a-critical-analysis-of-pakistans-national-action-plan>

3. Pak Institute for Peace Studies, Pakistan's achievements in war on terror but at what cost (Islamabad: PIPS, 2019).

4. Ibid.

5. Farhan Zahid, "Counterterrorism policy measures: A critical analysis of Pakistan's National Action Plan."

counterterrorism effort in June 2018. The NISP 2018 described the Tehreek-e-Taliban-Pakistan and ISIS/Daesh presence in Afghanistan and its possible spillover effect to the entire Pakistan as the top threats to national security. Another threat mentioned was “increasing violence and intolerance in the society and frequent use of hate speech.”⁶

NAP called for reviving National Counter Terrorism Authority (NACTA), which was established in 2009 – through an ordinance that was ratified by the parliament in 2013 – with a key objective to “act as a coordinating body, synchronizing the efforts of all of the security and law enforcement apparatus in the country in order to combat terrorism in a concerted manner.”⁷

According to Tariq Parvez, former national coordinator of NACTA, urgent need had long been felt for a focal institution at the federal level that could plan, coordinate and orchestrate counter-terrorism efforts. After the 9/11 attacks in the US, which brought terrorism to the forefront of the international debate, the national counterterrorism effort in Pakistan was fragmented, with no coordination between the provinces and the federal government, the military and the civilian agencies and different federal ministries that had any role in countering terrorism. This state of affairs was preventing the state institutions from developing an effective and coordinated national response. NACTA was set up in 2009 precisely to fill that gap.⁸ Four years later, in 2013, a law was passed to give NACTA legal status.

As far as action against banned militant groups and terrorism is concerned, Pakistan’s response since early 2000s, has been largely kinetic, or

muscular, and less soft, or political. Many argue that although the state’s kinetic counterterrorism actions have achieved a lot in terms of peace and security, their long-term effect or sustainability remains to be tested so far. The use of kinetic measures as the state’s main response to counter militancy and terrorism resonated with the security leadership amidst growing terrorist violence, mainly after 2006-07. With the exception of some small anti-militant actions in parts of the erstwhile FATA in early 2000s, major military operations were launched after 2007 in Khyber Pakhtunkhwa and the erstwhile tribal districts.⁹ Similarly, small-scale search and hunt operations in Balochistan had been continuing since 2005, though sporadically. The FC takes the lead role on law and order and police and Levies assist it. Pakistan Army is also involved in some operations, where needed. The Rangers-led operation in Karachi had been continuing since 2013, before the launch of NAP.¹⁰

Nonetheless, the few pre-NAP soft or political responses that Pakistan’s employed in order to counter terrorism and extremism included mainly talks with the Pakistani Taliban militants and signing peace agreements with them. Most observers believed, as was borne out by the outcomes, that all of the more than a dozen peace agreements signed with the militants between 2002 and 2008 would prove futile in achieving the desired objectives.¹¹ That was partly because the agreements were made in a security framework, ignoring the political, sociocultural, economic, ideological and geostrategic root causes of the problem.¹² Again in 2013-14, before the launch of the military operation in North Waziristan, the government had been advocating talks with the militants.

6. Annela Aziz and Anila Kamal, “Final proceedings of International Conference Human Rights Challenges & Prospects (ICHRCP) 2018,” June 2019, https://www.researchgate.net/publication/333702578_Final_Proceedings_of_ICHRCP_2018

7. Farhan Zahid, “Counterterrorism policy measures: A critical analysis of Pakistan’s National Action Plan.”

8. Tariq Parvez, “NACTA, nay activated,” *Conflict and Peace Studies* (2015) 7(2): 51-58.

9. However, the first military operation was launched in erstwhile FATA in 2003 against a Wazir sub-tribe from Darra Akakhel in North Waziristan; the tribe had helped Al-Qaeda militants attack a US military camp located in a pass in July 2003. Later in 2004-05, Wana and Shakai operations were launched in South Waziristan.

10. Pak Institute for Peace Studies, *Pakistan’s achievements in war on terror but at what cost*.

11. Sana Mubashra, and Mariam i Shafi, “The Impact of Counter-terrorism Effectiveness on Economic Growth of Pakistan: An Econometric Analysis,” Munich Personal RePEc Archive, March 2018, <<https://mpra.ub.uni-muenchen.de/84847>>

12. Muhammad Amir Rana, et al., *Dynamics of Taliban Insurgency in FATA* (Islamabad: Narratives, 2010).

After some lethal militants attacks against law enforcement agencies, political leaders, polio vaccination teams, media persons, Shia pilgrims, and foreign tourists, etc., the prospects of talks ended. Eventually, the military operations in the erstwhile FATA eliminated the militant networks.

Several measures had already been in place in one form or another even before the NAP formulation. One of the NAP points called for raising a specialized counterterrorism (CT) force. The National Internal Security Policy, announced in 2014, had also called for establishing such a force, called “federal rapid response force”. Some internal arrangements with specific terrorism focus had existed among provincial police departments even before the launch of NAP. For instance, the Elite Police, raised in Punjab in 1997, was tasked with handling anti-terrorist operations, among other functions. Sindh had established a similar force, Special Security Unit, in 2010. Similarly, KP set up its special force unit, Counter Terrorism Force, in 2013.

Although the issue of hate speech got enhanced focus in NAP, efforts had already been underway even earlier to curb it. There was an ongoing debate about defining hate speech and new legislation. With the exception of the formation and enacting of a new law, Prevention of Electronic Crimes Act (PECA), 2016 – which criminalizes ‘hate speech’ – the existing provisions in Pakistan’s anti-terrorism legal regime and Pakistan Penal Code (PPC) are still being used in dealing with the spread of hate speech and material, and threats and insults to an individual’s life and religion, etc.

Similarly, reforming and regularizing the madrassas had been an ongoing discourse even before NAP was conceived. Madrassas had come on the radar mainly after the rise of the Taliban and the US invasion of Afghanistan. Many linked these institutions of religious education to [supporting] terrorism and violent sectarianism. Their external connections had also started to come under heated debate. For one, according

to the government’s documents, during 2013-14, at least 12 countries provided up to 300 million rupees in funding to around 80 seminaries in Pakistan. Moreover, individuals or institutions from abroad also sent funds to madrassas, without any proper checks, it was alleged.¹³ As cited earlier, the National Internal Security Policy (2013-2018) had also talked about reforming the madrassas.

NAP’s point on supporting political reconciliation in Balochistan was also not a new-idea, but many such efforts had been made since the establishment of Pakistan. More recently, however, such efforts were made during Gen Pervez Musharraf-led regime (1999-2008) and later during the Pakistan Peoples Party (PPP) government (2008-13). Similarly, the ongoing Peaceful Balochistan Package was also originally launched during the PPP government.

Nor was the talk of mainstreaming FATA new at the time of the launch of NAP. Indeed, as noted in the report prepared by FATA Reforms Committee that led to the FATA’s merger into KP, the first serious attempt on that was made by Zulfikar Ali Bhutto, who formed a committee under General (retd.) Naseerullah Babar to create a framework so that tribal areas could become a part of the erstwhile NWFP for general elections in March 1977; the attempt failed due to a military coup in 1977.¹⁴ After about 20 years, in 1996, the adult franchise system was extended to the erstwhile FATA, and in 2002, the government extended Local Government Regulation to the region. In 2006, a committee chaired by Sahibzada Imtiaz Ahmed submitted a report that made the way for “increased independence of FATA Secretariat under a separate Additional Chief Secretary and a substantial increase in development funding for FATA.”¹⁵ In 2011, the Political Parties Order 2002 was also extended to the tribal areas, which allowed the political parties to campaign there.

Similarly, the setting up of military courts in Pakistan in 2015 and the rationale for their establishment were closely tied to the decades-

13. Mujtaba Rathore, “Madrassa reforms: the debate,” *Conflict and Peace Studies (PIPS)* 7(1): 25-42.

14. Sartaj Aziz, “History of FATA reforms,” *The Nation*, March 8, 2017, <https://nation.com.pk/08-Mar-2017/history-of-fata-reforms>

15. Ibid.



old demand for reform of the criminal justice system. The calls for setting up military courts were linked to a failure to secure convictions for alleged perpetrators of terrorist attacks and other serious crime.

The blame for this lack of conviction was disproportionately, and somewhat unfairly, laid at the judiciary's doorstep alone. That critique largely ignored deficiencies in investigation and prosecution. Also unaddressed were things such as serious security risks to judges, lawyers and witnesses in terrorism-related cases. In short, reforms were needed to enhance both the capacity and security of the whole administration of justice chain, including judges, lawyers, investigators and prosecutors.

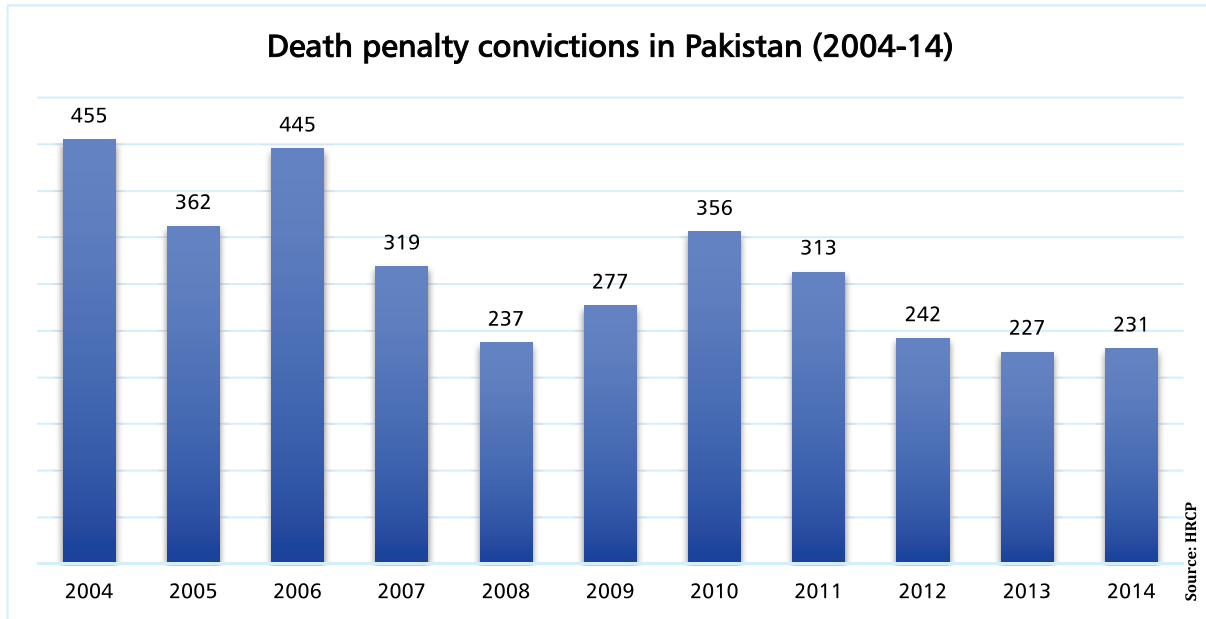
The slow pace of administration of justice in general had long been a common public grievance as the list of cases pending in courts had been growing for years. In 2014, there were at least 1.793 million cases pending in courts across Pakistan. At the end of that year, the well-regarded Human Rights Commission of Pakistan (HRCP) expressed concern over the steep toll of the huge backlog of cases on individuals and the justice system but also lamented that "public faith in the efficacy of the justice system to deliver seemed to have dwindled".¹⁶

The public anger over growing crime, low conviction rate and—more specifically in the aftermath of the APS attack—why the justice system failed or took inordinately long time to convict terrorists and dispense justice also needs to be understood in that context.

A NAP clause called for putting to death convicted terrorists. Indeed, capital punishment remains on Pakistan's statute books for at least 27 offences.¹⁷ Pakistan had consistently been among the world's top five states in terms of execution of death penalty and award of capital punishment until 2008. However, from December 2008 onward, the PPP government suspended implementation on the death penalty. That suspension continued until the end of that government's tenure in 2013. The subsequent government, of the Pakistan Muslim League- Nawaz (PML-N), persisted with that informal moratorium when it came to power in June 2013. In 2014, statements by the PML-N hinted at resumption of executions. After the prime minister met with the outgoing president, however, it was decided that the moratorium would continue. Rights bodies welcomed the move but also criticized the government for not sharing with the public the reasons for the moratorium.

16. Human Rights Commission of Pakistan (HRCP), *State of Human Rights in 2014*, p. 30.

17. HRCP, "Death penalty offenses in Pakistan," <http://hrcp-web.org/hrcpweb/death-penalty-offences>



Those in support of abolition, led mainly by the key human rights organizations in the country, questioned the deterrent value of capital punishment in reducing crime. HRCP particularly challenged the argument that systematic and generalised application of the death penalty led to a reduction in crime. It stated that the situation in Pakistan bore ample evidence of that as the law and order situation was alarmingly dismal despite the country's high rates of conviction to capital punishment.¹⁸

To the religiously mandated punishment argument, it argued that Islam mandated death penalty for no more than a couple of the 27 death penalty offences on Pakistan's law books and religion could not be cited as a justification for death penalty for the other two dozen offences.¹⁹ They pointed to the irreversible nature of the punishment in a justice system afflicted by inordinate delays, corruption and police investigation methods.

The graph above depicts the statistics regarding execution of convicts in the decade preceding the APS attack. Since the execution of death penalty convicts was halted in December 2008 only one person was executed over the next six years, until the APS attack.

The moratorium remained an informal one for all of six years and the government kept extending it incrementally through temporary executive orders, for six months at a time. Throughout this time, courts continued to award capital punishment in cases. As shown in the graph, the number of convicts receiving the death penalty consistently stayed at least above 200 in each of these six years and above 300 in two of these years.

As mentioned earlier, even before the APS attack, calls for resumption of executions, including by many in the ruling party, were rising and suspended executions were being cited as a reason for failure to curb crime. Then the APS attack took place and within the next fortnight seven individuals sentenced to death by the courts under the anti-terrorism law were executed.

Another of NAP's 20 points called for formulation of a comprehensive policy "to deal with the issue of Afghan refugees", beginning with registration of all refugees.

Generations of Afghans have sought refuge in Pakistan since the Soviet invasion of Afghanistan in December 1979, as well as during subsequent

18. HRCP annual report 2008 and press statements; mention two from different years.

19. HRCP, "Slow march to gallows: death penalty in Pakistan," 2007, <https://www.refworld.org/pdfid/46f1469f0.pdf>

periods of armed conflict and lawlessness in that country. At the height of forced displacement of Afghans, their numbers in Pakistan were close to five million.

Many Afghan refugees who were children when they fled Afghanistan grew up in Pakistan and started their own families here, including children who have never lived in Afghanistan. The UN refugee agency, UNHCR, has called Afghan refugees one of the world's largest protracted refugee population. The UNHCR has consistently commended Pakistan for hosting such a large refugee population for decades. However, lack of a durable solution for the long displaced Afghans has had consequences for both the refugee population and the host communities.

3. NAP so far: successes and failures

When NAP was rolled out, its immediate purpose was to reassure the people in the aftermath of the APS attack. It managed to do that to an extent besides creating a meaningful consensus on countering terrorism.

As recently as December 2019, the chief justice of Pakistan lamented the failure of successive governments to implement NAP. The chief justice was speaking as the nation commemorated the fifth anniversary of the APS attack. "While the judiciary has taken a number of steps to implement NAP, nothing significant has been done by the government in this regard," the top judge stated.²⁰

On the whole, NAP has achieved partial success in some of the 20 areas on the list. First, the Karachi operation was concluded successfully, bringing relative peace to the city. Secondly, the erstwhile FATA has been merged with the Khyber Pakhtunkhwa province and the introduction of political, administrative and judicial structures in merged tribal districts is underway, which many believe has a long way to go yet. Similarly, significant measures, including legislative ones, have been taken, most of them recently, to curb terror financing, although many would argue that these measures were mainly meant to comply with the action plan Pakistan had agreed with the Financial Action Task Force (FATF). Fourthly, the issue of illegal sale and purchase of telephone SIMs was handled successfully, which was largely linked to controlling terrorists' communication and operational activities. This factor significantly contributed to checking terrorist communications in Karachi in particular. Finally, many believe that NAP has in general put pressure on violent and non-violent religious extremist groups, including sectarian ones, and their supporters. That factor, coupled with the security and law enforcement agencies' anti-militant operations across Pakistan, has contributed to improving the overall security situation. The number of terrorist attacks and

other violent incidents has gradually decreased since NAP was launched.

However, there is little evidence to suggest that NAP has been successful in countering violent and non-violent shades of extremism in the country. For one, NAP has largely failed to achieve any demonstrable impact on curbing hate speech and religious persecution and protecting religious minority communities. Similarly, the extremist hate literature is abundantly available online and offline, and the glorification of terrorists and their acts also continues. Nothing substantial has been done so far to support the process of political reconciliation in Balochistan. A major NAP clause related to revamping and reforming the criminal justice system has also largely been a non-starter. Military courts were extended two times but since last year have been practically non-functional. Superior courts have set aside a significant number of convictions awarded by these special military tribunals.

While some success was achieved in strengthening NACTA, the institution has failed to establish itself as the kind of civilian-led supreme supervisory body on countering terrorism as was originally envisaged. Furthermore, concerns have been raised over the misuse of laws on cyber security as well as the Action in Aid of Civil Power law, among others.

Analysts assert that the incumbent government is seemingly not interested in reviewing, revising or expanding NAP. In many instances, even the focus on the implementation of existing clauses is faltering. According to NACTA's former national coordinator Ihsan Ghani, an official meeting held last year on NAP, which he also attended, paid no attention to his suggestion of reviewing afresh NAP but instead placed the entire emphasis on implementation mechanisms. Parliament is also no longer focused on NAP or countering extremism and terrorism on the

20. "CJ laments govt failure to implement NAP to wipe out terror," The Express Tribune, December 16, 2019, <https://tribune.com.pk/story/2118944/1-cjp-khosa-rues-govt-failure-introduce-police-reforms-enforce-nap>

whole, with the exception of recently enhancing focus on countering terrorism financing and related legislation.²¹

According to a media report, the prime minister was briefed in June 2020 on an “Internal National Action Plan devised during the last 20 months for internal security and for that purpose 14 high-level committees of experts ha[d] been formed to submit proposals on different issues within a month.”²² However, the subsequent government efforts suggested, as noted earlier, that this plan largely related to countering terrorist financing, and the wider internal security policy or NAP did not manage to get the required policy focus.

Some experts consulted for this study underscored that NAP should be taken as a means to an end but sadly it is promoted as an end in itself, which makes it stagnant and followed by nothing.

This section reviews the progress on the implementation of NAP’s 20 measures, investigates the issues and constraints that have been affecting NAP implementation and outcomes, and evaluates the overall impact that NAP has made.

3.1 A review of NAP implementation

- **Death sentence for convicted terrorists and establishment of military courts**

Execution of convicts in terrorism cases

Of all the action points outlined in NAP, the one whose implementation began at the earliest was the execution of death penalty convicts. As stated earlier, Pakistan had scrapped a six-year informal moratorium on executions in the week following the APS attack. When the prime minister announced the 20-point NAP in a televised address that December, the first point

he mentioned was resumption of execution of those convicted on terrorism charges.²³

This early reference indicated that capital punishment was considered one of the preferred weapons in the national counter-terrorism arsenal.

It is important to recognise that the days immediately after the APS attack were a period of great national distress and outrage. There was an obvious and urgent need for the state to reassure the masses that it was not out of options in fighting the perpetrators and also that it was determined and able to bring them to justice. That resolve found its earliest expression in the resumption of executions in the dying days of 2014. In fact, since coming to power in mid-2013, the PML-N government had hinted at a resumption of hangings. The APS attack provided the justification for doing away with the suspension of executions.

In Pakistan’s context, understanding the arguments for and against capital punishment is no less important than charting the actual progress on NAP’s ambition in that respect. It is crucial to note that wide public backing of death penalty in Pakistan had been obvious much before the APS attack.²⁴ There is much that pro-capital punishment and pro-abolition camps in the country have said for and against reviving executions. The positions and arguments of both camps have largely remained unchanged over decades. Following are just two examples of their respective stance following the APS attack.

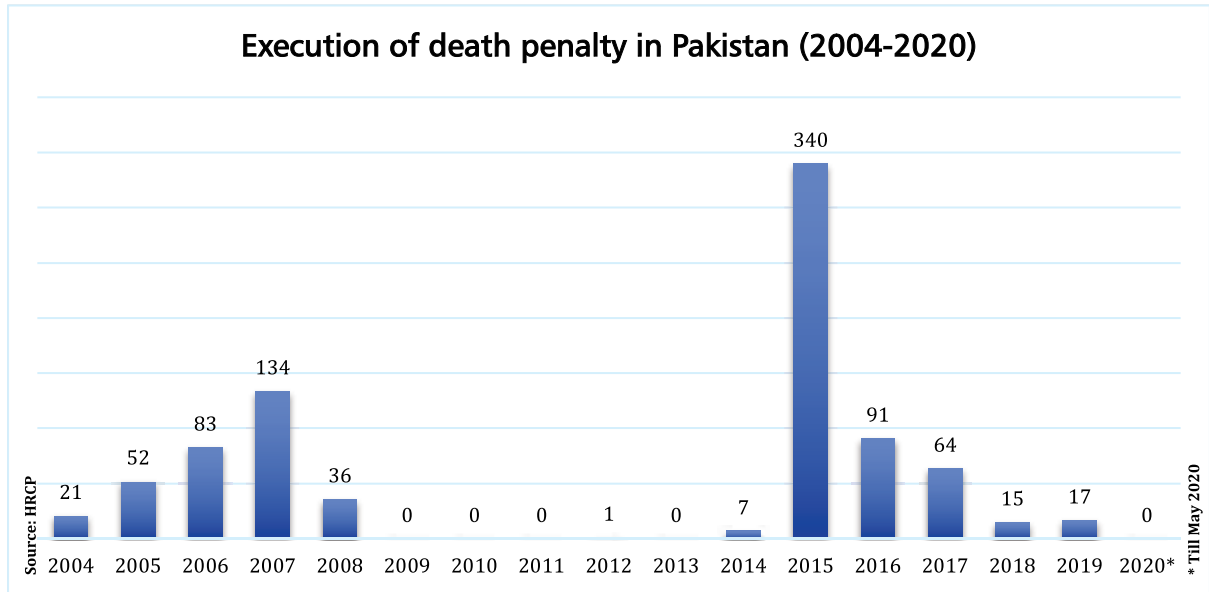
A key leader of one of Pakistan’s main religious political parties stated in December 2014 that the death penalty was implemented all over the world as it created a sense of respect for and sanctity of law in society. He added that murderers, terrorists and enemies of humanity deserved no concession. He also said that a specific lobby in Pakistan opposing the death

21. Ihsan Ghani, views expressed in a PIPS consultation on NAP held in Islamabad on May 16, 2020.

22. Syed Irfan Raza, “Internal security plan prepared, PM told,” Dawn, June 11, 2020.

23. ‘Fight against terrorism: Defining moment’, The Express Tribune, December 25, 2014, tribune.com.pk/story/811947/fight-against-terrorism-defining-moment/

24. HRCF, “Slow march to the gallows: death penalty in Pakistan,” p. 19.



penalty was indirectly helping the criminals at the behest of its 'foreign masters'.²⁵

On the other hand, in its annual report covering the year 2014, one of the main human rights NGOs in Pakistan reiterated the numerous reasons why it considered it important to oppose a resumption of executions, especially a generalized one, in the country. It argued that neither in Pakistan nor elsewhere in the world had any demonstrable link been established between executions and reduction in the incidence of serious crime.²⁶

It is equally important to note that during the six years of the informal moratorium the government had not initiated any discussion on the place of the death penalty in Pakistan's criminal justice system. Nor did it ever share with the people its reasoning for the temporary halt of executions.

The following aspects are worth consideration in assessing implementation of this ambition under NAP.

After the APS attack, the government initially approved "execution of death penalty in terrorism-related cases"²⁷ and seven prisoners were hanged during the last two weeks of December.²⁸ These were mainly convicted for the 2009 attack on the military headquarters in Rawalpindi and for the 2003 assassination attempts on military ruler General Pervez Musharraf.²⁹

In March 2015, however, Pakistan did away with the condition of hanging convicted 'terrorists' only and resumed executions for all convicts sentenced to death on any charge.³⁰ In the year 2015 as many as 340 people, most of them with no links to terror attacks, were executed in Pakistan's prisons.³¹

25. Terrorists and enemies of humanity deserve execution, says JI leader, Dawn, December 20, 2014, <https://www.dawn.com/news/1152025>

26. HRCP, The State of Human Rights in 2014, pp. 87, 96-99.

27. "PM lifts ban on death penalty in terrorism cases," The Express Tribune, December 17, 2014, tribune.com.pk/story/808199/pm-lifts-ban-on-terrorism-cases/

28. HRCP, The State of Human Rights in 2014, p. 96.

29. "Convicts in GHQ, Musharraf attack cases executed," Dawn, December 20, 2014, <http://www.dawn.com/news/1152010>; "At the gallows: 4 convicts in Musharraf attack case executed," The Express Tribune, December 22, 2014, <http://tribune.com.pk/story/810521/at-the-gallows-4-convicts-in-musharraf-attack-case-executed/>; "Convict in Musharraf attack case hanged," Dawn, January 1, 2015, <http://www.dawn.com/news/1154234>

30. 'Govt ends death penalty freeze in all cases', The Nation, March 11, 2015, nation.com.pk/national/11-Mar-2015/govt-ends-death-penalty-freeze-in-all-cases

31. HRCP, State of Human Rights in 2015, p. 32.

It is difficult to ignore the skyscraper that executions in 2015 represent in the graph. After seven executions in 2014, all in the last fortnight of the year, the number of convicts hanged in 2015 was by far the highest in a single year in Pakistan, at least since the turn of the century. The previous highest number of executions over the last decade was 134, in 2007. In fact, the executions in 2015 were higher than those in all the other years combined from 2004 to the end of May 2020. The number of executions declined drastically and consistently in the years following 2015. In 2020, no executions had taken place until the end of May. However, thousands of death penalty convicts remained on the death row.

Even as executions have declined, the number of death penalty convictions by courts has been very high every year post-APS attack. With 423 convicts awarded the death penalty in 2015, the number nearly matched the highest for any year over the previous decade. But the highest death penalty convictions since 2004 were awarded in 2019, when 584 people were convicted. Even though there were no executions in 2020 until the end of May, in these five months a further 104 convicts were given the death penalty. From

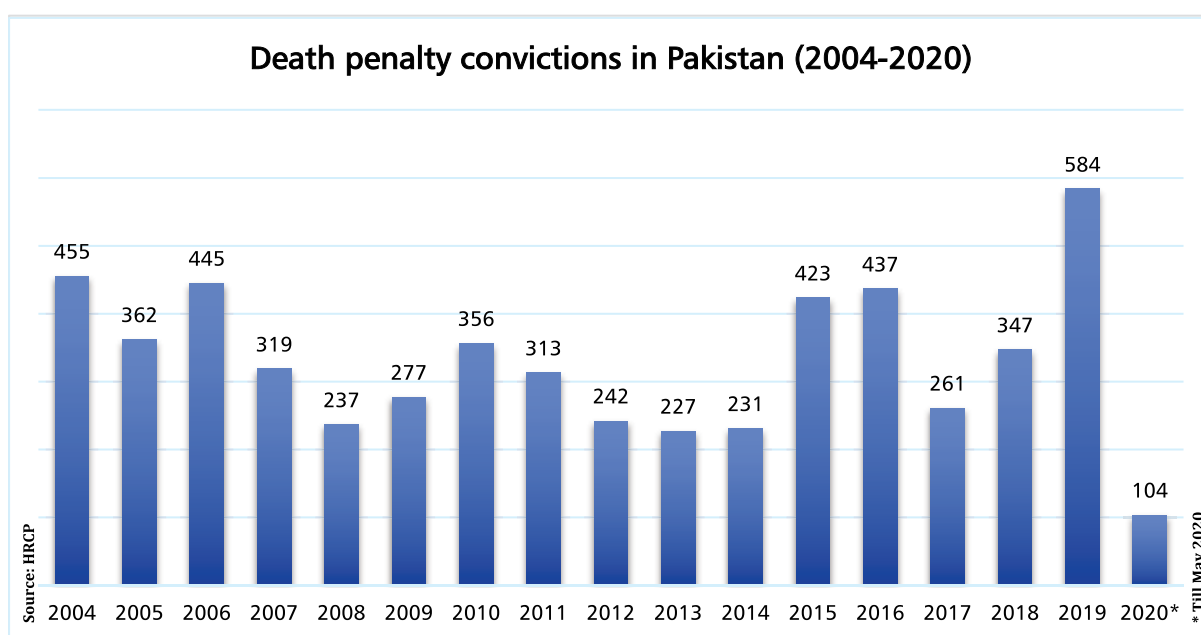
2015 to 2019, in no year did the number of convicts handed the death penalty fall below the number of death penalty convictions in 2014.

The distinction for execution of those convicted for terrorism-related or any other charges long gone. What impact would high numbers of death sentences and executions have on curbing terrorism or serious crime is an entirely different discussion. Experts have struggled to find any direct link between a decline in terror attacks and resumption of death penalty; they have observed that such penalties reflect that the entire counter-terror policy is exclusively focused on hard approaches.³²

To sum up, six years down the road, there is no long any bar on executions, not even an informal one. Sentencing remains high. But we are still no closer to determining how effective death penalty has been or indeed can be in countering terrorism and violent extremism.

Military Courts

The question of military courts is tied closely to a number of other goals under the National Action Plan, particularly the execution of death penalty convicts and legal reform.



32. Pak Institute for Peace Studies, "Implementing National Action Plan," April 2017, http://pakpips.com/web/wp-content/uploads/2017/11/PB_CVE4_National_Action_Plan.pdf

The NAP clause on the establishment of special trial courts under the supervision of the army led to the 21st constitutional amendment and changes in the Army Act 1952. While referring to the special trial courts under the supervision of the army, the NAP provision stated that the duration of these courts would be two years. The amendments authorized military courts to try all persons including civilians alleged to have committed certain offenses relating to terrorism. These legal changes empowered the government to transfer any cases related to the enumerated offences under the Army Act from any court to a military tribunal for trial. The amended law also provided that the Army Act provisions would prevail in case of conflict with any laws.

Subsequent to the 21st constitutional amendment, nine special courts headed by military officers were established; three each in Khyber Pakhtunkhwa and Punjab, two in Sindh and one in Balochistan. The provinces referred the terrorism cases to the military courts through the interior ministry.

Early concerns

The lead up to the January 2015 vote on the 21st Constitutional Amendment for setting up the military courts had caused much consternation among legal experts and several parliamentarians.

Veteran parliamentarian and Pakistani People Party (PPP) senator Raza Rabbani was literally in tears as he spoke on the floor of the house after voting for the 21st Constitutional Amendment on January 6, 2015. He said that he had “never been as ashamed as I am today” for voting in support of the amendment ‘against my conscience’.³³ Rabbani had been among the more prominent PPP leaders who had criticised his party’s decision

to support the establishment of military courts.

In his address to the Senate later the same day, the prime minister noted Rabbani’s anguish, saying, “As a democrat, I can understand his feelings.”³⁴

Leader of the Opposition in the Senate Aitzaz Ahsan also called the vote a “difficult moment” of his life. However, he defended his party’s support for the bill, saying, “We have ensured that the bill can’t be used against anyone other than terrorists.”³⁵ A few days later, he said that the PPP had only supported the controversial constitutional amendment to eradicate terrorism and extremism from the country.³⁶

Religious political parties objected the proposed amendment, arguing that it unfairly singled out religion-inspired militancy only.

Besides the lawmakers’ concerns and reservations, some legal experts had feared that the military courts proposed to be set up under the Army Act would lead to lenient standards of prosecution and the rights of the accused to a fair trial and due process being compromised.³⁷

Secrecy of the military court proceedings was flagged as an early concern.³⁸ There have been numerous accounts of families of suspects learning only through media reports about their relatives being in custody or having been convicted by military courts and even sentenced to death.

Another area that has elicited concern among Pakistani³⁹ and by international rights organisations⁴⁰ was the Army Act amendments not expressly excluding juveniles from the ambit of military tribunals.

33. “Raza Rabbani in tears: ‘Ashamed to vote against conscience’,” Dawn, January 7, 2015, www.dawn.com/news/1155293/raza-rabbani-in-tears-ashamed-to-vote-against-conscience

34. “Breakfast and tears at Parliament House,” Dawn, January 7, 2015, www.dawn.com/news/1155409

35. Ibid.

36. Dawn, January 10, 2015, <https://www.dawn.com/news/1156185>

37. HRCP, State of Human Rights in 2015, p. 34.

38. Shahzad Akbar, “Special courts,” Conflict and Peace Studies (2015) 7(2).

39. HRCP, State of Human Rights in 2015, p. 32.

40. International Commission of Jurists.

A challenge that makes research on Pakistan's military courts experience particularly daunting is the lack of information in the public domain on matters related to military court operations, be that individual cases or overall statistics, including figures for periodic or overall pendency, disposal, conviction and acquittal rates or death penalty convictions.

Concerns have also been raised over the opacity with which military courts operated. "Not just the proceedings of military courts, but also their judgements, reasoning and evidence, and details about the alleged offences for which suspects were tried were kept secret. The trials were closed to the public and families of the accused — even the National Commission for Human Rights, a statutory body with a mandate to ensure the promotion and protection of human rights, was not given access to observe the trials."⁴¹

Judicial avenues

The question of legality of the courts and of the 21st amendment to the constitution was taken up by the Supreme Court of Pakistan when it considered more than two dozen petitions challenging the establishment of military courts. After hearing the case for over five months, the Supreme Court upheld the establishment of military courts in a majority 11-6 verdict.⁴² The court did underline that military court decisions were subject to judicial review and could be challenged in superior courts in cases where denial of due process was argued.⁴³

Military court verdicts have been challenged before various high courts in hundreds of petitions. The highest number of petitioners appear to have approached the Peshawar High Court.

Convictions and access to counsel

On 16 June 2020, a Peshawar High Court bench set aside the conviction around 200 suspects given the death penalty and prison terms of different durations by military courts and ordered their release unless they were required in any other case. Most of the 198 convicts had either been sentenced to death or to different prison terms including life sentence.⁴⁴

Giving its reasoning in a detailed judgement rendered nearly a month later, the PHC ruled that in those cases military courts had violated the Pakistan Army Act and rules by not providing the accused with a counsel of their choice.⁴⁵

In the 426-page detailed judgment, the PHC bench ruled that the convictions in those cases were made even though there was no evidence of the accused's involvement in terrorism and were based on malice in law and facts. "The way all convicts have been proceeded right from their arrest from different parts of the country, in the custody of the agencies and landing them in the Internment Centres for months/ years, are not appreciated at all for the purpose of convictions," the court ruled.⁴⁶

Referring to the government's objection that the PHC lacked the power of judicial review in such cases, the bench had pointed to the judgment of the International Court of Justice in the case of Indian spy Kulbushan Jadhav, and said that before the ICJ Pakistan had relied on a 2018 judgment of the high court to acquit 75 terror suspects convicted by military courts and acknowledged the judicial review powers of the high court.⁴⁷

"The proceedings/ trial conducted by Field General Court Martial (FGCM) without affording the opportunity of availing counsel

41. Reema Omer, "No more military courts," Dawn, February 21, 2017, www.dawn.com/news/print/1316058

42. HRCP, State of Human Rights in 2015, pp. 33-34.

43. "Military courts get Supreme Court nod," Dawn, August 5, 2015, www.dawn.com/news/1198533

44. "PHC sets aside 200 convictions by military courts," Dawn, Jun 17, 2020, www.dawn.com/news/1564018/phc-sets-aside-200-convictions-by-military-courts

45. "Terror conviction by army courts in 196 cases against law: PHC," Dawn, July 11, 2020, www.dawn.com/news/1568225

46. Ibid.

47. Ibid.

of petitioner's/ convict choice was violative of Article 10 and 10-A of the Constitution," it ruled. The bench added that a trial without counsel couldn't be held to be a fair trial in view of Supreme Court rulings. The court observed that during custody by the army authorities, the petitioner/ convict was kept out of touch with the world outside and his family, parents or counsel were not allowed any access till the sentence was awarded. It added that the rules in the Pakistan Army Act Rules regarding provision of counsel for defense of under trial accused before a court martial, were not complied with.⁴⁸ The bench observed that it was the duty of court of law to look into the matter especially on the touchstone of fundamental rights, as the prosecution, investigation, judge and jury were all in one uniform. "The confessional statements so recorded are at very belated stage when the accused-convict was in clutches of the Internment Centres authority for months to years without any access to other individual/ civilian. The so-called legal assistance provided by the uniform[ed] authorities is only at the stage of court proceedings and that too of a professional with no experience/ way of communication i.e. total difference of language," it observed.⁴⁹

Problematic confessions

The very high ratio of military court convictions based on alleged confession of the accused was already raising eyebrows in 2016.⁵⁰

At the end of the two-year duration of military courts, at least 159 out of 168 people whose convictions were publicly acknowledged by the military had allegedly 'admitted' to the charges, raising serious questions about coercive measures being used to get these 'confessions'.⁵¹

On 18 October 2018, a PHC bench, headed by the provincial chief justice, had accepted 74

petitions of military court convicts and set aside their conviction. Around 50 of the convicts had been awarded the death penalty and the rest were given varying prison terms.⁵²

Issuing a 173-page detailed judgment in the case on November 1, 2018, the PHC bench rejected confession statements of all convicts by elaborately pointing to the flaws in them. The bench observed that every single judicial confession statements recorded in Urdu was 'in one and the same handwriting and in one specific tone/style'. "[F]or Khyber Pakhtunkhwa there were in all three Field General Court Martial courts and each and every document on file would show that all the three courts were functioning on one and the same pattern not even a single accused has deviated differently to the questions put on him," it pointed out.⁵³

The bench said the questions put to all accused were one and the same with exactly the same answers in all cases and even for the purpose of engaging private counsel, the same format would reflect there were planned proceedings in all three military courts in Khyber Pakhtunkhwa. The court added that after years of confinement, the arrested man was abruptly produced before the authorities for recording of confessional statements and that too in the same tone and language and then before the Field General Court Martial.⁵⁴

The bench ruled that no witness to any occurrence or for the presence of the convicts at the scene of the crime, even those injured in incidents of terrorism, were never produced in any of the case, reflecting that all the proceedings conducted by the three military courts had a clear mindset. "All cases, in view of the above facts and figures are cases of no evidence, if the alleged confessional statements are subtracted, pulled out of the entire proceedings. The alleged confessional statement

48. Ibid.

49. Ibid.

50. International Commission of Jurists, "Military Injustice in Pakistan, Questions and Answers," December 2016, www.icj.org/wp-content/uploads/2016/12/Pakistan-military-courts-QA-Advocacy-2016-ENG.pdf

51. Reema Omer, "No more military courts."

52. "PHC sets aside conviction of 74 'militants' by military courts," Dawn, October 19, 2018, dawn.com/news/1439941

53. "Convictions by army courts not based on evidence: PHC," November 2, 2018, Dawn, www.dawn.com/news/1442950

54. Ibid.

with no independent advice after months/ years of confinement with military and internment centres is a manufactured story obtained and subscribed one, totally reflecting the intention to fill in the blanks, by way of untraced cases." The bench ruled in all those cases, the plea of the convicts was that confessional statements were recorded with unexplained delay and was a result of torture.⁵⁵

Following appeals by the government, the Supreme Court had suspended the above-mentioned June 2020 and October 2018 PHC judgments which had set aside the convictions by military courts. The appeals before the Supreme Court were still pending in early November 2020.

Over the years, the government made several pleas to the Supreme Court to prevent the PHC from entertaining or passing judgements on the petitions related to military court convictions.

In March 2020, the government requested the apex court to restrain the PHC from hearing appeals against convictions by military courts till the Supreme Court decided the appeals filed against the earlier judgments of the high court. However, the Supreme Court turned down the government request, holding: "Their judgement will help us."⁵⁶

On May 13, 2020, the Supreme Court restrained the PHC from issuing interlocutory orders, including grant of bail to appellants convicted by military courts on terrorism charges.⁵⁷ The two-judge SC bench observed that the PHC could proceed on merits of the cases it was hearing, but should not issue any piecemeal order.

The directions came on the federal government's plea through 71 appeals against the November 2018 order of the PHC that set aside military courts' convictions. The federation's counsel expressed the apprehension that the high court

was contemplating the grant of interim bails to the convicts. He also argued that different benches of the PHC had taken varied and conflicting views.

One of the two judges on the bench observed that it was the constitutional duty of the high court to do justice and the Supreme Court could not restrain them by issuing an omnibus order.

Sunset clause and extension

The 21st Amendment had an in-built 'sunset clause', which provided that the amendments would expire two years after the date of enactment. The clause was held up as a supposed safeguard to extension of the courts' duration as well as a key rejoinder to apprehension of abuse, and indeed to reassure the sceptics that these courts were for a limited timeframe. Yet the sunset clause did not prevent the military courts mandate to be extended for another two years in late March 2017.⁵⁸

At the expiration of the 21st Amendment in January 2017, activists and rights organisations were not impressed by the military media wing's assertions that "cases were dealt through due process of law in the military courts", and that military trials had had "positive effects towards reduction in terrorist activities". A legal adviser for the International Court of Justice called the claims 'debatable', adding that they made the "the case for the extension of military courts misleading" and made a mockery of the principle of fair trial.⁵⁹

Unlike any of the other 19 NAP goals, the military courts have run their course, lasting double their originally envisaged duration. While the Supreme Court pronouncements on the quality of justice and due process by these special tribunals are awaited, the benefits of hindsight have already laid bare areas of particular concern where these

55. Ibid.

56. "SC rejects govt plea to stay PHC hearing against military court verdicts," Dawn, March 10, 2020, www.dawn.com/news/1539609/sc-rejects-govt-plea-to-stay-phc-hearing-against-military-court-verdicts

57. "PHC stopped from issuing orders in cases of military courts convicts," Dawn, May 14, 2020, www.dawn.com/news/1556949

58. Irfan Ghauri, "Military courts resume for two years after president gives consent," The Express Tribune, March 31, 2017, <https://tribune.com.pk/story/1370493/military-courts-resume-two-years-president-gives-assent>

59. Reema Omer, "No more military courts."

special tribunals' proceedings have fallen short of fair trial standards.

- **Action against armed/banned groups and their networks**

NAP implementation measures in the initial years after the plan's adoption put some pressure on armed and banned groups and their supporters and facilitators, but that pressure gradually subsided with the faltering focus and implementation of NAP-related measures. The state action against armed and banned groups in those early years came in multiple forms, including security and search operations as part of Operation Raddul Fasaad, banning of these groups, arrests and conviction of leaders and members of the banned groups, curbing the financial networks of the banned groups, as well as confiscation of their assets and properties across Pakistan.

As far as the government banning the armed groups is concerned, the most recently proscribed ones, in August 2020, were sectarian outfit Khatam-ul-Ambia, an offshoot of Ansarul Hussain (which was itself proscribed in 2016),⁶⁰ and Ghazi Force that was established after the 2007 Red Mosque operation in Islamabad, taking the total number of banned groups in Pakistan to 78.⁶¹ Additionally, four organizations remained on the 'watch' list of the government, and another two charity organizations (Al-Rehmat and Al-Rashid trusts) were enlisted under UN Security Council Resolution 1267.

On the whole, since the NAP launch in December 2014, 18 groups and organizations have been banned in Pakistan. Prominent among these are Daesh or ISIS, Jamaatul Ahrar and Hizbul Ahrar – two breakaway factions of the TTP which have recently reunified with their parent group – Lashkar-e-Jhangvi Al-Alami, Jamaatud Daawa and its seven affiliated organizations, Falah-

e-Insaniyat Foundation and its two affiliates, Baloch insurgent group BRAS, and two Sindhi insurgent groups Sindhudesh Liberation Army (SLA) and Sindhudesh Revolution Army (SRA). Meanwhile, Ghulamaan-e-Sahaba, Maymar Trust, Sachal Sarmast Welfare Trust and Al-Jaza Patient Welfare Society were placed under observation by the Ministry of the Interior.

However, experts argue that the list of banned groups should be scrutinized to remove apparent duplications. Many of the groups on the list have in essence been banned more than once because of their post-ban reappearance with new names. Their splitting into factions and reuniting should also be considered in the scrutiny. For example, the TTP recently brought back into its fold at least four of its erstwhile splinter groups. According to one account, such a scrutiny "would put the number [of banned groups] at 56, including six foreign terrorist groups such as Al Qaeda, Islamic Movement of Uzbekistan and the East Turkestan Islamic Movement and IS...among these, [and] the number of functional groups is not more than 30."⁶² Among these 56 banned groups, "42 are religiously motivated militant groups, while 14 are violent ethno-nationalist groups."⁶³

The federal government has recently also imposed sanctions on 88 proscribed leaders and members of terrorist groups, in compliance with the United Nations Security Council's updated listing. In August 2020, the government announced sanctions on key figures of Jamaatud Dawa (JuD), Jaish-e-Mohammed (JeM), Taliban, Daesh, Haqqani Group of Afghan Taliban, Al Qaeda, and others. The sanctions also included seizure of "all movable and immovable properties of these outfits and individuals, and freezing of their bank accounts."⁶⁴

In April 2020, a Wall Street Journal report claimed that the list of proscribed persons, also known as Schedule IV of the Anti Terrorism Act (ATA),

60. Iftikhar A. Khan, "Another militant organisation banned," Dawn, August 24, 2020.

61. The list can also be downloaded here: <https://nacta.gov.pk/wp-content/uploads/2018/12/Proscribed-OrganizationsEng-1.pdf>

62. Muhammad Amir Rana, "Changing militant landscape," Dawn, September 6, 2020, <https://www.dawn.com/news/1578180/changing-militant-landscape>

63. Ibid.

64. The News, August 22, 2020, <https://www.thenews.com.pk/print/703870-pakistan-imposes-more-restrictions-on-terrorists>

Table: Government statistics on action against banned groups (2015-2017)

Task	Punjab	Sindh	KP	Balochistan	Islamabad	GB	AJK	[Erstwhile] FATA	Total
Combing	108,180	60,807	38,413	1,698	926	1,136	498	602	212,260
Stop and Search	3,821,324	116,600	2,887	16,760	12,276	4,671	4,006	166	3,978,690
Arrests	21,632	77,218	184,538	9,200	4,448	690	1,667	1,551	300,944
IBOs	2,062	239	1,164	8,979	280	22	43	71	12,860
Helpline	2,911	211	296	57	196	4	18	8	3,701
Intelligence Shared	407	989	1,279	609	184	171	163	1,276	5,078

1997 “ha[d] been reduced to under 3,800⁶⁵ in the past 18 months.”⁶⁶ However, former National Coordinator NACTA Ihsan Ghani noted in one of the consultations held for this study that the NACTA exercise of revising and updating the list was necessary and a routine follow up to previous revisions. For instance, he highlighted that the 8,300 names on the proscribed persons’ list more than two years back, comprised many unwarranted names such as those of protesting students from Gilgit Baltistan, or those who threw stones at a Moharram procession. Some people on the list had even passed away. He also underscored that bank accounts of around 5,000 persons were frozen under NAP.⁶⁷ In a similar consultation held in Gilgit in July 2020, one observer noted that although some improvement had been seen in the management of the Schedule IV list, it was still being used to target and repress students, journalists, political workers and human rights activists.⁶⁸ However, Gilgit-Baltistan government’s spokesperson Faizullah Faraq said the government had reviewed the misuse of the list.

As stated above, action against banned groups and their members intensified in phases for certain period of time and then this pressure ebbed. For instance, the launch of NAP in early 2015 was followed by an extensive clampdown on armed and banned groups. Reports of arrest of members of banned groups, including those collecting donations, confiscation of hate material as well as action against misuse of loudspeakers frequently appeared in the media. In a report submitted by the Ministry of the Interior to the Supreme Court on July 4, 2015, a total of 60,420 individuals had been arrested in 54,376 search operations conducted under NAP.⁶⁹ The raids, arrests and confiscation of militants’ hate material continued in subsequent years, though with a dwindling frequency. A NAP monitoring report by NACTA noted that as of October 1, 2017, as many as 506,072 combing operations had been conducted and 228,640 arrests made in pursuance of NAP.⁷⁰ A PIPS report in 2017 reproduced the following data compiled by the office of the National Security Advisor to suggest NAP progress aimed at preventing militant outfits and armed groups from operating in the country.⁷¹

65. As retrieved on September 23, 2020, the number stood at 3,252. (Source: <https://nfs.punjab.gov.pk/?counter=3252&page=33>)

66. Dylan Tokar, “Pakistan removes thousands of names from terrorist watch list,” The Wall Street Journal, April 20, 2020, <https://www.wsj.com/articles/pakistan-removes-thousands-of-names-from-terrorist-watch-list-11587393001>

67. Views expressed in a consultation held in Islamabad on May 16, 2020.

68. Abdul Rehman Bukhari, views expressed in a consultation held in Gilgit on July 20, 2020.

69. “Ministry to submit NAP report to apex court,” Dawn, July 5, 2015, <https://www.dawn.com/news/1192394/ministry-to-submit-nap-report-to-apex-court>

70. Details can be seen here: <https://nacta.gov.pk/nap-monitoring>

71. Safdar Sial, “State responses: anti-militant operations and National Action Plan,” Conflict and Peace Studies, (2018) 10(1): 95-112.

However, not much information is available on what happened to the huge number of people arrested. Indeed, the effectiveness of these combing and search operations as well as arrests also needs an evaluation, mainly in terms of counter-terrorism and counter-extremism discourses. While most of those arrested were apparently released after initial investigation, evidence also suggests meager conviction rates for those tried on different charges. These actions and arrests, however, could not deter banned groups and their leaders from carrying out public meetings and protest demonstrations. Some even argue that the “arrests were more for appearing to be doing something rather than effectively deterring members of banned militant outfits.”⁷²

After something of a lull for about two years, the action against the banned groups intensified once again in 2019, which coincided with the attack on Indian security forces in Pulwama in Indian administered Kashmir. The February 2019 Pulwama attack brought international pressure against Pakistan after Delhi accused Islamabad of being behind the attack that had killed over 40 Indian soldiers.⁷³ Pakistan vehemently denied the charge. Many analysts, however, explain Pakistan’s enhanced anti-militant action ‘spurts’, including the post-Pulwama one, in the context of NAP as well as the concerns of Paris-based Financial Action Task Force (FATF) about Pakistan’s response to the presence and operation of militant groups on its soil and their use of terrorism financing and money laundering channels.

Starting February 2019, the news media reported on an ‘extensive’ anti-militant campaign in Pakistan, mainly against JuD and JeM and affiliated individuals and entities, which

gradually slowed down over the next three to four months; the actions to curb terrorism financing, however, have been continuing since. To start with, the National Security Committee in its meeting on February 21 decided to ban JuD and its charity wing Falah-e-Insaniyat Foundation (FIF). The interior ministry notified the ban on March 5. The NSC meeting also decided to expedite action against banned groups. In line with that decision, and on the direction of the interior minister, the Punjab government took administrative control of a mosque-madrassa complex in Bahawalpur which was associated with JeM leaders and known as Jamia Masjid Subhan Allah and Madrassa Al-Sabir. An interior ministry spokesman said the decision was aimed at expediting NAP implementation.⁷⁴

In March 2019, all provinces started taking action against banned groups, mainly JeM and JuD, by taking control of their entities and arresting some of their leaders. Prime Minister Imran Khan also reaffirmed his government’s zero-tolerance policy while chairing the first session of the National Internal Security Committee, which was dominated by a review of progress on NAP. The NISC also decided to form expert working groups to ensure NAP implementation.⁷⁵ Earlier in the month, the military chief reportedly instructed the army to extend full support to the government in its crackdown on militant organizations under NAP. The directive was given at the corps commanders meeting held at the General Headquarters, which, among other issues, held a detailed discussion on NAP.⁷⁶

The anti-militant campaign somewhat continued in the subsequent months. For instance, in May 2019, the Interior Ministry banned another 10 groups operating in Pakistan, due to their alleged affiliation with banned organisations JuD, FIF

72. Mehwish Rani, “Stopping the banned groups,” *Conflict and Peace Studies* (2015) 7(2): 75-82.

73. Adil Ahmed Dar, a native of the Pulwama district in Indian Kashmir, ambushed a paramilitary convoy, killing 40 security personnel. The attack was claimed by the Pakistan-based terrorist outfit Jaish-e-Mohammed (JeM). On February 26th, Indian air force planes conducted airstrikes on an alleged JeM camp in Khyber Pakhtunkhwa province of Pakistan. Pakistan retaliated the next day with its own air strikes in Indian-held Kashmir and also shot down an Indian fighter plane and captured the pilot, who was released later in a goodwill gesture.

74. “Govt. takes over seminary linked to JeM,” *Dawn*, February 23, 2019.

75. Baqir Sajjad Syed, “No room for militant outfits in Pakistan, says PM,” *Dawn*, March 29, 2019.

76. Baqir Sajjad Syed, “Army directed to help govt in crackdown on militancy,” *Dawn*, March 8, 2019.

and JeM.⁷⁷ Meanwhile, a media report claimed that by May 2019, the Punjab government under Nation Action Plan had confiscated around 500 properties and assets of JuD and its charity wing FIF. These assets were confiscated in 36 districts of Punjab and included schools, colleges, hospitals, dispensaries, madrassas, ambulances, etc. The respective district administrations assumed control of these assets.⁷⁸

In 2020, however, most of the actions against banned groups and their leaders were taken in the context of curbing terrorism financing, including in compliance with the provisions set out by the Financial Action Task Force (FATF); these actions have been discussed at length in the related section. For one, multiple leaders of banned groups including JuD have been indicted in 2020 in cases pertaining to terrorism financing.

While there has been a gradual decline in the incidents of terrorist violence across the country since the launch of the NAP, that can be attributed to multiple other factors besides NAP measures. The Pakistan Security Report 2019, compiled by Pak Institute for Peace Studies in January 2020, noted that this progress was mainly the outcome of continuous anti-militant operational and surveillance campaigns by the security forces and police's counter terrorism departments (CTDs), including the Karachi operation, and Zarb-e-Azb and Khyber I-IV campaigns, which helped sustain that declining trend.⁷⁹ Some counter-extremism actions taken under NAP, however, contributed to exerting pressure on banned groups and their supporters, which in turn weakened the militants' operational and support networks. But that NAP-induced pressure is also apparently subsiding. That is one way that leaders of some banned groups recently being on the forefront of some sectarian-oriented protest rallies and gatherings across multiple cities has been interpreted.

The militant groups that have carried out terrorist attacks inside Pakistan are also trying to regroup in

parts of the country. The TTP and other Pakistani Taliban groups have increased their presence and activities in Khyber Pakhtunkhwa, mainly in North Waziristan and Bajaur districts. The TTP has also managed to bring back into its fold several splinters, including Hizbul Ahrar and Jamaatul Ahrar. Meanwhile, Sindhi nationalist insurgents have recently become active in Sindh, including Karachi, and Baloch insurgent groups are trying to expand their outreach, which was evident from the BLA-led coordinated suicide attack on Pakistan Stock Exchange in Karachi on June 29, 2020. Attacks by Baloch insurgent groups also continue in Balochistan; ISIS-affiliated entities and TTP also have their operational support structures in that province.

- **Dealing firmly with sectarian terrorists**

Sectarianism is a structural problem attached to Pakistan's religious-ideological discourse. It has also evolved as a consequence of state policies dealing with myriad challenges on the external and internal fronts, and has remained linked to the context beyond Pakistan's territories, especially rivalries in the Middle East.⁸⁰ The recent media advancements have further magnified the sectarian differences with social media platforms increasingly becoming rife with sectarian hate speech.

The Pakistani state's realization of the need to overcome sectarian differences and proliferation of hate speech, which feed into violent extremism, was clearly charted NAP, which was the country's first counter-terror plan. Similarly, the government of Pakistan in October 2020 released a code of conduct signed by several religious scholars, on promoting inter-faith harmony. The code acknowledged the right of citizens to practice their religion and religious rites, and declared that a resort to violence in the name of enforcing Islam was illegal and rebellious. The government has also developed a

77. Noor Aftab, "Ten outfits banned," The News, May 12, 2019, <https://www.thenews.com.pk/print/470289-ten-outfits-banned>

78. Daily Jang (Urdu), May 11, 2019, <https://e.jang.com.pk/05-11-2019/pindi/pic.asp?picname=546.png>

79. Pak Institute for Peace Studies, Pakistan Security Report 2019 (Islamabad: Narratives; 2020).

80. Pak Institute for Peace Studies, "Pakistan's sectarian mire: the way forward," December 2018, <https://www.pakpips.com/web/wp-content/uploads/2019/03/Pakistan%E2%80%99s-Sectarian-Mire-The-Way-Forward.pdf>

legal draft (Paigham-e-Pakistan bill) to protect the honour of the family members and companions of the Prophet (PBUH). Previously, in 2018, the government introduced an initiative, also called Paigham-e-Pakistan. The initiative, signed under the supervision of state institutions in January 2018, was based on a consensus decree by hundreds of clerics from all sects to eradicate extremism and terrorism in light of religious commandments.

However, implementation on these and other related state measures as well as their impact remain contested. Experts argue that the problem of sectarianism is structural and deep-rooted and cannot be solved with cosmetic measures. Some even argue that religious organizations, including banned ones, use such state-led initiatives, such as Paigham-e-Pakistan, as a cover to survive and keep their networks intact. For instance, according to one account, the state used the religious organizations including banned ones to promote Paigham-e-Pakistan, although these organisations had not abandoned their hateful ideologies and narratives. The most recent countrywide sectarian protests, in September 2020, once again exposed such groups and their leaders as well as the state's flawed approaches to dealing with sectarianism. "The same religious leaders who had been preaching sectarian tolerance until last year [as espoused in Paigham-e-Pakistan] suddenly took to the streets with slogans of hatred."⁸¹

While one NAP clause categorically resolves "to deal firmly with sectarian terrorists", other planks of the plan – mainly those linked to curbing hate speech and propaganda, protecting religious minorities, and reforming madrassas – are also indirectly related to Pakistan's sectarian problem. But this section will only discuss the NAP efforts to deal with sectarian terrorists; other related points cited above have been taken up in their respective sections.

In the beginning, the NAP action against sectarian terrorists was intense and diverse but it gradually

reached the current state where that earlier vigor and focus is no visible. That initial action included arrests, convictions and executions of sectarian terrorists, confiscation of sectarian-related hate material and related arrests, ban on loudspeakers' misuse, as well as security forces' operations against leaders of banned sectarian groups.

Some sectarian terrorists or those found involved in sectarian target killing were also among those executed soon after NAP's launch, as an informal moratorium on execution of death penalty convicts had already been partially lifted in December 2014. As elaborated in the section on implementation of death penalty in terrorism cases, nearly 350 persons were hanged within a year of the NAP adoption, many of those executed were convicted in different cases of sectarian targeted killing. Similarly, just in seven months (from January to August 2015), "around 20 major search-and-hunt operations were launched against sectarian groups across Pakistan in which 133 key members and affiliates of sectarian groups were arrested, mainly belonging to Ahle Sunnat Wal Jamaat (ASWJ) (91) and LeJ (31)."⁸²

Although that campaign against sectarian terrorists has continued throughout the subsequent years, however, as cited earlier, it is missing that earlier intensity. For one, from January 1, 2019 to September 20, 2020, the security and law enforcement agencies detained 47 members of different violent sectarian groups in 22 search operations conducted across the country. Those arrested suspected sectarian terrorists reportedly belonged to Lashkar-e-Jhangvi, Sipah-e-Muhammad, Sunni Tehreek and some unspecified banned sectarian groups of Sunni and Shia denominations.⁸³

Similarly, since NAP's inception in late 2014, the security forces and law enforcement agencies have killed several key commanders of violent sectarian groups. For example, on February 15, 2015, a top commander of the Lashkar-e-Jhangvi,

81. Muhammad Amir Rana, "Perils of sectarianism," Dawn, October 4, 2020.

82. Safdar Sial, "Action against sectarian terrorists," Conflict and Peace Studies (2015), 7 (2): 135:144.

83. Data and statistics are drawn from PIPS database on conflict and security: <http://pakpips.com/app/database-old>

Usman Saifullah Kurd, was killed along with a companion in a clash with paramilitary troops in Quetta.⁹ In July that year, LeJ chief Malik Ishaq, his two sons Usman and Haq Nawaz, and 11 other militants were killed in an alleged exchange of fire with police personnel in Muzaffargarh, Punjab. Haroon Bhatti, one of the founding members of the banned LeJ was killed in Lahore on November 25, 2015, and two important LeJ leaders, Jahangir Badini alias Ameer Sahab, and Salman Badini, were killed in security operations conducted in Balochistan in 2016 and 2018, respectively. Analysts believe that it was partly due the NAP pressure that sectarian groups and their leaders chose not to protest publicly against these and other killings. Another explanation is that the leaders of sectarian groups did not want to comprise their political 'façade' by protesting the killing of sectarian 'terrorists'.

Successive governments in Pakistan have also continued banning violent sectarian groups. In August 2020, the government banned sectarian outfit Khatam-ul-Ambia, said to be an offshoot of Ansarul Hussain, which was itself banned in late 2016 for alleged involvement in recruiting the youth from the Shia community to fight the militant Islamic State (IS) group, commonly known as Daesh.⁸⁴ Another key group banned after NAP was Lashkar-e-Jhangvi Al-Alami, while another group Ghulaman Sahaba was put under observation.

Signifying a major development in the sectarian harmony discourse, Paigham-e-Pakistan, a 2018 document that reads more like a fatwa (religious decree), was endorsed by leading scholars of all sects. It denounces violence in the name of religion. However, some of the endorsing scholars were said to have complained that the state thrust the document upon them. Many were asked to sign it even though they disagreed with some of its clauses. Although being disseminated widely, both the document and its contents remain unknown to a sizeable section of society, as these were not discussed

at any public or representative forum. There is also a controversy over the involvement of leaders of banned outfits in its endorsement and dissemination.⁸⁵

Another major action related to NAP's efforts to curb sectarianism relates to National Counter Terrorism Authority's (NACTA) collaboration with the Higher Education Commission (HEC) to eradicate sectarianism from the campuses. But like other related measures, implementation on this particular action has also been losing its earlier intensity.

Nonetheless, many analysts believe that the Tahaffuz-e-Bunyad-e-Islam bill passed by the Punjab Assembly in July 2020, and the Punjab government establishing Mutahidda Ulema Board, which also has the mandate to examine the content of textbooks, could undermine efforts aimed at promoting sectarian harmony. Some analysts even assert that the recent sectarian tensions, which grew during and after the month of Moharram,⁸⁶ have their roots in the Shia community's concerns about the Tahaffuz-e-Bunyad-e-Islam bill. Another factor is linked to emerging developments in the Middle East and Pakistan's recent hassle with Saudi Arabia on the issue of OIC's perceived indifference to the Kashmir issue.

On the whole, sectarian violence has plummeted in Pakistan in recent years. Yet its factors as well as sectarian discord and the groups promoting it continue to exist. Sporadic triggers are continuous reminders of that. In a recent manifestation, Sunni and Shia sectarian groups and their supporters blamed Shia pilgrims returning from Iran and congregations by Tablighi Jamaat members for the spread of Covid-19 in Pakistan.

Similarly, the sectarian tensions cited earlier, which gripped the country during and after Moharram in 2020, and included hate speech and protest rallies in several cities, once again not only exposed the country's sectarian vulnerabilities and fault-lines but also demonstrated that much

84. Iftikhar A. Khan, "Another militant organisation banned," Dawn, August 24, 2020.

85. Pak Institute for Peace Studies, "Pakistan's sectarian mire: the way forward."

86. In 2020, this month on the Islamic calendar began on 21 August and ended on 18 September.

needed to be done to make sustainable gains on this ambition under NAP. These protest rallies and gatherings were reportedly triggered by controversial remarks made by some Shia clerics during Moharram, which are believed to have hurt the religious feelings of Sunni Muslims. Sunni religious groups in Karachi took out at least three rallies on three consecutive days in September, in honour of the companions of the Holy Prophet (PBUH); the followers of the Deobandi school, Barelvi clerics, and the Ahle Hadith school of thought organized one rally each.⁸⁷ Similarly, the Muttahida Sunni Council organized Azmat-i-Sahaba march in Islamabad on September 17. Leaders of some banned sectarian groups were at the forefront. Reportedly, Ahle Sunnat wal Jamaat (ASWJ) leader Masoodur Rehman Usmani was booked under Pakistan Penal Code's Section 295-A, a criminal law provision that deals with "deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs".⁸⁸

Apart from the protests rallies, blasphemy cases were also registered mainly against members of the Shia community on charges of sectarian hate speech. The Human Rights Commission of Pakistan (HRCP) expressed grave concern over the upsurge in "blasphemy cases being registered against sectarian and religious minorities, particularly the Shia community." According to an HRCP press release issued on September 5, "anecdotal evidence suggest[ed] that over 40 such cases may have been registered under the blasphemy laws in the last month alone." It demanded that the police should "refrain from registering blasphemy cases so promptly, knowing full well the sensitive implications of doing so when such complaints are often fabricated and spurred on by personal vendettas."⁸⁹ The number of such cases, however, could have risen in subsequent weeks.

Meanwhile, NAP has largely failed to check the activities of sectarian groups in cyberspaces. For one, Punjab police had in August 2020 recommended to block 130 websites, spreading sectarian hatred in the province. However, the government had not taken any decision in this regard until the end of October.⁹⁰

- **Strengthening NACTA, and establishing counterterrorism force**

NAP had called for strengthening the National Counter-Terrorism Authority (NACTA) as an anti-terrorism body. NACTA was originally perceived as a civilian-controlled supervising, monitoring and coordinating the state's anti-terrorism efforts. It was established in January 2009 through an ordinance, and got the parliamentary ratification in 2013.

Although many of the NACTA ideals have not been achieved so far, still some progress has been made. According to a NACTA official, whereas in previous years NACTA largely focused on enhancing outreach and improving institutional coordination, in more recent times some efforts have been made towards its restructuring around a seven-point mandate.⁹¹ For one, in order to bring in some valuable policy input, both at the levels of operations and tactics, the exercise of policy review has been initiated. Secondly, an effort has been made to conduct monthly meetings on intelligence input with the aim to identify and discuss critical areas and develop analyses around those. As per the NACTA official, since these policy reviews, and intelligence input and analysis do not happen in the public domain and are only for the consumption of the stakeholders, it might appear to the common citizen as if NACTA is not doing anything substantial.⁹² NACTA has also started publishing a research journal, which is its interface with the public. Apart from these

87. Dawn, "Communal peace," September 15, 2020, <https://www.dawn.com/news/1579776/communal-peace>

88. Kalbe Ali, "Banned outfit's leader booked for fanning sectarianism at Islamabad rally," Dawn, September 20, 2020, <https://www.dawn.com/news/1580532>

89. HRCP, "HRCP alarmed by surge in blasphemy cases against Shia community," September 5, 2020, <http://hrcp-web.org/hrcpweb/hrcp-alarmed-by-surge-in-blasphemy-cases-against-shia-community>

90. Daily Jang, August 29, 2020, <https://e.jang.com.pk/08-29-2020/Pindi/pic.asp?picname=637.png>

91. Shahzada Sultan, a senior police officer. Views expressed in PIPS consultation on NAP held in Islamabad on May 16, 2020.

92. Ibid.

NACTA's Mandated Functions

NACTA derives its mandate from Article 4 of NACTA Act 2013. Article 4 of NACTA Act spells out the following functions:

- a) to receive and collate data or information, or intelligence and disseminate and coordinate between all relevant stakeholders to formulate threat assessments with periodical reviews to be presented to the Federal Government for making adequate and timely efforts to counter terrorism and extremism;
- b) to coordinate and prepare comprehensive national counter terrorism and counter extremism strategies and review them on a periodic basis;
- c) to develop action plans against terrorism and extremism and report to the Federal Government about implementation of these plans on a periodic basis;
- d) to carry out research on topics relevant to terrorism and extremism and to prepare and circulate documents;
- e) to carry out liaison with international entities for facilitating cooperation in areas relating to terrorism and extremism;
- f) to review relevant laws and suggest amendments to the Federal Government; and
- g) to appoint committees of experts from Government and non-Government organizations for deliberations in areas related to the mandate and functions of NACTA.

three recent tasks, NACTA has been managing the charge of coordination. It has in recent years contributed to enhancing the institutional and the center-provinces coordination in order to effectively respond to the FATF conditions. NACTA is also working on developing a national counter-extremism plan. However, many experts believe that NACTA has been unsuccessful in establishing itself as a supreme civilian-led authority on countering terrorism.

Some of the observers consulted for this study, however, did not agree with the proposition that NACTA has been enhancing its outreach. For instance, senior journalist Aqeel Yousufzai questioned NACTA's outreach, arguing that it did not have its office Khyber Pakhtunkhwa, which has been the most terrorism-affected province of Pakistan. Karachi-based journalist Zia Ur Rehman expressed a similar concern for Sindh. They argued that provincial coordination could have been improved by establishing NACTA's regional offices.

Yet, many believe that NACTA's survival in itself amounts to an achievement as in the September 2018 meeting of its board of governors, NACTA national coordinator Khaliq Dad Lak had reportedly advised to not only abolish the Joint Intelligence Directorate envisaged under NACTA but also NACTA itself. The JID was conceived as the backbone of NACTA but it has remained nonfunctional so far. In October 2018, Prime Minister Imran Khan had formed a committee to review the role and functioning of NACTA whose outcome remained publicly unknown.⁹³

According to the information available on the NACTA website, the body is focusing on diverse areas including countering extremism and terrorism (CVE/CT), madrassa reforms, combating financing of terrorism (CFT), outreach and capacity building, monitoring evaluation and data, research, and coordination. Highlights of some of NACTA activities and accomplishments in 2019 are briefly listed below:⁹⁴

93. Daily Dunya (Urdu), Islamabad, October 20, 2018, https://e.dunya.com.pk/detail.php?date=2018-10-20&edition=ISL&id=4239154_46893403

94. NACTA's Annual Administration Report 2019, which can be downloaded here: <https://nacta.gov.pk/wp-content/uploads/2017/09/NACTA-Annual-Report-2019-Final.pdf>

- NACTA maintained record of banned groups and individuals besides banning them; and also looked into madrassas reforms. For instance, in 2019, NACTA proscribed 444 individuals, and froze 5,551 bank accounts
- As part of its measures to counter terrorism and violent extremism, NACTA engaged in capacity building of counterterrorism organizations and law enforcement agencies. For example, NACTA held 24 such workshops across Pakistan in 2019, which continue in 2020, on diverse aspects of law enforcement and counterterrorism operations, including investigation, prosecution and CFT. Similarly, it held five meetings of National Task Force on CFT, which was established in May 2017 with representation of 28 stakeholders. NACTA is also working to strengthen federal-provincial coordination mechanism on CFT, including through Provincial Coordination Committees (PCCs), comprising of provincial and federal departments and intelligence agencies.
- NACTA has also established an Outreach and Capacity Building Wing, to defeat the forces of extremism, hatred, and intolerance as well as to enhance capacity of law enforcement agencies and other institutions focused on countering terrorism and extremism.
- As part of its monitoring and evaluation functions, NACTA compiled data on measures to counter terrorism and violent extremism, which provided a comprehensive analysis of the progress made under each of the 20 points of NAP.⁹⁵
- NACTA also launched Pakistan Journal of Terrorism Research, which is a biannual publication. Two issues of the journal are available on the NACTA website.
- NACTA's Intelligence Wing continued the

security analysis in 2019 and provided related policy options.

However, many experts among those consulted for this study believed that the body has lost its larger strategic focus of being the nucleus and driving force of diverse counterterrorism measures and streams in the nation. To start with, NACTA was conceived as a civilian-led body of the highest order on counterterrorism. However, according to one account, even the delay in the parliamentary ratification of NACTA, after its establishment in 2009 through an ordinance, was "primarily because of bureaucratic hurdles and tussles over the control of NACTA between powerful Pakistani military and the civilian administration."⁹⁶

In subsequent years also, the issue of control and supervision has hindered NACTA's effectiveness to deliver on its mandate. According to one observer, NACTA has gradually come under the control of security institutions. Nonetheless, while working under civilian control, NACTA would be in better position to develop legal and policy discourses on critical issues such as a definition of terrorism, which would also determine the constitutional or legal framework on countering terrorism; currently most academic and legal discourses in Pakistan apply criminal law in that regard.⁹⁷

As noted by former national coordinator NACTA Tariq Parvez, from the outset there had been confusion on whether NACTA came under the purview of the Interior Ministry or the office of the Prime Minister. Even when it was formed in 2009, "opinions were divided on the issue" but eventually in 2013 the matter was constitutionally settled and the Supreme Court of Pakistan also asked the government "to [rescind] the notification that put NACTA under the interior ministry, bringing it again under the [control of the] PM." However, in the post-NAP scenario, in reality it was still the interior minister who looked after NACTA affairs. "[F]

95. The last NAP progress report however available on NACTA website is of the year 2017.

96. Farhan Zahid, "Counterterrorism policy measures: A critical analysis of Pakistan's National Action Plan."

97. Views expressed by former NACTA associates Farhan Zahid and Shahzads Sultan in a PIPS consultation on NAP held in Islamabad on May 16, 2020.

or quite some time, it looked that while the administrative function of NACTA [wa]s with the interior ministry, the operation[al] functions rest[ed] with the PM's Office."⁹⁸ According to another account, "the appointment of National Coordinator has [also] been a major bone of contention between civilians and the military."⁹⁹ As per practice, other appointments in NACTA also cannot be made without the consent of the security establishment.

Experts argue that besides the security institutions largely taking control of much of the NACTA processes, a lackadaisical handling sans political resolve and ownership also stymied the functioning of NACTA. "Till date, the authority is unclear regarding its exact role; that is, coordination among law-enforcement agencies or providing policy insights to the government."¹⁰⁰ Besides being a victim of bureaucratic and institutional control, NACTA has also been lacking resources and capacity.

As envisioned in NAP, NACTA can be strengthened but only by returning to its original design and mandate. As a federal body dealing with the most critical national issue, its ownership should come from the highest federal level, i.e. the prime minister. As suggested by former NACTA head Ihsan Ghani, "It should be an independent body like the Federal Board of Revenue." Led by the prime minister, its board of governors meetings should be held frequently. Ihsan Ghani also believes that NACTA should be the premier body to focus and lead on NAP.¹⁰¹

Counter-Terrorism Force

One of the NAP points calls for raising a specialized counterterrorism (CT) force, a measure apparently in response to the desperate times. Indeed, the National Internal Security Policy (NISP) announced in 2014 had also called for establishing such a force, called "federal rapid response force". However, although NAP did not say anything about police, the NISP also envisioned a primary role for police in countering terrorist violence. Since the promulgation of NAP, the four provinces have taken various measures to raise specialized police forces, while some already maintained anti-terrorist units even before the inception of NAP.¹⁰²

Based on information from various government sources, a 2018 report by Pak Institute for Peace Studies provided the following data on the strength of the counterterrorism forces across the country at the end of 2017.¹⁰³

Police department occupies a central stage in Pakistani law and order and security layers. Policing is a provincial subject in the country, with each province having its separate police force. As the country's primary law-enforcement agency, police is the first line of defense, and each provincial police force has a counter-terrorism department (CTD). Such internal arrangements and specific terrorism focus had existed even before the launch of NAP, as described in the following pages.

Numbers	Punjab	Sindh	KP	Balochistan	ICT	GB	AJ&K
Sanctioned strength	5,000	1,000	2,206	2,000	970	-	500
Actual numbers (2017)	4,300	728	2,080	1,000	378	168	260

98. Tariq Parvez, "NACTA, nay activated," *Conflict and Peace Studies* (2015) 7(2): 51-58.

99. Azam Khan and Amir Saeed, "Fighting terror: institutional structure in the context of NAP," *Conflict and Peace Studies* (2015) 7(2): 29-38.

100. Muhammad Amir Rana, "The rule of law: concept and practices in Pakistan," Pak Institute for Peace Studies, September 26, 2018, <https://www.pakpips.com/article/3010>

101. Interview with Ihsan Ghani, former NC NACTA, which was published in PIPS' Pakistan Security Report 2017.

102. Farhan Zahid, "Counterterrorism policy measures: A critical analysis of Pakistan's National Action Plan."

103. 2017 SR

Punjab has two special anti-terrorism forces. First, the Elite Police, raised in 1997, was tasked to handle anti-terrorist operations among other functions including anti-hijacking, sabotage, security for sensitive government installations and providing close protection to VVIPs. Officers are selected from the regular police cadre for training at the Elite Police Training School (EPTS), Lahore. Since 1997, when the force was established, to mid-2015, a total of 8,046 police officers had been trained at the school.¹⁰⁴

The second is Counter-Terrorism Force (CTF), which was established in 2014, following the release of NISP. Tasked with overcoming terrorism in the province, CTF personnel are also trained at the EPTS, Lahore. However, they are distinct from the Elite Police. That is why CTF personnel are normally referred to as “corporals”, as opposed to “elite.”¹⁰⁵

Sindh police established a Punjab-like elite special force, Special Security Unit (SSU), in 2010. The SSU caters to the anti-terrorism needs of Sindh police. This highly-trained force of 3,000 personnel looks after the security of VVIPs, special operations against organized crime as well as banned outfits in Karachi and elsewhere in the Sindh province. The Shaheed Benazir Bhutto Elite Police Training School, located in the suburbs of Karachi, provides basic training to the SSU personnel, besides running a training wing, which focuses on capacity enhancement of regular police officers.¹⁰⁶

Similarly, **Khyber Pakhtunkhwa** (KP) set up its special force unit, Counter Terrorism Force (CTF) in 2013, with an initial strength of 2,400 police officers.¹⁰⁷ A multifunctioning body, the CTF’s mandate also allows it to operate as an intelligence-gathering agency. The force is trained at a special academy in Hangu. The CTF helps regular police in conducting special operations in nearly all districts of KP.

A special force with a similar focus in **Balochistan** is called the Anti-Terrorist Force (ATF). It assists regular police in conducting operation against the militants, maintaining law and order, ensuring security of foreign delegates and VVIPs, and protecting the high-security zones in Quetta. However, there is no training facility in Balochistan for the ATF and its officers are sent to Islamabad’s Anti-Terrorist Training School or Lahore’s Elite Police Training School.¹⁰⁸

There are also other forces with special functional areas, too. For instance, in 2003, Special Investigations Group (SIG) was created at the Federal Investigations Agency (FIA) to investigate cases of terrorism, bank fraud, and forgeries, and to trace informal money transactions.¹⁰⁹

• Curbing terrorism financing

The Financial Action Task Force (FATF) had placed Pakistan on its grey list in June 2018 with the caution that Pakistan could be included in the FATF blacklist if deficiencies in combating terrorism financing were not removed within one year. Since being placed on the grey list, Pakistan has worked to respond to FATF recommendations in diverse areas. Still, curbing terrorism financing stands out as one of the most critical security challenges facing Pakistan. Apart from the obvious security implications, it has also started to adversely impact the financial sector of the country with long-term economic consequences.

In March 2019, a media report quoted Pakistani authorities, which were part of 2019 Mutual Evaluation of the Asia-Pacific Group (APG) of FATF, as saying that Pakistan needed to make improvements in its system across different areas and enhance the effectiveness of law enforcement agencies and of the framework for supervision of nonprofit organizations. Released in October 2019, the Mutual Evaluation Report (MER) provided analyses of the level of Pakistan’s

104. Official Website of Elite Police Training School: <http://elitepolice.net/aboutus.htm>, accessed on 16/6/2015

105. “Provincial police force: CTD corporals to begin training next week,” Express Tribune, May 1, 2014.

106. Official Website of Special Security Unit: <http://www.ssusindhpolice.gos.pk/careers.htm>.

107. Javed Aziz Khan, “KP sets up special anti-terrorist force,” The News International, November 19, 2013.

108. Syed Ali Shah, “PM, COAS attend passing-out parade of ATF in Quetta,” Dawn, February 19, 2015.

109. Ismail Khan, “Pakistan to raise new anti-terrorism force,” Dawn, August 21, 2003.

compliance with the FATF's 40 recommendations and the level of effectiveness of Pakistan's anti-money laundering and combating terrorism financing (AML/CTF) system, besides offering recommendations on how the system could be strengthened. The report gave Pakistan a national risk-rating of 'medium' for both money laundering (ML) and terrorism financing (TF). The MER noted that Pakistan was 'largely compliant' on nine recommendations, 'compliant' on one recommendation, 'partially compliant' on 26 recommendations, and 'non-compliant' on four recommendations.¹¹⁰

Later, the FATF plenary in Paris also noted that out of the 27 points of 'action plan' it had agreed with the financial watchdog, Pakistan had largely completed only 14 targets by the end of the deadline and was expected to complete the remaining 13 by June 2020.¹¹¹

In February 2020, the government announced that it had formulated a four-month broad-based action plan for meeting its outstanding commitments with the FATF by June. However, the coronavirus pandemic provided some relief to Pakistan by allowing it more time to fulfil the provisions of the action plan; Pakistan was expected to submit its due-in-June compliance report in September. The previous FATF plenary had warned that Pakistan will have to show "significant and sustainable progress" to get off the grey list.¹¹²

In September 2020, the APG published its first follow-up report on the Pakistan Mutual Evaluation Report (MER) 2019 that showed Pakistan improving its full compliance on two of the 40 FATF recommendations, compared to compliance on only one recommendation a year earlier, on the effectiveness of anti-money laundering and combating terrorism financing

system. That re-rating of Pakistan's compliance on one recommendation was largely based on "amended Income Tax Ordinance 2001 (section 216) which now allows Financial Monitoring Unit (FMU) to have access to tax records and information maintained by Federal Board of Revenue (FBR)."¹¹³ While analyzing the APG report, a leading English daily noted in its editorial that as evaluated by the financial watchdog, Pakistan's progress on FATF recommendations in large part had remained unchanged from a year earlier. That was despite the APG acknowledgment that the country had "made robust progress on 27 action points, including legislation in 15 areas, recommended by the FATF, and that measures ha[ve] been taken to reduce vulnerability of national savings, Pakistan Post and real estate dealers to money laundering and terror financing."¹¹⁴

Pakistan remained confident, especially after recently managing to pass over a dozen laws on curbing terrorism financing, that it will get significant relief in the FATF review. However, the FATF announced on October 23rd that Pakistan will remain on its grey list for another four months till February 2021. During these months, the country will have to implement the remaining six targets on the 27-points action plan on anti-money laundering and combating the financing of terrorism. The announcement was made by FATF president Dr Marcus Pleyer at a virtual news conference on the conclusion of a three-day plenary in Paris. The FATF however took note of the significant progress made on a number of action plan items and said that Pakistan has made progress across all action plan items and has now largely addressed 21 of the 27 action items.¹¹⁵

110. The Asia/Pacific Group, "Pakistan Mutual Evaluation Report," October 2019. The report can be downloaded here: <http://www.apgml.org/members-and-observers/members/member-documents.aspx?m=8fc0275d-5715-4c56-b06a-db4af266c11a>

111. Khaleeq Kiani, "Govt outlines steps to meet targets after FATF reprieve," Dawn, February 22, 2020.

112. "Pakistan case not taken up at FATF meeting: FO," Dawn, June 27, 2020, <https://www.dawn.com/news/1565473/pakistans-case-not-taken-up-at-fatf-meeting-fo>

113. Khaleeq Kiani, "Asia-Pacific Group keeps Pakistan on enhanced follow-up list," Dawn, October 12, 2020.

114. "More progress needed," Dawn, October 13, 2020.

115. Dawn, October 24, 2020 <https://www.dawn.com/news/1586726/pakistan-to-stay-on-fatf-grey-list-till-february>

Federal Minister for Industries and Production Hammad Azhar said after few days of FATF announcement that Pakistan was already working on the remaining targets. He also remarked that the legislations Pakistan has made for countering terrorist financing will significantly help Pakistan in next year's evaluation by the global financial watchdog.¹¹⁶ He however noted that one of the two actions plans given to Pakistan by the FATF was the "most challenging" and "comprehensive ever given to any country".¹¹⁷

Experts argue that the entire process of FATF compliance reflects that Pakistan's approach is tactical where it has been trying its utmost to merely respond to the FATF queries instead of developing institutional responses to curb terror financing. In practice, Pakistan's anti-militant campaign is hindered by several factors including capacity gaps among counterterrorism departments, which are also struggling to find solid legal ground against the leadership of the militant groups. The government has to build comprehensive institutional response to satisfy the FATF based on zero tolerance for all shades of militants.¹¹⁸

There have also been concerns about the misuse of laws on countering terrorism financing and money laundering against political dissidents and opponents. The opposition parties in parliament have recently pointed out the possible misuse of these laws. Analysts underscore that though "parliamentary oversight has been included as a provision in the law, it cannot guarantee that the government will not misuse it[its power] or [not] confuse countering terrorist financing with money laundering."¹¹⁹

The FATF recommendations have not only reiterated the NAP focus but also laid bare the

areas where the initial NAP resolve is yet to transform into concrete strategies and outcomes

Legislation and strengthening of legal framework

As noted earlier, the government efforts to check terrorism financing and money laundering have swelled in recent months, mainly on the legislative front. In September 2020 alone, a joint sitting of parliament passed three more laws related to curbing terrorism financing. These included the Islamabad Capital Territory Waqf Properties Act; the Anti-Money Laundering (Second Amendment) Act, 2020; and, the Anti-Terrorism (Third Amendment) Act, 2020.¹²⁰ The first two bills were earlier rejected by the Senate, over apprehensions that the government could use these laws for political 'witch hunt'.¹²¹ Earlier, on August 6, a joint sitting of parliament had passed the Mutual Legal Assistance (Criminal Matters) Act, 2020.

From late July 2020 towards the end of August, the National Assembly passed around a dozen legislations related to FATF compliance on terror financing. These included the United Nations (Security Council) (Amendment) Bill, 2020; the Anti-terrorism (Amendment) Bill, 2020; the Islamabad Capital Territory Trust Act, 2020; the Control of Narcotic Substances (Amendment) Act, 2020; the Companies (Amendment) Act, 2020; the Limited Liability Partnership (Amendment) Act, 2020; the Anti-terrorism (Amendment) Act, 2020; the Anti-Money Laundering (Second Amendment) Bill, 2020; the Islamabad Capital Territory Waqf Properties Bill, 2020; the Cooperative Societies (Amendment) Bill, 2020; and the Anti-terrorism (Third Amendment) Bill, 2020.¹²²

116. DailyExpress(Urdu), October 26, 2020, https://www.express.com.pk/epaper/PoPupwindow.aspx?newsID=1107840549&Issue=NP_LHE&Date=20201026

117. Khaleeq Kiani, "FATF says good, but not good enough," Dawn, October 26, 2020, <https://www.dawn.com/news/1586968/fatf-says-good-but-not-good-enough>

118. Muhammad Amir Rana, "The counterterrorism challenge," Dawn, July 14, 2019, <https://www.dawn.com/news/1493998/the-counterterrorism-challenge>

119. Muhammad Amir Rana, "Waiting for the whitelisting."

120. The Nation, September 17, 2020, <https://nation.com.pk/17-Sep-2020/legislation-passed-to-get-out-of-fatf-grey-list>

121. Dawn, August 26, 2020, <https://www.dawn.com/news/1576499/opposition-ruled-senate-rejects-two-fatf-bills>

122. Details on these laws can be seen here: <http://na.gov.pk/en/bills.php?status=pass>

The Sindh Provincial Assembly also passed five bills in August 2020 in line with the recommendations of the FATF to prevent money laundering through trusts, auqaf and cooperative societies.¹²³

Separately, in order to expedite progress on cases related to terrorism-financing, the Sindh Home Department in April 2020 notified two more antiterrorism courts (ATCs) in the province. English daily Dawn reported that the provincial government's move came as a follow-up to the federal government's stepped-up action plan, which was devised after the FATF raised concerns regarding Pakistan's compliance of implementation of anti-money laundering and counterterrorism financing laws.¹²⁴ With the addition of the two new ATCs, the number of such special courts to conduct trials in cases related to generating funds, money laundering and financing terrorism in Sindh jumped to four, as two ATCs were already notified in December 2019.

Even as experts appreciate the recent legislation process, they also underscore the challenges facing implementation of these and other related laws meant to counter terrorism financing and money laundering. For one, the focus on countering terrorism financing is only recent and the state responses and linked processes will take time to evolve. Secondly, there have been issues of lack of transparency and inclusion in the policymaking processes and of an undocumented economy, which could constraint the government efforts. Thirdly, there is a lack of institutional coordination at multiple levels, including between the federation and the provinces – although NACTA has been working to bridge that gap in recent years – and capacity among the law enforcement and other implementing agencies.¹²⁵

Institutional and administrative/regulatory measures

FATF defined Pakistan as a jurisdiction with strategic deficiencies in combating terrorism financing and money laundering. In order to overcome these deficiencies, Pakistan has also been trying to strengthen its administrative and regulatory structures. "Federal level institutions [including the National Executive Committee (NEC) and General Committee (GC)] are part of the top tier of governance infrastructure to curb terrorism financing. At the provincial level, committees headed by chief secretaries have been formed, which are institutionally linked with the GC. Similarly, there are district [level] working groups, particularly focusing nonprofit organizations."¹²⁶

However, the APG's Mutual Evaluation Report 2019 particularly raised concern about the regulatory issues linked to private sector organizations and entities. Experts argue that as Pakistan's private sector is diverse and entails a multitude of actors, this raises their risk profile as "conduits, support and repository of funds for terrorism financing."¹²⁷

Pakistan has been trying to address the challenges linked to the regulation of public and private sectors. For instance, a meeting of the NEC held on January 31, 2020, presided over by the prime minister's adviser on finance and revenue, decided to scrutinize about 20,000 non-profit or non-governmental organizations over a period of one year – with a target of screening of 25 per cent NPOs each quarter – in coordination with the federal and provincial agencies and regulators. The media reported that "this will lead to [the] creation of a national registry of all the NPOs and NGOs operating in any of the four provinces, Azad Jammu and Kashmir and Gilgit-Baltistan or the federal territory. As such, only the scrutinized

123. Dawn, August 22, 2020, <https://www.dawn.com/news/1575696>

124. Dawn, April, 28, 2020, <https://www.dawn.com/news/1552730/two-more-atcs-notified-for-deciding-terror-financing-cases>

125. Kashif Noon, "Strategic policy options to curb terrorism financing in Pakistan," National Initiative against Organised Crime, June 17, 2020, <https://nioc.pk/article/777>

126. Ibid.

127. Ibid.

NPOs and NGOs would then be allowed to raise public funds or collect donations, etc.”¹²⁸

In 2019, the government established a dedicated autonomous secretariat for developing comprehensive responses on the issues relating to terror financing, which would work in coordination with all the provinces and departments including Financial Monitoring Unit, State Bank of Pakistan, Federal Board of Revenue (FBR), Securities and Exchange Commission of Pakistan, NACTA, the armed forces, law enforcement agencies, and all provincial governments. Special cells have also been set up in all the relevant government departments to comply with the FATF requirements. The FBR has also taken a major initiative and formed a special cell that will ensure effective and timely implementation of measures against terror financing. The cell – called the FATF Cell and placed under the Director General of Intelligence and Investigation, Islamabad – will seek “information required for FATF-related work from the FBR, field formations, directorates and record of meetings... [and] will serve as a focal point for all activities related to customs compliance for FATF issues.”¹²⁹

Similarly, the National Accountability Bureau (NAB) has set up a cell to combat terror financing as well as money laundering. The cell has been established at the NAB headquarters in Islamabad. While the main purpose of the NAB cell will be to provide and monitor analyses to consolidate efforts on curbing terror financing, it will also maintain coordination with the national Financial Action Task Force secretariat.¹³⁰

In recent years, the federal and provincial governments have successfully prevented banned groups from collecting hides of sacrificial animals as well as religious charity, mainly around the Eid festivals. The Punjab government

barred 48 banned organizations from collecting animal hides on the eve of Eidul Adha in 2020; as many as 263 religious seminaries had sought permission to collect animal hides in the province.¹³¹ Many believe that a part of the money gathered from selling the donated animal hides is used in financing the operations of the banned groups. Similarly, the government took effective measures in terms of curbing terror financing, which did not allow the banned organizations to mobilize their fund collection mechanisms during the holy month of Ramadan; religious groups and institutions have a tradition of collecting religious levies, including Zakat, during Ramadan.

According to a media report, at least five premier Pakistani regulators will cooperate with their foreign counterparts and make reciprocal arrangements to share, request and receive information relating to money laundering and countering the financing of terrorism. According to the recent amendments in the Anti-Money Laundering Act, there will be self-regulatory bodies for the AML/CTF regulatory authorities. They will be the Institute of Chartered Accountants of Pakistan (ICAP) and Institute of Cost and Management Accountants of Pakistan (ICMAP) for their respective members, Pakistan Bar Council (PBC) for lawyers and other independent legal professionals that are enrolled under the PBC or provincial bar councils and any other self-regulatory body notified by the federal government.¹³²

Pakistan also signed an agreement with the UAE in September 2020 in order to combat money laundering and terror financing. Under the accord, Pakistan’s Financial Monitoring Unit (FMU) and the UAE’s Financial Intelligence Unit (FIU) would enhance cooperation by exchanging information. It is expected that the sharing of data between the two countries would help

128. Khaleeq Kiani, “Dozen laws to be amended to meet FATF requirements,” Dawn, February 1, 2020, <https://www.dawn.com/news/1531832>

129. Mubarak Zeb Khan, “FATF cell set up at FBR to deal with terror financing,” Dawn, July 26, 2019.

130. Malik Asad, “NAB forms cell to combat money laundering, terror financing,” Dawn, October 18, 2019.

131. Daily Dunya, July 23, 2020, https://e.dunya.com.pk/detail.php?date=2020-07-24&edition=GUJ&id=5271864_87389720

132. The News, September 28, 2020, <https://www.thenews.com.pk/print/721057->

them curb money laundering and other financial crimes.¹³³

Law enforcement and prosecution

The federal government has recently also imposed sanctions on 88 proscribed leaders and members of terrorist groups, in compliance with the United Nations Security Council's updated listing. In August this year, the government announced sanctions on key figures of Jamaatud Dawa (JuD), Jaish-e-Mohammed (JeM), Taliban, Daesh, Haqqani Group of Afghan Taliban, Al Qaeda, and others. The sanctions also ordered seizure of "all movable and immoveable properties of these outfits and individuals, and freezing of their bank accounts."¹³⁴

Indeed, since early 2019, Pakistan has stepped up actions against banned militant groups, mainly JuD and JeM and the individuals and entities affiliated with them. Experts believe that has happened in the context of NAP as well as the FATF concerns about Pakistan's response to the presence and operations of the militants groups on its soil and their use of terrorism financing and money laundering channels. In May 2019, the Interior Ministry banned another 10 groups operating in Pakistan, due to their alleged affiliation with three other banned organisations, namely JuD, FIF and JeM.¹³⁵ Meanwhile, a media report claimed that by May 2019, the Punjab government had, under the Nation Action Plan, confiscated around 500 properties and assets of JuD and its charity wing FIF. These assets were confiscated in 36 districts of Punjab and included schools, colleges, hospitals, dispensaries, madrassas, ambulances, etc. The district administrations had taken control of these assets.¹³⁶

Simultaneously, the anti-terrorism courts have continued to hear and decide terror-financing

cases. For instance, Gujranwala's ATC handed down 16-year imprisonment each to five Al Qaeda militants for financing terrorism and keeping explosives. The cell was also involved in financing terrorist operations of Al Qaeda in the Indian Subcontinent. Separately, ATCs have indicted JuD chief Hafiz Muhammad Saeed, his brother-in-law Hafiz Abdul Rehman Makki, and three other JuD leaders on charges of terror financing. The Punjab Counter-Terrorism Department had registered at least 23 cases against Hafiz Saeed and JuD's other leaders in police stations in Lahore, Gujranwala, Multan, Faisalabad, Sahiwal and Sargodha in 2019. The CTD accused them of using the properties of religious seminaries and mosques for terror financing.¹³⁷ In September 2020, Lahore High Court also convicted four leaders of the banned JuD in a terror financing case. The leaders include Yahya Mujahid, Prof. Abdul Salam, Prof. Zafar Iqbal and Muhammad Ashraf.¹³⁸

Separately, in Karachi, the Federal Investigative Agency (FIA) confiscated five properties of Afghan Taliban chief Mullah Akhtar Mansour for auction. The FIA had booked Mullah Mansour in a case lodged under Section 11H (pertaining to fundraising and money laundering) of the Anti-Terrorism Act, 1997, in addition to Pakistan Penal Code sections on cheating and forgery. Mullah Mansour, who was killed in a drone strike along the Pakistan-Iran border in May 2016, had purchased the five properties, including plots and houses, in Karachi.¹³⁹

- **Action against hate speech/material and glorification of terrorists**

This section charts NAP's progress on three of its clauses calling for (i) strict action against the literature, newspapers and magazines promoting hatred, extremism, sectarianism and

133. The Express Tribune, September 9, 2020, <https://tribune.com.pk/story/2263279/pakistan-uae-sign-anti-money-laundering-pact>

134. The News, August 22, 2020, <https://www.thenews.com.pk/print/703870-pakistan-imposes-more-restrictions-on-terrorists>

135. Noor Aftab, "Ten outfits banned," The News, May 12, 2019, <https://www.thenews.com.pk/print/470289-ten-outfits-banned>

136. Daily Jang (Urdu), May 11, 2019, <https://e.jang.com.pk/05-11-2019/pindi/pic.asp?picname=546.png>

137. Muhammad Amir Rana, "Waiting for the whitelisting."

138. Daily Dunya, September 9, 2020, https://e.dunya.com.pk/detail.php?date=2020-09-10&edition=LHR&id=5325996_12284543

139. Naeem Sahoutra, "Court seizes slain Taliban chief's properties for auction," Dawn, May 08, 2020, <https://www.dawn.com/news/1555423/court-seizes-slain-taliban-chiefs-properties-for-auction>

intolerance; (ii) ban on glorification of terrorists and terrorist organizations through print and electronic media; and, (iii) actions against use of the internet and social media for terrorism. The hate speech, propaganda and glorification of terrorists and their acts through print and online media are interrelated in one way or another.

At the outset it is relevant to highlight that there are provisions in Pakistan's anti-terrorism legal regime and Pakistan Penal Code (PPC), which deal with the spread of hate speech and material, and threats and insults to an individual's life and religion, etc.

For instance, Section 8 of the Anti-terrorism Act, 1997, prohibits 'acts intended or likely to stir up sectarian hatred'¹⁴⁰ and provides full description of related offenses including the use of threatening, abusive or insulting words or behaviors; display, publishing or distribution of any written material which is threatening, abusive or insulting; and possession, distribution, display or playing of such written and recorded (audio and visual) materials.¹⁴¹ PPC's Section 153-A defines a person indulging in hate speech as someone who "by words, either spoken or written, or by signs, or by visible representations or otherwise, promotes or incites, or attempts to promote or incite, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities."¹⁴² Similarly, the PPC Section 295 and its sub-clauses make insulting religion, outraging religious feelings (by insulting the religion or beliefs), defiling Holy Quran, and using derogatory or blasphemous remarks for the Holy Prophet (PBUH) as serious offences.¹⁴³

Passed by the parliament two years after the launch of NAP, the Prevention of Electronic Crimes Act (PECA), 2016, criminalizes 'hate speech' (Section 10-A) in these words: "Whoever prepares or disseminates information, through any information system or device, that advances or is likely to advance inter-faith, sectarian or racial hatred, shall be punished with imprisonment for a term which may extend to seven years or with fine or with both."¹⁴⁴

Even before PECA was promulgated, the government issued the Sound System Ordinance 2015 to curb mainly sectarian hate speech by prayer leaders of mosques. The Act stated: "It shall be unlawful for any person to use, or assist in using, permit or allow use of a sound system which generates any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of persons in or beyond the vicinity."¹⁴⁵

In July 2020, the Punjab government passed Tahaffuz Bunyad-e-Islam Bill, 2020, which is yet to get the provincial governor's assent to become a law. It makes "desecration of any prophet, any of the four divine books, family and companions of Prophet Hazrat Muhammad (SAW) as well as abetting or glorification of terrorists, promot[ing] sectarianism in any book punishable." It also empowers the Directorate General Public Relations (DGPR) to "inspect printing presses, book stores and publishing houses, and confiscate [before and after printing] books containing such contents."¹⁴⁶ But the bill has already become controversial and many believe it could become a factor in fanning sectarian extremism. Apart from the essence, which may not be equally acceptable to followers of all Islamic sects, there are also fears of misuse of the bill.

140. It defines "sectarian hatred" as hatred against a group of persons in Pakistan defined by reference to religion, religious sect, religious persuasion, or regional belief.

141. For details, visit: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81777/88943/F435058093/PAK81777.pdf>

142. For details, please visit: <https://www.oecd.org/site/adboecdanti-corruptioninitiative/46816797.pdf>

143. Ibid.

144. Full text of the Act can be seen here: http://www.na.gov.pk/uploads/documents/1470910659_707.pdf

145. Farhan Zahid, "Counterterrorism policy measures: A critical analysis of Pakistan's National Action Plan."

146. "PA passes bill protecting foundation of Islam," Dawn, July 23, 2020, <https://www.dawn.com/news/1570534>

The Punjab government has empowered the Muttahida Ulema Board. According to its chairman, Maulana Tahir Ashrafi, the board had decided 105 cases of hate speech until the first week of July 2020.¹⁴⁷ It was in June 2020 that the Punjab Assembly unanimously passed the Punjab Curriculum and Text Book Board (Amendment) Bill 2020, which said, among other things, that “Islamic content of history, Urdu literature and other subjects will not be published in textbooks until Muttahida Ulema Board Punjab approves [it].”¹⁴⁸ Many experts and scholars who participated in PIPS consultations held for this study expressed concerns similar to those raised about the Tahaffuz Bunyad-e-Islam Bill. Some of them argued that the state could not address the issue of hate speech and sectarian hatred by engaging the same religious groups and leaders who had been part of the problem. Others also raised concerns about the absence of civil society and stakeholders other than the religious-oriented ones in the federal and provincial governments’ efforts to achieve sectarian and interfaith harmony

Similarly, the Council of Islamic Ideology (CII) – a constitutional body that advises the legislature on compatibility of laws to Islamic principles – recently developed a Code of Conduct (CoC) for ending sectarian and communal hatred and hate speech in the country by engaging religious scholars. The 20-point CoC is based on Paigham-e-Pakistan, a comprehensive state-sponsored declaration against extremism, which was endorsed by hundreds of religious scholars of all schools of thought. Besides talking about protecting the rights of women and non-Muslim citizens, and legal issues, including those related to blasphemy, the CII’s CoC in particular declared all kinds of violence in the name of religion revolt against the state and denounced hate speech and excommunication of other sects, including through the use of mosques, imambargahs, and mass gatherings.¹⁴⁹

However, the prospective impact of the CoC remains contested. Experts argue that such

fatwas and CoCs – including the Paigham-e-Pakistan declaration and a similar code of conduct by Milli Yakjehti Council in the 1990s – “have been wielding little to no influence on most of [the] radical elements and extremist groups in Pakistan, who, even in presence of such drafts and decrees, have continued spreading hatred as per their religious convictions or other internal and external compulsions.”¹⁵⁰

The fact then remains that despite the presence of all these laws and declarations there has been little change on the ground. That is despite the fact that the spread of hate speech and extremist ideologies in Pakistan has clear-cut ramifications, including the potential for resort to violence. In many instances, hate speech has even instigated mob violence, especially against citizens from religious minority groups accused of blasphemy. While it has not been unheard of for entire villages and communities to come under attack in Punjab in some cases, incidents of faith-based violence, mainly against Ahmadis and blasphemy accused, have recently increased in Khyber Pakhtunkhwa. Even in absence of violence, hate speech can widen differences and mistrust, sowing discord among communities and undermining social harmony. The recent resurgence of sectarian tensions in the country in the month of Muharram is one example, which started after hateful and derogatory statements by some clerics and led to countrywide protests and rallies, which also featured the banned groups and leaders. Furthermore, the incidence and impact of hate speech has increased manifold due to the use of social media.

It was, perhaps, against this backdrop that most participants of PIPS consultation held for this study across Pakistan seemed unimpressed by the NAP’s success against the spread of hateful and extremist material and speech and actions against extremists’ publications and glorification of terrorists. There was near consensus that it was one of those NAP objectives that could not be achieved properly.

147. Views expressed in PIPS consultation on NAP held in Lahore on July 6, 2020.

148. Iqtidar Gilani, “Muttahida Ulema Board to approve all textbooks related to Islam in Punjab,” *The Nation*, June 10, 2020.

149. Muhammad Amir Rana, “Sectarianism & civil society,” *Dawn*, October 18, 2020, <https://www.dawn.com/news/1585683/sectarianism-civil-society>

150. Ibid.

They also underlined that the victims of hate speech were usually powerless or marginalized groups including religious minority communities, which made falling short of the goal all the more critical. However, most agreed that despite entailing sporadic and uncertain triggers, the issue is structural and deep rooted. “Eliminating hate speech from the education curricula alone will solve many related problems,” one of the observers at the Islamabad consultation noted.

According to another, TV channels and even Pakistan Electronic Media Regulatory Authority (PEMRA) appear unaware of what amounts to hate speech or religious or sectarian sensitivity. “The same people whose hate statements in the past instigated faith-based and sectarian violence, including against Ahmadis, can be seen on television and YouTube channels,” said an Islamabad-based journalist.¹⁵¹ He also lamented that the same people were even promoted by the media by showing their photos and videos alongside senior government officials.

Some underscored the fact that while state institutions had lost their focus, which was evident in the early years of NAP, the government had also simultaneously started extreme media censorship, including against the news media itself, as well as civil society and political workers and leaders, to curb criticism and dissent.

It is true that immense focus was placed on countering extremist material, hate speech and glorification of terrorists instantly after the launch

of NAP. The Federal Ministry of Interior had directed provincial home departments to curb the distribution of hate material by proscribed organizations; this was accomplished with the help of law enforcement agencies, especially police at the district level.¹⁵²

A media report in January 2015 quoted a statement by the prime minister’s office that Punjab was far ahead in taking action against hate speech and other NAP-related measures, with 329 people arrested over hate speech till January that year – a number that surged to 4,000 by August. Furthermore, the report said that 1,471 people were arrested until January 2015, in Punjab and 14 in Islamabad over misuse of loudspeakers.¹⁵³ The Punjab government had also launched an extensive campaign of sealing shops selling hate material and confiscating such material. In the subsequent weeks and months, other provinces also stepped up efforts against hate speech and literature.

That campaign continued without showing any signs of slowing down at least for two years in all federating units of the country. Pak Institute for Peace Studies compiled data for the initial two years after the NAP launch and presented in its Annual Security Report for 2017 (published in January 2018). Based on government figures, the data described strict action against all such literature, newspapers and magazines promoting hatred, extremism, sectarianism and intolerance.¹⁵⁴ (See the table below)

Task	Punjab	Sindh	KP	Balochistan	ICT	GB	AJK	Total
Hate speech cases	958	106	210	51	13	241	11	1,373
Arrests	2,042	64	364	48	4	35	9	2,566
Misuse of loud speaker cases	10,379	1,027	6,952	113	106	7	103	18,687
Arrests	10,987	803	7,257	97	28	21	229	19,422
Premises sealed	41	-	-	25	-	1	3	70
Material/equipment confiscated	1,085	15	6,256	1200 books, 383 items	-	13	110	7,479

151. Sabookh Syed, a journalist and social media blogger. Views expressed in PIPS consultation held in Islamabad on May 16, 2020.

152. Farhan Zahid, “Counterterrorism policy measures: A critical analysis of Pakistan’s National Action Plan.”

153. Khawar Ghuman, “Punjab ahead of other provinces in anti-terror steps,” Dawn, January 24, 2015.

154. Pak Institute for Peace Studies, Pakistan Security Report 2017 (Islamabad: Narratives, 2018).

However, regulating cyberspaces, mainly social media, has been a tricky job for the government. Social media has not only increased the outreach of violent extremist groups and terrorists to propagate their ideologies and get recruits, it has also provided the speakers and disseminators of hatred new avenues. Experts argue that extremism and religious intolerance have in recent years “grown through their connectivity with larger extremist discourses fanned in cyberspaces. Social media platforms have increased the exposure and vulnerability of the youth to divisive and extremist ideologies.”¹⁵⁵

Banned sectarian groups are at the forefront of the endeavors to fuel sectarian hatred on social media platforms. For instance, after the outbreak of Covid-19 in Pakistan, Sunni social media activists blamed the Shia pilgrims returning from Iran, while the Shia activists accused the Sunni Tablighi Jamaat gatherings for the spread of the virus in the country. Frequent posts and messages carrying sectarian hate speech could be seen on social media platforms in those days.

The government has mainly been using tactical approaches to control and regulate social media, mainly through the state institutions, including Federal Investigation Agency (FIA), which has a dedicated National Response Center for Cyber Crimes. The government also keeps negotiating with different social media services providers and technology companies in a bid to control the content, asking many of these companies, including Google, to register their offices in Pakistan.

At the same time, however, activists have questioned the government’s motives in seeking the offices of the social media services providers and technology companies in Pakistan. Concerns have also been raised about the misuse of cyber laws. Such misuse has indeed already transpired with journalists and civil society activists being booked under the country’s anti-cyber-crime law. Some say this misuse can be reduced by clearly defining the term hate speech while others say

that the government actions against activists and journalists are aimed at censorship and avoiding dissent and unfavorable coverage.

While some observers called for revising PECA and making its implementation fair and effective, others said FIA’s cyber wing also needed to be strengthened.

In September 2020, the federal government also started the process of formulating the National Cyber Security Policy, with the consultation process with experts and relevant stakeholders being initiated.¹⁵⁶

• **Madrassa reforms**

Clause 10 of NAP calls for registration and regulation of religious seminaries. That has proven to be a complex challenge and, despite the NAP-assigned priority, little progress has been evident in that regard thus far.

Most attempts to ‘reform’ or ‘mainstream’ madrassas in Pakistan start with the discourse of curriculum reform. Successive governments have been trying to introduce different subjects and courses with a view to enhance exposure of madrassa students to ‘scientific, modern’ thinking. But that has not helped in bringing about any discernable change in the environment of madrassas or the mindset that is developed there. Some even find the government’s approach towards madrassas – including registration or introduction of new courses – as inconsistent and ‘reactive’ in nature.¹⁵⁷

Madrassas in Pakistan usually affiliate with any of the five wafaqs – or religious educational boards privately governed by religious elites of Deobandi, Bareilvi, Ahle Hadith, Jamaat-e-Islami and Shia schools of thought. Not all madrassas associated with the wafaqs are registered with the government and there are a number of others madrassas which are registered neither with these five boards nor with the government. Despite studying similar content, madrassa

155. Muhammad Amir Rana, “Ignoring the seeds of terrorism,” Dawn, September 22, 2019, <https://www.dawn.com/news/1506658>

156. Daily Jang, September 21, 2020, <https://e.jang.com.pk/09-21-2020/Lahore/pic.asp?picname=109.png>

157. Mujtaba Rathore, “Madrassa reforms: the debate,” Conflict and Peace Studies (PIPS) 7(1): 25-42.

students find it hard to avoid sectarian thinking. A PIPS study in 2018 found that the political views of madrasa students are also sectarian-oriented.¹⁵⁸ That might be unsurprising because, as noted earlier, the five boards of religious education represent sectarian streams and even any efforts at the level of the state or society to engage the madrassas ensure representation from all these boards, thus maintaining the sectarian divide, though indirectly.

When NAP was launched in early 2015, religious seminaries came under greater surveillance. Intelligence and law enforcement agencies started investigating unregistered seminaries and their links with terrorist activities across the country. The Ittehad Tanzeemat-e-Madaaris Pakistan (ITMP), a coalition of the five wafaqs, had then expressed reservations over the NAP clauses pertaining to madrasa reforms, arguing that linking militancy with religion was wrong.¹⁵⁹

In September 2015, the top civilian and military leadership held a meeting with representatives of madrassas and discussed issues around registration and reforms.¹⁶⁰ The provinces started to collect data on seminaries and details on their registrations. The government tried to affiliate unregistered madrassas, which were estimated to be between 8,000 and 10,000 across the country, with the Pakistan Madrasa Education Board (PMEB), originally formed in 2001. The government also planned to form Islamic Education Commission to regulate education in all religious seminaries.¹⁶¹ Meanwhile, a campaign was launched against seminaries having alleged links with terrorists and banned groups. As raids were launched on some madrassas, a spokesman

for Wafaqul Madaris Al-Arabia complained that only Deobandi seminaries were being targeted in the raids.¹⁶² The Deobandi seminaries board also opposed the government's plan of barring foreign students' admission to the seminaries.¹⁶³

Meanwhile, the federal government and the madrasa authorities agreed on a madrasa registration form.¹⁶⁴ In a November 2015 in a meeting of ITMP – the umbrella organization of different madrasa educational boards – and the government, the participants agreed to draft a uniform form for madrassas. Both sides agreed that madrassas will submit their details annually and the security agencies would not conduct raid on those seminaries.¹⁶⁵ NAP also unsuccessfully attempted to overcome gaps in the financial regulation of madrassas. For one, according to the government's documents, during 2013-14, at least 12 countries provided up to 300 million rupees in funding to around 80 seminaries in Pakistan. Moreover, individuals or institutions from abroad also sent funds to madrassas, without any proper check, it was alleged.¹⁶⁶

In 2016, the federal and provincial governments came up with varying responses, which were not adequate to deal with the challenge and it seemed that the government apparently lacked understanding of the issue. It assigned the task of dealing with madrassas to the federal interior ministry, even though education had become a provincial subject after the 18th Amendment. In that year, Sindh was the only province to take some measures for madrasa regulation and introduced the Sindh Madressah Registration Bill, 2016. The bill encompassed all issues concerning the seminaries in Sindh that the National Action

158. Pak Institute for Peace Studies, "Exploring the madressah mindset," 2018, https://www.pakpips.com/web/wp-content/uploads/2018/01/Exploring_the_Madrassah_Mindset.pdf

159. Mujtaba Rathore, "Madrassa reforms: the debate."

160. Khawar Ghuman, "Govt won't spare errant seminaries, ulema told", Dawn, September 8, 2015, <http://www.dawn.com/news/1205572>

161. Noor Aftab, "Commission to regulate religious seminaries soon," The News, June 22, 2015.

162. Kalbe Ali, "Action against seminaries spills into Islamabad", Dawn, August 29, 2015, <http://www.dawn.com/news/1203597>

163. Kalbe Ali, "Seminaries oppose govt move to ban foreign students", Dawn, February 15, 2015, <http://www.dawn.com/news/1163707>

164. "Agreement between federal government and scholars on madrasa registration form", Daily Express, October 3, 2015

165. "Principle agreement on giving madrasah degrees the status of modern knowledge", Nai Baat, November 13, 2015

166. Mujtaba Rathore, "Madrassa reforms: the debate."

Plan envisioned needed tackling.¹⁶⁷ The federal government also claimed certain developments on the madrassa regulation front. The Interior Ministry and ITMP had reached an understanding over the question of regulation of madrassas.¹⁶⁸ NACTA and the ITMP also prepared a new form for madrassa registration.¹⁶⁹ The government had closed 254 unregistered and suspicious madrassas in the country as part of NAP until mid-February 2015.¹⁷⁰ It also started geo-tagging of religious seminaries, thereby tightening the government's grip on them. However, these measures were not enough for regulating or mainstreaming the religious schools; instead these made the issue more complex as madrassa education boards were not happy with the government policies.

In 2017, the madrassa registration form, which NACTA and the Interior Ministry had finalized in consultation with the ITMP, started reaching the provinces for implementation. However, the initiative remained largely unimplemented. Also, the provinces either failed to come up with appropriate legislation pertaining to education or ignored madrassas in such legislation.

According to a media report in February 2018, the madrassas in Sindh refused to share information regarding their registration and regulation with the Special Branch of police.¹⁷¹ Tanzeemul Madaaris Ahle Sunnat Pakistan, however, chalked out a plan to gradually improve the standard of education in madrassas and reform the curriculum.¹⁷² The National Security Advisor claimed that year that attempts were in the offing which would help "mainstream" madrassa students by opening for them job opportunities,¹⁷³ but those attempts perhaps could not materialize.

On August 29, 2019, an MoU was signed between Ministry of Federal Education and Professional Training (MFE&PT) and the ITMP which sought to address various aspects of madrassa reform, including registration and regularization. On October 22, a media report indicated that the MFE&PT had completed its homework to open a directorate to regulate the madrassas.¹⁷⁴ Army chief General Qamar Bajwa was also said to have taken a keen interest in the process and reportedly personally tried to convince religious scholars on the reforms.¹⁷⁵

Since the start of the year 2020, there have been reports about the launching of madrassa registration with the MFE&PT. Despite some developments, a start to the registration process is still awaited. According to the details available at the ministry website, registration is the first step that will be followed by facilitation in opening of bank accounts of madrassas and issuance of visas to foreign students, as well as provision of technical and vocational education to madrassa students.

As a first step, Directorate General of Religious Education (DGRE) has been established as a head office at Islamabad, which was formally inaugurated by the MFE&PT minister in December 2019, and is reportedly fully functional now.¹⁷⁶ Similarly, in order to facilitate madrassas with registration and other matters, 16 regional offices of DGRE have also been established; however, no official details are yet available if they have started registering the madrassas.

167. Pak Institute for Peace Studies, Pakistan Security Report 2016 (Islamabad: Narratives, 2017).

168. Dawn, February 14, 2016, <http://www.dawn.com/news/1239434/nisar-claims-accord-with-madrassas>

169. Ibid.

170. "Over 250 madrassas shut down countrywide," Express Tribune, February 25, 2016, <http://tribune.com.pk/story/1053991/national-action-plan-over-250-madrassas-shut-down-countrywide>

171. The News, February 27, 2018 <https://www.thenews.com.pk/print/285926-madrassas-refuse-to-share-info-with-special-branch>

172. Daily Dunya, September 20, 2018 http://e.dunya.com.pk/detail.php?date=2018-09-20&edition=ISL&id=4183129_59625183

173. PIPS interview with National Security Advisor, Lt. Gen (Retd) Nasser Khan Janjua, December 2017, published in "Pakistan Security Report", Peace & Conflict Studies, PIPS, 2018.

174. Kashif Abbasi, "Directorate being set up to regulate seminaries," Dawn, October 22, 2019.

175. Ansar Abbasi, "Madrassa reforms, Army Chief's hours long meeting with religious scholars," daily Jang (Urdu), July 18, 2019.

176. Details can be seen here: <http://mofept.gov.pk/ProjectDetailYzYxNjUwNDktMjgzMi00YmU3LTkxMzItYWRiZWZjNmU4MjM3>

As cited earlier, the army chief also held meetings with religious scholars mainly on the madrassa issue. Maulana Tahir Ashrafi claimed during a PIPS consultation on NAP held in Lahore in July 2020 that at least four such meetings were held and two things were agreed upon in these meetings: first, to provide intermediate-level public school education in madrassas, and secondly, to put enhanced focus on character building or ethics.

Many ambiguities still surround the reform process, especially about the financial audit of the religious institutions and the curriculum reform. These initiatives may not prove to be a viable alternative to a regulatory authority on madrassas to look into their financial affairs, pedagogy, hate speech, sectarian narratives and activities of radical groups in madrassas. Such regulatory authorities can be established at the district or provincial level and should have the representation from the educational departments, religious scholars, civil society and parents.

However, it is a welcome development that madrassas are now under the regulation of the education ministry, which also implies that the government has finally acknowledged that madrassas do not fall in the administrative or security domains but need to be looked at in the educational context.

Dr Raghieb Naeemi, administrator of Jamia Naeemia, Lahore, believes that only a few madrassas are willing to register with the body designated by the government or with the education ministry. He and Maulana Ashrafi were in agreement that overcoming the influence of the madrassa education boards, or wafaqs was imperative for effective implementation of registration and related madrassa reforms.¹⁷⁷ Dr Naeemi also stated that while geo-tagging of madrassas had been completed, registration had not yet started. He noted that there were 25,000 registered madrassas in Pakistan, which hosted about half a million students; some 275,000

students studied in madrassas registered with Tanzeemul Madaaris, and over 175,000 were enrolled in madrassas registered with different Wafaqul Madraaris. However, the Ministry of Federal Education and Professional Training website says that around three million students are enrolled in an estimated 35,000 madrassas, out of which 26,160 are registered with provincial government under the Societies Act. It also states that about 25,000 madrassas are affiliated with their respective religious education boards.¹⁷⁸

• **Revamping and reforming criminal justice system**

The last point on the NAP wish list was revamping and reforming the criminal justice system. Even the keenest advocates of the military courts justified these special courts' existence as an exceptional, interim arrangement. It was stated, and widely understood that the brief lifespan of the military tribunals would be used to undertake legal reform in order to address the challenges that had necessitated this departure from regular criminal justice system.

The criminal justice system across the country had long been afflicted by inordinate delays in conclusion of cases and very low conviction rates. The Commission on Reform of Law 1993 had flagged weak prosecution and flawed investigation as the main reasons for low conviction rate of criminals nearly a quarter of a century prior to the NAP formulation. The situation was the outcome of deficiencies in all links in the access to justice chain.

While shepherding the effort to revamp the system, NACTA itself recognized among the causes systemic issues such as "archaic police & judiciary procedures, overburdened courts... inadequate physical and human infrastructure, overcrowded prisons, lack of use of modern forensic investigation tools for procurement of evidence and witness protection programs (especially in terrorism cases)".¹⁷⁹

177. Views expressed in PIPS consultation on NAP held in Lahore, on July 6, 2020.

178. For details, visit: <http://mofept.gov.pk/ProjectDetail/YzYxNjUwNDktMjgzMi00YmU3LTkxMzltYWRRiZWZjNmU4MDM3>

179. Criminal Justice System Reforms, National Counter Terrorism Authority, <https://nacta.gov.pk/criminal-justice-reforms/>

Implementation endeavors

Under its mandate¹⁸⁰ to develop action plans to counter terrorism and extremism and periodically report to the federal government about the implementation of these plans, NACTA dealt with the implementation of revamping the criminal justice system.

In May 2016, NACTA convened a meeting attended by the federal interior secretary, and the chief secretaries and police chiefs from all the provinces, Gilgit Baltistan and AJK. A road-map proposed by the NACTA national coordinator in that meeting was agreed to by consensus, regarding proceeding further to develop appropriate recommendations. Two working groups, a Federal Core Group and a Provincial Core Group (with specialized cross functional sub-groups) were notified. NACTA also developed work plans to coordinate with all provincial stakeholders to make their recommendations more inclusive and implementable through provincial specialized groups and cross functional subgroups comprising sector experts on policing, judiciary, prosecution, prisons, alternate dispute resolution (ADR) and representative from practitioners, NGOs, think tanks and academia.¹⁸¹

The federal working group was subsequently said to have studied the recommendations of the provinces and developed sector-wise recommendations. NACTA reported that the recommendations of the Federal Core Group, its implementation plan along with responsibility, timelines and cost elements, sector-wise (police, prosecution, probation and parole, judiciary and prisons) were developed through consensus and in coordination with the federal ministries of interior and law and justice, the provinces,

Islamabad Capital Territory, Gilgit Baltistan and Azad Jammu and Kashmir.

In December 2016, the then NACTA National Coordinator Ihsan Ghani had stated: "If we had a functional criminal justice system, almost 70 per cent of [the] issues surrounding the National Action Plan (NAP) would have gone."¹⁸² He said that for last "six to seven months", NACTA had been working in coordination with the provinces on a package that caters to all four pillars of the criminal justice system including investigation, prosecution, judiciary and prisons. "The package is in its final stages," Ghani said.¹⁸³

In a meeting of the federal interior minister with the provincial chief ministers on August 23, 2017, it was reportedly decided to forward the recommendations to the provinces so that they could initiate the implementation process. NACTA reported that this document was accordingly sent to the provinces in August 2017.¹⁸⁴

In September¹⁸⁵ and November¹⁸⁶ 2017, news media reports suggested that the recommendations developed by NACTA to revamp the criminal justice system had been submitted to the prime minister for approval, prior to initiation of relevant legislation.

At this stage, the trail of coordinated measures towards a common goal went somewhat cold and there were few substantial accounts from NACTA regarding progress of the reform process from that point onwards.

Reform roadmap and the provinces

However, some efforts and initiatives, predominantly with financial support from international agencies, occasionally kept

180. Section 4-C, NACTA Act 2013.

181. For details, visit: <https://nacta.gov.pk/criminal-justice-reforms/>

182. "Nacta is not a homeland security department," Dawn, December 22, 2016, www.dawn.com/news/1303818/nacta-is-not-a-homeland-security-department

183. Ibid.

184. National Counter Terrorism Authority, "Criminal Justice System Reforms," <https://nacta.gov.pk/criminal-justice-reforms/>

185. Pakistan Today, September 19, 2017, <https://www.pakistantoday.com.pk/2017/09/19/pm-to-approve-nacta-recommendations-to-revamp-criminal-justice-system/>

186. "Proposals for reforms in criminal judicial system prepared," The News, November 6, 2017, www.thenews.com.pk/print/242284-Proposals-for-reforms-in-criminal-judicial-system-prepared

emerged from the provinces regarding the rule of law reform. Only some of these expressly alluded to the NAP ambition regarding criminal justice system reform.

In 2019, the Sindh government agreed upon a vision document called the Rule of Law Roadmap, to ensure that the criminal justice institutions followed system-wide and coordinated implementation of their statutory tasks to increase public confidence in the rule of law. The Roadmap involved all provincial government departments and institutions as well as the participation of civil society.¹⁸⁷

The document described how specific challenges related to the justice delivery system in Sindh needed to be collaboratively addressed over the next five years. The stakeholders, including criminal justice institutions of the province, were said to have identified the priority areas of reforms. The key areas of focus for reform were stated to be enhanced accountability, transparency, oversight structures, institutional collaboration and reforms in justice delivery aimed at facilitating citizens' access to justice, particularly of the most vulnerable sections of society. The Home Department was tasked with establishing an implementation unit.¹⁸⁸

In September 2019, a Rule of Law Roadmap Steering Committee, comprising government, police and judicial experts agreed upon specific targets to collectively focus Sindh's reform energies on reducing the "in prison overcrowding" and "increase in conviction rate of street crimes". Data was to be used to track delivery against these targets, to hold institutions to account for implementation of their respective targets, and to show the public where reforms

are succeeding or faltering. On the occasion, a United Nations Office on Drugs and Crime (UNODC) representative emphasized the crucial role the Sindh Home Department was playing in driving the reform agenda in line with the National Action Plan objectives.¹⁸⁹

Similarly, in March 2020, a sub-committee of the Khyber Pakhtunkhwa cabinet regarding the provincial Rule of Law Roadmap held its inaugural meeting. The committee approved the key rule of law roadmap priorities, aimed at improving conviction rate in serious crimes, as well as decreasing case disposal time and addressing overcrowding prisons, particularly of the under-trial prisoners.¹⁹⁰

In October 2018, the Balochistan government, in collaboration with UNODC, inaugurated a 'Delivery Unit' at the home department to implement the 'Rule of Law Roadmap' in the province.¹⁹¹ The initiative was part of the Balochistan Rule of Law Roadmap, a document encompassing reforms aimed at strengthening the justice system of the province over five years (2018-2022). The rule of law document was developed by the UNODC in collaboration with two other UN bodies, UNDP and UN Women, and the British High Commission.

The Government of Punjab notified the provincial Rule of Law Roadmap Steering Committee and Delivery Unit in January 2019 to drive implementation.¹⁹² The committee met for the first time in November the same year. Key performance indicators have been developed in consultation with the relevant departments which are linked to key government reform priorities.

187. "Sindh Rule of law Roadmap: Murad directs Home department to establish implementation unit," Business Recorder, May 4, 2019, <https://fp.brecorder.com/2019/05/20190504469777/>

188. Ibid.

189. "Operationalization of the Rule of Law Roadmap for Sindh," press release issued on September 19, 2019 by the United Nations Office on Drugs and Crime, <https://www.unodc.org/pakistan/en/operationalization-of-the-rule-of-law-roadmap-for-sindh.html>

190. "KP cabinet body approves key rule of law roadmap priorities," The Nation, March 7, 2020, <https://nation.com.pk/07-Mar-2020/kp-cabinet-body-approves-key-rule-of-law-roadmap-priorities>

191. "'Delivery Unit' inaugurated to ensure justice to citizens," The Express Tribune, October 24, 2018, <https://tribune.com.pk/story/1832509/1-delivery-unit-inaugurated-ensure-justice-citizens>

192. "Body planned to improve criminal justice system," Dawn, January 24, 2019, <https://www.dawn.com/news/1459372>

The vision back then

Back in August 2015, as the government welcomed a Supreme Court verdict that upheld the military courts and dismissed petitions challenging the 21st constitutional amendment, a top law official explained government's vision regarding the justice system reform.¹⁹³ Calling the Supreme Court decision "another strike against terror", and "a success for the nation", the prime minister's special assistant for law said that within the next two years of operation of military courts, remaining institutions will be strengthened. "Prosecution will be improved, evidence collection will be better ... Circumstances will have improved."¹⁹⁴

Unfortunately, none of the things the gentleman had predicted in 2015 have come to pass, neither during the lifespan of the military courts – even though their duration was extended from the original two to four years – nor afterwards.

It is true that all provinces have launched some endeavors, almost without exception through the financial and often technical support from international agencies, to embark on legal reform. Some provinces are somewhat further along the path than others, but it is fair to say nowhere in Pakistan has the populace been able to see any substantial fruits of the envisaged reform. The delays in disposal of cases and the high rate of acquittal, deficiencies in prosecution and more so in investigation all remain as problematic as ever. The safety – or a lack thereof – for judges, lawyers, and witnesses remains a matter as unaddressed as it was when the need for military courts as a stopgap arrangement was argued citing these same deficiencies. It is not difficult to conclude then that the lifespan of the military courts was not all used to remedy the shortcoming of the criminal justice system.

Statistics on the pendency and disposal and backlog of court cases may be considered a barometer of the efficiency of the justice system.

At the end of 2014, while enumerating the continued struggle of the administration of justice in the country, leading rights NGO Human Rights Commission of Pakistan (HRCP) noted that there were more than 1.793 million cases pending in courts across the country. It stated that not only was the backlog taking a toll on the individuals and the justice system, but also seemed to have eroded public faith in the efficacy of the justice system to deliver.¹⁹⁵

In its latest annual report, HRCP reported that by the end of the year 2019, close to 1.8 million cases were pending in Pakistan's courts.¹⁹⁶ It noted that the number of cases had fallen from 1.9 million in 2018. However, it is impossible to miss that the figures are virtually unchanged from the end 2014 figure of 1.793 million cases. In that respect, numbers alone signify lack of progress in reducing case pendency despite various attempts and ambitions towards that end.

Progress on this NAP goal reflects neither the urgency nor the focus it merits. While the steps that have been taken may amount to a beginning of reform, by no stretch of the imagination can they be considered a revamp of the criminal justice system. In short, this point is not one where the stated objective has been achieved to any substantial degree or appreciable progress has been towards that end. In fact, even among the patchy overall performance across the 20 NAP points, the point regarding criminal justice reform can at best be considered among the also-rans.

- **Political reconciliation in Balochistan**

While the political reconciliation envisioned in NAP could not be fully realized, a programme, known as Pur-Aman (peaceful) Balochistan, has been underway in the province for several years, and will apparently continue. It entails incentives for those Baloch insurgents who lay down their weapons, in the form of both monetary and

193. "Military courts get Supreme Court nod," Dawn, August 5, 2015, www.dawn.com/news/1198533

194. Ibid.

195. HRCP, State of Human Rights in 2014, p. 30.

196. HRCP, State of Human Rights in 2019, p. 7.

rehabilitation support. This, however, is not to say that no efforts have been made to achieve political reconciliation in the province. Sadly, however, while such efforts were also not fully supported by all stakeholders, lacking as well was a consensus roadmap, which ended most such efforts prematurely.

Even before the launch of NAP, the Pakistan Peoples Party (PPP) government (2008-13) had employed different measures to mitigate the conflict and achieve political reconciliation in Balochistan. Besides announcing a special 'rights' package for the province, known as Aghaz-e-Huqooq-e-Balochistan package, it also gave concessions to Balochistan in the 7th National Finance Commission (NFC) Award. The passing of 18th Constitutional Amendment also addressed some of Balochistan's demands linked to provincial autonomy.

The PPP-led government had also formed a committee for exploring reconciliation prospects. Chaired by the then interior minister, Rehman Malik, the committee failed to deliver much. According to Lashkari Raisani, a PPP leader and provincial minister at that time, there were clear differences between the civilian and military leaderships on the rationale and modalities of talking to the Baloch separatists.¹⁹⁷ That meant the process was doomed to fail even before it kicked off.

When NAP was launched in early 2015, Dr Abdul Malik Baloch, chief of National Party (NP), was chief minister of the province and the then prime minister, Nawaz Sharif, approved efforts for implementing NAP's clause on reconciling with Baloch insurgent leaders, including those living in self-exile. According to some accounts, Dr Baloch was given the mandate by the top military brass under NAP for political reconciliation with all stakeholders. A provincial government delegation even went to Switzerland, where Dr Baloch himself held negotiations with BRA leader Brahamdagh Bugti in Geneva and conveyed the

demands/reservations of the separatist leader to military high-ups upon his return.¹⁹⁸ But then the circumstances took a new turn, leaving little space for him to continue the talks. Dr Baloch was replaced as chief minister by Nawab Sanaullah Zehri under the Murree Accord, according to which a PML-N nominee was to take over as a chief minister for the next two and a half years.

Nawab Zehri and most members of his cabinet were reportedly against reconciliation with Baloch insurgent leaders living in self-exile. According to one account, the Nawab and his colleagues successfully convinced the security establishment against such talks, terming them counterproductive for the security of the province. Secondly, later in 2017, the Swiss authorities refused Brahamdagh Bugti's request for political asylum, while also rejecting the Pakistan government's plea of handing him over.¹⁹⁹

Nonetheless, the programme to encourage Baloch insurgents' surrender was first realized during the PPP-led government (2008-13) with the aim to provide incentives to the insurgents to quit violence and help them reintegrate into society. But it has become relatively more efficient in recent years with the government claiming that a few thousand Baloch insurgents have surrendered their weapons under the programme. The programme is a joint initiative of the security forces and the political leadership and has been running uninterrupted since it was launched. Some observers, however, allege that the government has failed to provide the surrendering people any job or security; some of them have even been killed in targeted attacks by Baloch separatists in various incidents.

However, the incumbent provincial government in Balochistan has reiterated to provide complete financial and rehabilitation support to those Baloch insurgents who quit violence, abandon militancy against the state, and join the mainstream under Pur-Aman Balochistan

197. Interview by PIPS in Quetta in April 2018.

198. Maaz Khan, "Balochistan security in 2017," in *Pakistan Security Report 2017* (Islamabad: Narratives; 2018): 139-146.

199. Ibid.

programme. However it is difficult to believe that the programme will lead to the political reconciliation envisioned in NAP or advocated by Baloch nationalists and others.

Most participants in the consultations held for this study noted that political governments had little role in the so-called political reconciliation in the absence of the requisite authority to make and implement their decisions regarding Baloch insurgent groups. Which is why this clause of NAP could not be implemented.²⁰⁰

Batool Asadi, focal person for Pur-Aman Balochistan programme, however, said that implementation mechanisms and strategy as well as possible challenges were apparently not completely considered when this programme was designed. She said that was the reason for problems arising in its implementation. She asserted that the government should go beyond the 'surrender policy' and actively try to engage the youth.²⁰¹

• **Protection of minorities**

It is no coincidence that persecution of religious minorities found a mention among the NAP points at the end of 2014. In June the same year, a three-member bench of the Supreme Court of Pakistan headed by the then Chief Justice of Pakistan Justice Tassaduq Hussain Jilani had rendered what was instantly recognized as a landmark judgement on the protection of minorities' rights and promotion of a culture of religious and social tolerance in the country.²⁰²

A landmark judgement

The June 19, 2014, judgement was rendered in a case taken up suo motu by the Supreme Court, after the bombing of a church in Peshawar in September 2013 that killed over 125 people and injured another 250.

The judgement outlined a list of actions that it demanded the authorities take, including

setting up a task force for promoting religious tolerance; ensuring that school curriculum promoted religious harmony; constituting a national council for the protection of minorities to frame policy recommendations for safeguarding and protecting rights of religious minorities; constituting a special police force to protect places of worship of religious minorities; ensuring that action, including registration of criminal cases, was promptly taken to bring to justice perpetrators who violated rights of religious minorities; and assigning a bench of the Supreme Court to oversee implementation of the judgement and entertain complaints related to violation of human rights of minorities in the country.

Human rights experts praised the judgement as "one of the most important rulings in Pakistan's recent human rights jurisprudence for clarifying and expanding the scope of Article 20 of the Constitution – which guarantees the right to freedom of religion – and for interpreting provisions of the Constitution relating to freedom of religion in light of international human rights law and standards."²⁰³

If directions to government alone could remedy persecution faced by the religious minorities in Pakistan, the SC judgement would certainly have gone a long way in achieving that. However, there were many a hiccup in the implementation.

The context

Some of the most serious and frequent challenges religious minorities in the country have faced over the years include faith-based violence, including attacks on places of religious significance, abduction and forced conversion of girls and young women, mob violence often linked to abuse of the blasphemy law, as well as intimidation and discrimination in various aspects, including in education and employment.

200. Saleem Shahid, senior journalist. Views expressed in PIPS consultation on NAP held in Quetta on July 7, 2020.

201. Views expressed in PIPS consultation on NAP held in Quetta on July 7, 2020.

202. Suo Moto Action Regarding Suicide Bomb Attack of 22.09.2013 on the Church in Peshawar, S.M.C.1/2014, June 19, 2014, Supreme Court of Pakistan, https://www.supremecourt.gov.pk/downloads_judgements/smc_1_2014.pdf

203. Reema Omer, "A welcome judgement," Dawn, July 14, 2014, <https://www.dawn.com/news/1118991>

Measuring implementation

In charting NAP progress regarding this point, one can look at the measures taken over the years or perhaps a more direct way to gauge things could be to simply look at the current situation and see if instances of religious persecution persist still. Continuation of such incidents will be an obvious indicator of inadequacy or ineffectiveness of whatever steps have been taken under NAP. The following is an anecdotal assessment of the recent situation.

There were a number of positive news in 2019. In January, the Supreme Court established a one-person commission to report on the implementation of the 2014 judgment on the protection of minorities' rights.

In November a 22-member parliamentary committee to protect minorities from forced conversions was notified and assigned the task of framing legislation against forced conversions.

The opening of the visa-free Kartarpur corridor in November 2019 that allowed Indian Sikhs the freedom to travel on pilgrimage to the shrine of Guru Nanak Dev held considerable symbolic, and religious, significance. In October 2019, the Hindu community of Sialkot celebrated Diwali at a 1,000-year-old temple, which had been renovated after 72 years. After several decades, the historic Babey Di Beri Gurdwara in Sialkot was renovated and reopened in February the same year to allow the Sikh community to perform their religious rites.

While renovation of and facilitating access to religious places are vital, perhaps much more significant is building mindsets and attitudes.

In the overview of its latest report for the year 2019, Human Rights Commission of Pakistan

(HRCP) noted that, among several other things, "[t]here were no significant developments during the year in... ceasing the shabby treatment of citizens from minority faiths..."²⁰⁴ HRCP spoke of destruction of worship places of religious minorities and forced conversions in Sindh and Punjab.²⁰⁵

In the crosshairs

The threat of sectarian violence against the Shia Hazara community in Balochistan remained omnipresent. Even with 10 check posts and 19 FC platoons in the two main Shia Hazara settlements of Quetta, more than 500 Hazaras had been killed and 627 injured in just five years. In April 2019 an explosion in a vegetable market frequented by Hazaras killed 20 people, including 10 Hazaras. A report released by National Commission for Human Rights (NCHR) in March 2018 stated that 509 members of the Hazara community had been killed and 627 injured in various targeted incidents of terrorism in Quetta over the previous five years.²⁰⁶

Security measures for Hazara areas have recently been referred to as extreme ghettoization²⁰⁷ of the community. The ghettoization appeared to be cost of relative safety for the Hazaras. Between 75,000 and 100,000 Hazaras were said to have been forced to relocate elsewhere in the country or abroad in search of safety.²⁰⁸

The Ahmadi community continue to face constant persecution and discrimination, and has been a frequent victim of targeted attacks.²⁰⁹

Ahmadi believed that in recent months they have been the target of an organized hate campaign in Peshawar and there had been an increase in faith-based attacks on Ahmadis.²¹⁰

204. HRCP, State of Human Rights in 2019, p. 5.

205. Ibid, p. 11.

206. National Commission for Human Rights, Understanding the Agonies of Ethnic Hazaras, 2018.

207. Ibid, p. 176.

208. Ibid, p. 177.

209. Ibid, p. 32.

210. "Professor belonging to Ahmadi community shot dead in Peshawar allegedly after religious argument," Dawn, October 6, 2020, <https://www.dawn.com/news/1583413>

A spate of recent attacks against Ahmadis in Peshawar — usually drive-by shooting carried out by unidentified motorcycle riders — caused the death of an Ahmadi professor on October 5, and of an Ahmadi trader in a busy market of the city on August 12. On July 29, an elderly Ahmadi man, who was standing trial on blasphemy charges, was shot and killed inside a courtroom in Peshawar. A lawyer was said to have provided the murder weapon to the killer. On November 9, 2020, gunmen shot and killed an 82-year-old Ahmadi man on the outskirts of Peshawar.²¹¹

Some of the most horrendous acts of faith-based violence since the adoption of NAP are briefly cited below.

- In March 2015, Taliban suicide bombers simultaneously attacked two churches in Lahore. Fifteen people were killed and more than 70 injured.
- In May 2015, armed men shot and killed 46 Ismaili Muslims in an attack on a bus in Karachi.
- In March 2016, a bombing in a park on Easter Sunday killed at least 72 people in Lahore. A militant group said it carried out the attack against Christians celebrating Easter.
- A suicide bombing killed at least 55 people and injured more than 100 at the shrine of Shah Noorani, in Khuzdar district of Balochistan in November 2016.
- A suicide bombing at the shrine of Lal Shahbaz Qalandar in Sehwan, Sindh, killed more than 100 devotees in February 2017.
- A suicide attack on a church in Quetta in December 2017 killed 16 people and injured at least 56 more.
- In April 2019, a suicide attack in Quetta resulted in the killing of 20 people, including 10 members of the Hazara community.

Although this is not an exhaustive list of such attacks, it suffices to highlight the nature and scale of the violence faced by religious minorities.

Forced conversions

Even as the plight of religious and sectarian minorities across Pakistan is not too dissimilar, some violations are more specific to certain segments of the non-Muslim population. The sizeable Hindu population in Sindh had generally a safe and tolerant environment peace and freedom to practice their religion. However, that had started to change in recent years and the community had felt threatened. They had faced a number of mob attacks following blasphemy allegation and frequent abduction and forced conversion of young Hindu women.²¹²

Human rights organisations reported a number of cases of forced conversion of young women from religious minorities in 2019.²¹³ One such account was of a young Hindu girl, Reno Kumari, who was reported to have been kidnapped on the way to a local college and forced to convert to Islam and marry a Muslim man in Sukkur, Sindh. After the Hindu community pleas, the authorities intervened and the girl was presented before a court where she asked to go back to her family. It was said to be one of those rare occasions where a kidnapped Hindu girl had been safely reunited with her family.²¹⁴

Similar cases targeting a number of Christian girls were also highlighted by the media and rights organizations in 2019.

In April the Lahore High Court ordered the recovery of a 14-year-old Christian girl from the illegal custody of a Muslim man in Faisalabad and sent her back to her family. She stated that she had been abducted by the man, who forced her to convert before coercing her into marriage. A certificate from a local seminary said the girl had embraced Islam of her own

211. "Ahmadi man, 82, shot dead by gunmen in Pakistan's Peshawar," Aljazeera, November 9, 2020, <https://www.aljazeera.com/news/2020/11/9/ahmadi-man-82-shot-dead-by-gunmen-in-pakistans-peshawar>

212. National Commission for Human Rights, *Understanding the Agonies of Ethnic Hazaras*, 2018, p. 84.

213. Ibid, p. 86.

214. "Hindu girl reunited with family after 'abduction, forced conversion,'" The Express Tribune, September 4, 2019, <https://tribune.com.pk/story/2049258/hindu-girl-reunited-family-abduction-forced-conversion>

volition. In September, a 15-year-old Christian girl from Hafizabad was taken to a shelter home for women in Sheikhpura after being recovered from a madrassa where she had been taken by her school principal. The girl said that her teacher had told her she had automatically become a Muslim because she was studying Arabic. Her parents complained to the minister for human rights and minority affairs who ordered the police to rescue the girl. The principal was also said to have offered to compensate the parents if they converted to Islam.²¹⁵

In mid-October 2020, the reported kidnapping of 13-year-old Christian girl Arzo Raja, her conversion to Islam and marriage to her alleged abductor led to protests in many parts of the country by the minority communities and civil society. The family registered a kidnapping case at the local police station. On 15 October, the police summoned the family to the police station and showed them marriage documents which claimed that Arzo was 18 and had willingly converted to Islam and married a 44-year-old man. There was much hue and cry that the court had overlooked that underage marriage was a crime under Pakistani law.

On October 27, a bench of the Sindh High Court (SHC) had restrained police from making any arrest in connection with a case lodged against the 44-year-old man. On November 2, police recovered Arzo and placed her in a shelter home after an SHC division bench order to ensure recovery of the girl. Earlier the same day, the SHC division bench, on a petition filed by the Sindh government, sought clarification from the SHC single bench over the October 27.²¹⁶

The legislative assembly of Sindh endeavored to take an important step to address this problem by adopting the Protection of Minorities Act, in late 2016. However, following protests by conservative elements, the provincial government asked the Sindh governor not to ratify it as

law and send it back for reconsideration.²¹⁷ In 2019, a lawmaker introduced a revised version of Protection of Minorities Act Bill in the Sindh Assembly. This version was slammed by religious and political parties who faulted the government for creating hurdles in conversion to Islam. No such law has been enacted in any part of the country so far.

In November 2019, a 22-member parliamentary committee was notified to protect religious minorities from forced conversion. Ministers for religious affairs, human rights and parliamentary affairs were also named as members of the committee. Eight committee members were minority lawmakers.²¹⁸

Blasphemy

In the Pakistani context, a reference to the term blasphemy law is a collective allusion to five legal provisions under the chapter 'Offenses Related to Religion' in the Pakistan Penal Code (PPC). The mere accusation of blasphemy, no matter how unfounded, has frequently led to vicious mob assaults on the accused, intimidation of their family, and—in case of an accused's affiliation with a religious minority—at times attacks on and destruction of entire settlement of a religious minority.

Over the years, there have been calls for, at a minimum, introducing safeguards to prevent abuse of the law, but no changes have been made to the law. The institutions supposed to safeguard the lives and rights of citizens are generally not able to offer effective protection in case of charges of blasphemy being levelled. There are numerous incidents of blasphemy accused being killed or injured in police custody, in lock-ups and prisons.

Even influential politicians have been targeted and killed after taking a critical view of the blasphemy law. The assassinations of a governor of the Punjab province for criticizing the law

215. HRCP, State of Human Rights in 2019, pp. 32-33.

216. "Police recover 13-year-old Arzo on SHC order, arrest husband," Dawn, November 3, 2020, <https://www.dawn.com/news/1588249/police-recover-13-year-old-arzo-on-shc-order-arrest-husband>

217. "Govt asked to revoke 'anti-conversion' bill," Dawn, December 3, 2016, <https://www.dawn.com/news/1300104>

218. "Parliamentary panel against forced conversion notified," Dawn, November 24, 2019, <https://www.dawn.com/news/1518513>

and a judge of the high court for acquitting blasphemy accused have demonstrated that not only the accused but anyone deemed to be their sympathizer is at risk, including lawyers and the judges hearing the cases.²¹⁹

As recently as July 29, 2020, an elderly Ahmadi man, an American citizen of Pakistani descent, who was standing trial on blasphemy charges, was shot and killed inside a courtroom in Peshawar. A lawyer was said to have provided the murder weapon to the killer inside the courtroom to kill the accused.

Textbook examples

Civil society organizations have repeatedly expressed concern over negative portrayal of religions other than Islam in textbooks. In its June 2014 judgment, the Supreme Court directed the government “to develop the curricula at school and college level, promoting religious and social tolerance”. However, implementation is still awaited. Two decades prior to the SC advice, the UN Special Rapporteur on the question of religious intolerance had expressed concern at manifestations of intolerance and at the clearly limited expression of the culture of tolerance in Pakistan.

A report issued by Pew Research Center in July 2019 that looked at religious restrictions around the globe between 2007 and 2017, noted “very high” levels of both government restrictions and social hostilities involving religion in Pakistan.²²⁰

It is not as if Pakistan has not had the benefit of sane advice through the years. Lack of meaningful implementation these recommendations has been the undoing. In June 1995, the Special Rapporteur on the question of religious intolerance visited Pakistan on the government’s invitation. The issues he highlighted and the recommendations made in his report remain as relevant today as they were 25 years ago.

If the implementation of this NAP point was to be judged by expression of good intentions, and promises, Pakistan would not have got a bad score. It is easy to conclude that the goal of taking effective steps against religious persecution has not been pursued with anywhere near the same zeal as points such as establishment of military courts and resumption of executions. In the circumstances, and amid the serious faith-based challenges that Pakistan’s religious minorities continue to face still, it would be difficult to argue that whatever steps taken against religious persecution have been effective.

• **Policy on Afghan refugees**

A sensible beginning to any endeavor that seeks to “deal with the Afghan refugees”, or any refugee population, must begin with a conscious effort to understand both the pull and push factors involved. Quiet apart from the NAP resolve, it is important at a humanitarian level to find a lasting solution to the continued displacement of such a large population.

Nearly six years after the APS attack, a large number of Afghan refugees still remain in Pakistan. During this time, numerous deadlines for their return have been set and extended. The continued insecurity in Afghanistan has, understandably, not been conducive to voluntary repatriation.

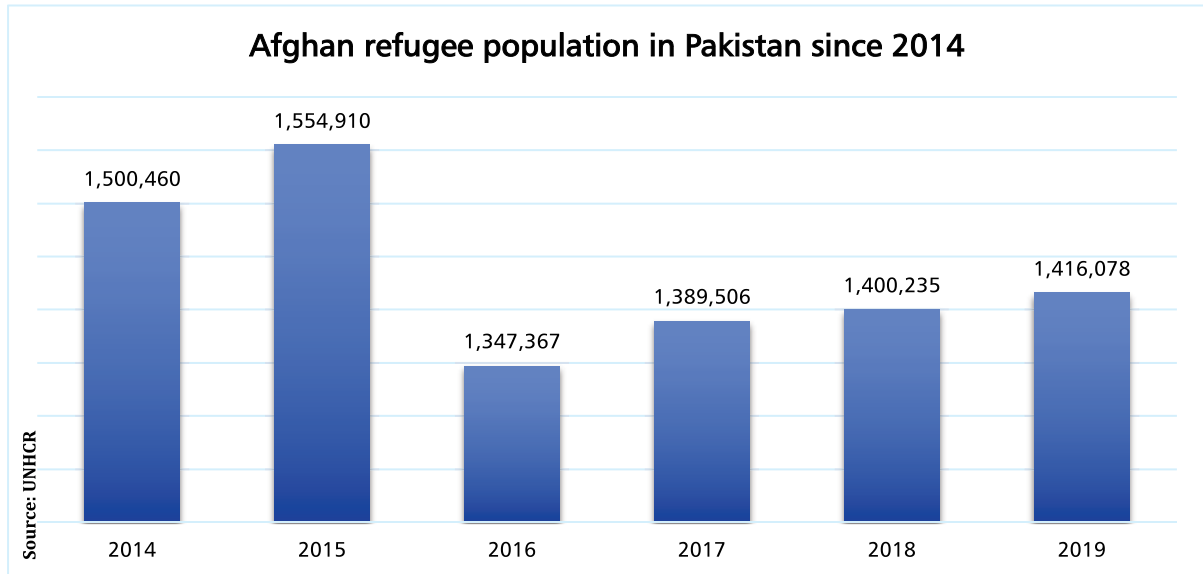
Even a cursory glance at the numbers is telling in assessing progress towards the stated objective.

It is important to recognize that not all Afghans in Pakistan are refugees. In March 2019, the chief commissioner for Afghan refugees briefed a parliamentary committee on the figures of three categories of the Afghan nationals living in Pakistan;²²¹ 1.4 million registered Afghan refugees; 0.84 million newly-documented Afghan citizen card holders, and 0.5 million undocumented/unregistered Afghans. He said

219. International Commission of Jurists, *On Trial: The Implementation of Pakistan’s Blasphemy Laws*, 2015.

220. Pew Research Center, “A Closer Look at How Religious Restrictions Have Risen Around the World,” July 15, 2019, <https://www.pewforum.org/2019/07/15/a-closer-look-at-how-religious-restrictions-have-risen-around-the-world/>

221. “Undocumented/unregistered Afghans: Afghanistan agrees on repatriation by June,” *Business Recorder*, March 21, 2019, <https://fp.brecorder.com/2019/03/20190321457130>



that registered Afghan refugees could not be forced to return until a favorable environment was in place in their home country. For the second category, he said the Pakistani government has worked with Afghan government to issue 840,000 individuals Afghan citizenship cards after Kabul recognised them as Afghan nationals. This group was being encouraged to go back to Afghanistan and return to Pakistan after acquiring valid visas. He said that Pakistan is issuing around one million visas annually to Afghan nationals and they will be welcomed in the country through proper documentation. As indicated by the following graph, although 518,743 registered Afghan refugees have opted for voluntary repatriation to their homeland since the beginning of 2015, the number of documented Afghan refugee in Pakistan has only marginally decreased over this period. As of end-June 2020, there were 1,421,946 registered Afghan refugees in Pakistan.²²² The number is only 78,514 less than the 1.5 million figure recorded in 2014.²²³

In the immediate aftermath of the APS attack and a general deterioration of sentiment towards Afghan refugees, the repatriation of registered

Afghans spiked in 2015 and reached a 10-year high in 2016, but it has steadily declined since then. In UNHCR's own words, Afghans "voluntary repatriation was at a historical low" in 2019, with some 6,200 refugees returning from Pakistan to Afghanistan.²²⁴

Looking at the refugee numbers and trends of repatriation, either from the supposed security standpoint, or a humanitarian one, the refugee numbers not declining can hardly be called a success.

Why the Afghan refugee population prefers to continue seeking sanctuary in Pakistan, in circumstances which may no longer be very welcoming,²²⁵ needs to be considered both by the governments of Afghanistan and Pakistan. The two countries working together to address the reasons may be easier said than done.

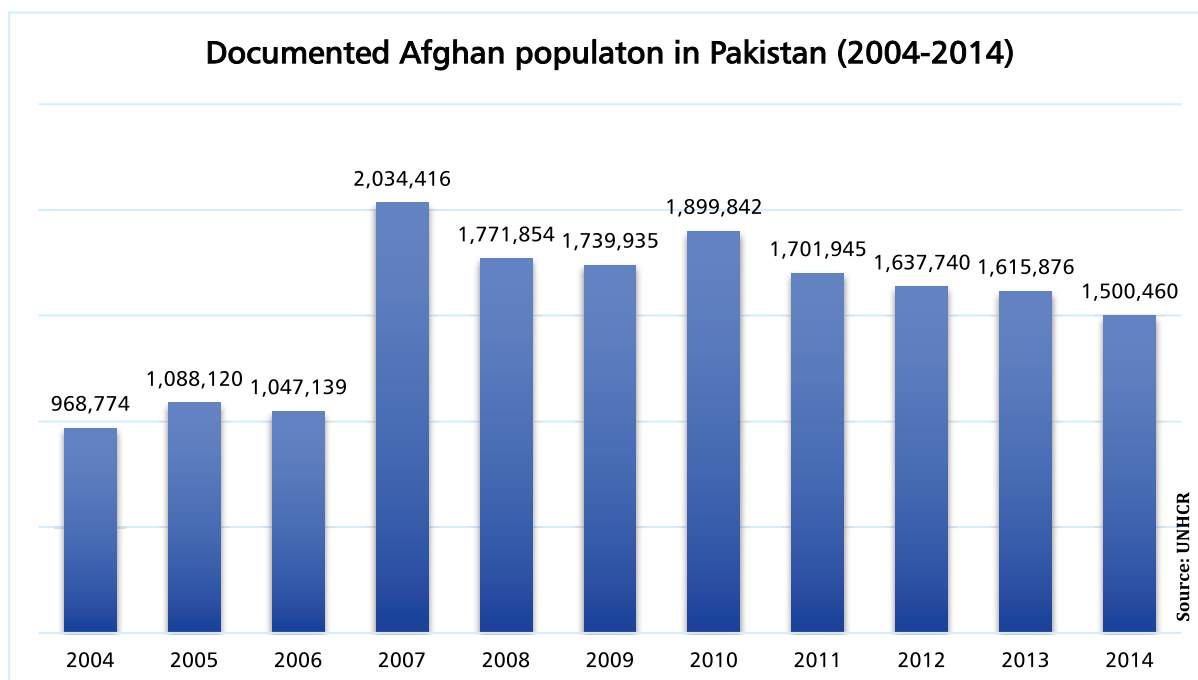
As noted earlier in the report, in section 2 to be precise, that generations of Afghans have sought refuge in Pakistan since the Soviet invasion of Afghanistan in December 1979. Much before the APS attack, in fact often after the overthrow of Taliban regime in Afghanistan

222. UNHCR, "Afghan refugee update, Pakistan," 1 Jan-30 June, 2020, <https://data2.unhcr.org/en/documents/download/78045>

223. UNHCR, "Afghan Refugee Population in Pakistan since 2002," <https://data2.unhcr.org/en/country/pak>

224. UNHCR, Operation: Pakistan, 2019 Year-End report, p. 4, <https://reporting.unhcr.org/sites/default/files/pdfsummaries/GR2019-Pakistan-eng.pdf>

225. Human Rights Watch, "What are you doing here? Police abuse against Afghans in Pakistan," November 18, 2015, <https://www.hrw.org/report/2015/11/18/what-are-you-doing-here/police-abuses-against-afghans-pakistan>



in 2001, senior Pakistani authorities had often voiced apprehensions and claims of Afghan refugees' being involved in or facilitating heinous crime and acts of terrorism. The UNHCR denied involvement of refugees in such activities.

In 2005-06, a one-off registration exercise for refugees in Pakistan was conducted and all refugees registering with Pakistan's National Database and Registration Authority received Proof of Registration (PoR) cards. The PoR cards afforded protection against expulsion and the holders of these cards were facilitated by the UNHCR. No new registration of refugees has since taken place in Pakistan, except for registration of children born to Afghans who hold the PoR cards.

The refugees in Pakistan were at times briefly confined to their refugee villages ahead of religious and occasions that warranted heightened security, and there had been some instances, although these were not widespread, where they were turned back on some provincial boundaries. Some political parties expressed concern that many Afghans were illegally acquiring Pakistani citizenship and were being counted in the national census.

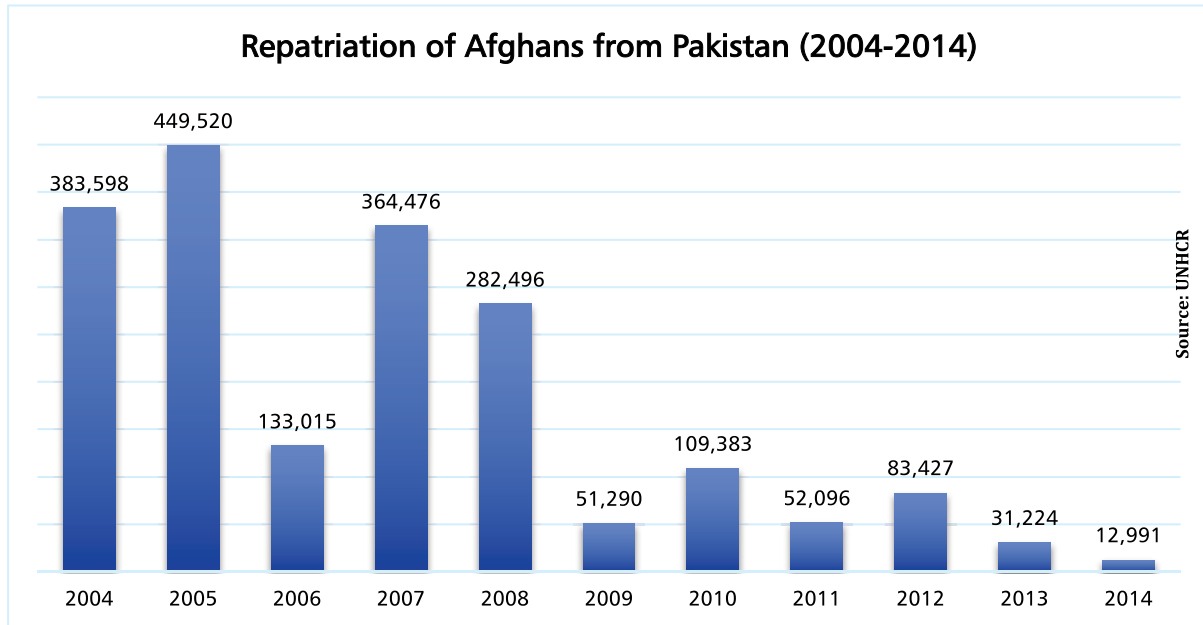
The sentiment towards Afghan refugees in Pakistan had also been impacted somewhat by

the nature of the relations between Islamabad and Kabul. In short, calls for the Afghans' early return had grown over time with the long duration of their stay in Pakistan and improvement of security in their own country, among others, being cited as justification.

However, the Afghans had been understandably reluctant to return to their homeland not least due to the continued insecurity there, but also on account of the roots they had put up in Pakistan and the uncertain livelihood and other social and economic conditions back home.

The graphs below highlight both the number of documented Afghan refugee population in Pakistan and the number of refugees returning to Afghanistan in the decade preceding the NAP formulation.

The number of registered Afghan refugees in Pakistan in the five years ahead of the APS attack had hovered roughly between 1.5 million to 1.9 million. Pakistan has announced numerous deadlines for voluntary repatriation of the registered Afghans who possess the proof of registration (PoR) cards. On the requests of the UNHCR and the international community, these deadlines have been repeatedly extended, usually by six months to a year at a time.



As the graph above illustrates, the number of Afghan refugees opting for voluntary repatriation (with UNHCR assistance) had been on a declining trajectory, particularly since the end of 2007. By far the lowest number of voluntary returns had been recorded in 2014. The 12,991 Afghans returning was 60 percent lower than the number of Afghans returning to Afghanistan in 2013. The number of 2013 itself (31,224) was the previous lowest figure of returns in the previous decade. The trend prior to the APS attack indicated a plummeting pace of voluntary returns. Both push and pull factors explained this trend, which have been briefly cited earlier and are elaborated further in subsequent sections.

- ### • Mainstreaming [erstwhile] FATA

NAP called for administrative and development reform in the erstwhile Federally Administered Tribal Areas (FATA) with an immediate focus on the repatriation of internally displaced persons (IDPs). While the former FATA region has been merged with the Khyber Pakhtunkhwa province constitutionally and administratively, the process of administrative/law enforcement, legal and political reforms is still in transition, which many believe is much too slow mainly due to a laidback government response. The development and rehabilitation of conflict-affected areas as well as repatriation of IDPs is also underway at a much

slower pace than the affected population had expected.

Secondly, it was assumed that the merger will pave the way for installing a proper civilian-led law and order mechanism, which in the long run will be able to forestall any incipient militant group. But, as noted by most participants of the Peshawar consultation held for this study, security forces still largely continued to control the former FATA territory. Absence of a proper law enforcement and security infrastructure had long provided militants with free space to operate there, with near total impunity. Eventually, the military operations in the tribal districts in 2014 eliminated most of the militants from there. However, the militants have in recent months once again started to reappear and regroup in parts of the merged tribal districts, mainly in the Waziristan and Bajaur districts, which raises questions about not only the sustainability of the impact of military operations but also the achievement of the merger goal.

On May 24 and 25, 2018, respectively, the lower and upper houses of Pakistan's parliament passed the 25th Constitutional Amendment, which paved the way for the merger of the seven FATA agencies as districts in the adjacent Khyber Pakhtunkhwa province. Later, on May 27, the Khyber Pakhtunkhwa Assembly passed the 31st Amendment to the same effect. The following

day, the president signed the FATA Interim Governance Regulation, 2018, which abolished the Frontier Crimes Regulation and provided a two-year framework for FATA's merger with KP.

The merger came following recommendations of the FATA reform committee, which was constituted by the previous government. The six-member committee was formed in November 2015 with the aim to propose a concrete way forward for the political mainstreaming of the erstwhile FATA region. After holding detailed discussions with the stakeholders, including the tribal elders or Maliks, representatives of all political parties and other members of the civil society, the committee prepared and submitted its recommendations to the then prime minister, Nawaz Sharif. On August 26, 2016, the Ministry of States and Frontier Regions (SAFRON) made the report public. On March 2, 2017 the government approved the amended report on FATA reforms, seeking mainstreaming of tribal areas within five years.²²⁶

Yet, as noted earlier, much needs to be done to complete the administrative, political, judicial and law enforcement transitions as envisioned in the amendment to bring the merged districts at par with the other Khyber Pakhtunkhwa districts. For starters, the erstwhile FATA districts need funds which do not seem to be forthcoming. The KP government's funds are meant for the entire KP, not just the merged districts. The FATA committee had recommended that three per cent of the National Finance Commission award, which allocates the share of provinces in the national divisible pool of revenues collected, should be set aside for erstwhile FATA for a period of 10 years, but that advice is yet to be followed. Residents of the tribal districts fear that without priority development, their region will fare lower in the development index in comparison with the rest of KP.

The federal minister for information and broadcasting, Senator Shibli Faraz, said in July 2020 that almost 80 percent targets set in relation to FATA's merger with KP had been achieved. For one, he noted, that 28,000 personnel of Levies and Khasadar forces had been merged into the provincial police.²²⁷ He also pointed out that "holding of [the] first ever elections in the merged districts was a very significant development and now the elected representatives will fight for their people's rights."²²⁸ He stated that the government had developed a 10-year programme for the merged districts, which will soon get all the basic facilities like education, health cover, and clean drinking water.²²⁹

Pakistan Security Report 2019, produced by Pak Institute for Peace Studies, noted that the problem of a weak state response to the security challenges in Khyber Pakhtunkhwa was partly also linked to the continuing slow transition of or implementation of the erstwhile FATA's merger with KP. The establishment and functioning of law enforcement and judicial structures in the tribal districts will continue to be slow and ineffective if the ongoing transition gets delayed beyond the anticipated timeframe.

In February 2019, the KP governor had reportedly formed a body with the task to advise the provincial government on issues arising out of FATA's merger with KP. Many saw that as a controversial move, as according to legal experts the governor lacked the powers to interfere in the affairs of tribal districts, which had already been merged with the KP province, at least constitutionally.²³⁰ This was the second committee formed to resolve the post-merger issues. In November 2018, the KP cabinet had formed a ministerial committee, which was later abolished in December, even before holding a single official meeting.

226. Business Recorder, March 4, 2017, <https://fp.brecorder.com/2017/03/20170304147769>

227. Daily Jang (Urdu), July 21, 2020, <https://e.jang.com.pk/07-21-2020/pindi/pic.asp?picname=619.png>

228. The News, July 21, 2020, <https://www.thenews.com.pk/print/689884-all-provinces-had-pledged-3pc-of-nfc-to-merged-areas-shibli>

229. Ibid.

230. Manzoor Ali, Dawn, February 8, 2019, <https://www.dawn.com/news/1462458/controversy-as-governor-forms-body-to-advise-govt-on-merger-issues>

However, in a significant development furthering the execution of erstwhile FATA's merger with KP, the National Assembly in May 2019 unanimously approved the 26th Amendment to the Constitution, permitting an increase in the number of National Assembly and KP Assembly's seats for the former FATA region merged with KP. The change allowed an increase from six general seats in the National Assembly to 12 and from 16 general seats in the Khyber Pakhtunkhwa Assembly to 24.²³¹

Earlier, in March 2019, the KP Police Department had posted district police officers (DPOs) in the seven tribal districts merged with KP. A media report noted that "the development came in the wake of the promulgation of an ordinance to merge the Levies with police department, which paved the way for the appointment of DPOs in the merged districts."²³² Some days later, the Khyber Pakhtunkhwa government announced to induct the 28,000 personnel of Levies and Khassadar forces operating in the seven tribal districts and six sub-divisions into KP Police. The government also issued a notification in that regard that said: "The merger process of 16,053 Khassadar and 11,918 Levies personnel would be completed in six months."²³³ Similarly, while 28 judges had already been appointed for courts in the merged districts, the regular court system started to function in these districts in early 2019. The local residents described it as a big achievement to get rid of the colonial era FCR laws.

Nonetheless, in the transition process of the merger certain legal issues also continued rearing their head. For one, the continuous detention of hundreds of suspects in different notified internment centers in former FATA and the Provincially Administered Tribal Areas, or PATA, as well as the cases of those who remained

in the custody of security forces for years were reportedly troubling the administration and legal proceedings. According to a media report in May 2019, at the time of the merger, the government failed to include any "saving clause" in the 25th Amendment Act, 2018, for providing protection to the existing laws in FATA and PATA. The KP government later had to enact two laws – the KP Continuation of Laws in the Erstwhile Provincially Administered Tribal Areas Act, 2018, and KP Continuation of Laws in Erstwhile FATA Areas Act, 2019 – but the experts were still skeptical about the fate of those laws in vogue in the merged tribal districts and [former] PATA, which they saw as [being] "in conflict with [the] provisions of [the] Constitution of Pakistan guaranteeing fundamental rights."²³⁴ Different judgments of the superior courts have also been barring the government from introducing various laws for different areas in the same province. For instance, the Supreme Court on January 16, 2019 dismissed a civil petition filed by the KP government and declared the FATA Interim Governance Regulation, 2018, in conflict with several provisions of the Constitution.²³⁵

More recently, in September 2020, the first police station was established in Tirah valley of Khyber tribal district. Security and law enforcement officials as well as local tribal elders attended the inauguration ceremony on September 17 at Janda Cheena Sar of Bagh Markaz in Malakdinkhel.²³⁶

However, many who participated in PIPS consultation on NAP implementation in Peshawar noted that, in essence, FATA reforms were still largely missing. One observer underscored that the military was still doing policing in the area, while the Taliban were also coming back.²³⁷ They also highlighted that in reality only a 'constitutional' merger had happened

231. Muhammad Anis, "26th Constitutional Amendment: More seats for ex-Fata," *The News*, May 14, 2019.

232. "DPOs posted to seven tribal districts," *Dawn*, March 30, 2019.

233. Zulfiar Ali, "28,000 Levies, Khasadar personnel join KP police," *Dawn*, April 9, 2019.

234. Waseem Ahmad Shah, "View from the courtroom: Legal issues related to detentions in ex-Fata continue to surface," *Dawn*, May 20, 2019.

235. *Ibid.*

236. "First police station opens in Tirah," *Dawn*, September 18, 2020.

237. Views expressed by Afrasiab Khattak, renowned political and human rights activist, in PIPS consultation on NAP held in Islamabad on May 16, 2020.

but administrative and operational parts of the merger faced multiple challenges.

Meanwhile, many participants of the Peshawar consultation held for this study observed that people were not happy with the continuing failure by the government and civilian institutions in controlling the state of affairs of the merged districts. According to Peshawar-based journalist Aqeel Yousufzai, in certain areas people were also not cooperating with the security forces due to their own dissatisfaction with the situation they had been living in for decades now. According to Syed Akhtar Ali Shah, a retired senior police officer:²³⁸ "Despite the merger, indicators of socioeconomic development are worsening in the merged districts. There are no jobs or employment. About 500 small factories or industrial units were closed due to conflict. The trade with Afghanistan is in doldrums. The tribal people also want to benefit from their forests, mines, minerals, orchids and other natural resources. They want to get education. Unless they start feeling like they would feel at least in Peshawar, leave aside Islamabad or other cities, they would continue to feel that they are still in 'FATA' as they were before the merger."

Similarly, rehabilitation of the areas where military operations were conducted is still pending. For instance, according to journalist Lehaz Ali, 600 schools in erstwhile FATA were damaged and closed due to the militancy and the military operations, many of which are yet to reopen; only 79 new schools were established with the Senators' fund. Similarly, courts of three merged districts still operate in settled districts, apparently due to security or administrative issues.

Meanwhile, even as a budget of Rs 96 billion has been approved for the merged districts, locals are apprehensive that the money would not be spent. Similarly, as noted earlier, they also suspect that the three percent of the NFC award promised for merged districts from the provinces' share will be eventually pledged and spent.

One observer noted that while over 20,000 Khassadar force personnel had been merged with police, their training and capacity building was still pending; regular police personnel in KP were also not yet ready and willing to serve in the merged districts.²³⁹

On the whole, it has apparently been on account of the government's post-merger loss of focus that the people are now criticizing the merger; some participants voiced a common public perception that "before merger we could at least get our things done through bribery, but now nothing works."²⁴⁰ Others, however, asserted that the benefits of merger will start coming, but it will take time.

• **Karachi operation**

The Rangers-led Karachi operation started in September 2013 with the backing of the federal government and the military. The main targets of the operation were four types of violent groups involved in fueling violence in the city: the Taliban; violent sectarian outfits; armed wings of ethno-nationalist and political parties; and criminal gangs operating in Lyari and other parts of the city. After the National Action Plan was announced, the Karachi operation intensified, mainly targeting militants belonging to Al Qaeda, Al-Qaeda in the Indian Subcontinent (AQIS), Lashkar-e-Jhangvi (LeJ) and its global arm LeJ-Aalami, Jundullah, different TTP factions as well as those inspired by or affiliated with ISIS.

The operation continued in subsequent years, successfully eliminating the terrorist infrastructure in the city. Although it has been led by the Rangers but the Sindh police, mainly its counterterrorism department (CTD), has also been instrumental in this anti-militant campaign.

The operation has achieved most of its objectives. All manner of violent crime have declined in the city, including those perpetrated by terrorists, and sectarian and ethno-political actors. That has been made possible because the Taliban, violent

238. Views expressed in PIPS consultation held in Peshawar in July 2020.

239. Lehaz Ali, Peshawar-based journalist. Views expressed in PIPS consultation on NAP held in Peshawar in July 2020.

240. Ibid.

Some of key militant leaders killed in Karachi operations (2014-20)	
Date	Militant leaders killed
Mar 14, 2013	Qari Bilal deputy chief of TTP's Manghopir chapter
Aug 16, 2013	A TTP commander Sher Khan Mehsud
Jan 10, 2014	Amanullah Mehsud, chief of TTP in Karachi's Quaidabad area
Jun 18, 2014	A local TTP commander identified as Zohair aka Salman
July 18, 2014	Bilal Khan, the alleged mastermind of the attack on PAF Kamra Airbase
Jan 9, 2015	Sajjad alias Kargil, Al-Qaeda commander in Karachi, and his three associates Mohammed Hashim, Yasir alias Yasir Arafat and Shamim alias Commando
Mar 9, 2015	The city chief of the banned Tehreek-i-Taliban Pakistan (TTP)
Aug 18, 2015	The head of Al-Qaeda's Karachi network and his accomplice
Feb 22, 2016	Sohail alias Chasmatu, an Al-Qaeda in the Indian Subcontinent (AQIS) commander in Karachi, and his aides Khalil, Bilal, Talha and Abdul Salaam
Mar 17, 2016	A high-profile militant commander Kamran Aslam alias Kamran Gujjar, allegedly associated with the Islamic state group
Nov 9, 2016	Mohammad Hussain alias Mistri Pathan, linked with ISIS and Al-Qaeda, Salman alias Yasir, a leader of the TTP Swat, and Mohammad Salman Khan, also a TTP militant affiliated with Al-Qaeda
Feb 22, 2017	A former TTP city chief Gul Zaman
Mar 6, 2017	Dildar alias Chacha, head of a Lashkar-e-Jhangvi (Naeem Bukhari) cell
Sep 4, 2018	Zubair, alias Waqas, the Karachi chief of the TTP's Swat chapter
Jun 24, 2019	Three high profile ISIS terrorists, previously linked to Al-Qaeda, including Talat Mehmood alias Yusuf, former Al-Qaeda in the Indian Subcontinent (AQIS) chief in Karachi; Sheikh Shahid, involved in the killing of US journalist Daniel Pearl in 2002; and Usman Noor Alam, previously an important leader of AQIS.

sectarian, and foreign terrorist groups as well as other armed groups, including criminals and those affiliated with political parties, have been either been eliminated or significantly weakened. That is visible from the marked improvement in the overall law and order situation Karachi, although sporadic terrorist attacks continue happening there. Reports prepared by various law-enforcement agencies, security think-tanks, and media outlets support that assessment.

The statistics released by Sindh Rangers in late 2018 assessed the five years performance of the operation. According to the report, they had "carried out 14,327 operations since the start of operation... [and] arrested and handed over to police 10,716 suspects for legal action. Among the arrested people, 2,189 were hardcore terrorists while 1,826 were involved in targeted killings."²⁴¹

241. Zia Ur Rehman, "Karachi operation: five years on," *Conflict and Peace Studies* (2019) 11 (1): 123:30.

Local, empirical accounts also confirm that Karachi operation has achieved all of its major objectives, which were related to putting an end to targeted killing, extortion, kidnapping for ransom, as well as eliminating terrorism and terrorist groups. Karachi-based journalist Syed Arfeen believes that these objectives have been met by over 80 percent, with street crime being the only exception that still continues unabated.²⁴²

The security forces took back territorial control from non-state armed groups, who had established no-go areas in the city; people are no longer scared of mafias and armed groups.

But still, as noted by senior journalist Zia Ur Rehman, the factors and drivers of extremist, ethno-nationalist and criminal violence persist and for that purpose the government will have to engage political, religious and other stakeholders.²⁴³ Karachi is a multi-ethnic and multicultural city with a huge population of diverse backgrounds, political and religious associations, and socioeconomic profiles. Sustained peace cannot be achieved there only through employing security measures.

Others also highlighted the fact that while the incidents of sectarian and terrorist violence had recently increased in Karachi, Sindhi and Baloch nationalist insurgents were also apparently strengthening their operational networks in the city which was apparent from high-profile attacks perpetrated by them, including the assaults on the Chinese consulate in November 2018 and on Pakistan Stock Exchange in June 2020.

Some participants at the Karachi consultation conducted for this study highlighted that post-operation the planning needed to sustain the gains and impact has been faltering due to multiple reasons, including political and financial. While peace has largely been restored to the city, the emerging issues and challenges now are linked to the economy, resource distribution,

development of the road and sanitation infrastructure, and provision of water, electricity, transport and other services.²⁴⁴

Also, despite the improved security situation, sociocultural and political activities that bring together diverse segments have not yet resumed in the city, which means that the trust level is yet to be restored among the various communities that call Karachi home. Some observers noted that police should be strengthened, capacitated and provided resources to take law enforcement control from the Rangers because the latter is not mandated to do policing forever. They were of the view that under NAP, de-politicization of the police should also be prioritized, so as to shape it into a professional force. Furthermore, they emphasized that the NAP focus should also cover jail security and reforms.

3.2 Issues affecting implementation & results

The foremost issue in the implementation of NAP has been the lack of political resolve and sustained focus. Many experts consulted for this study noted that for the governments NAP has largely remained a means of projecting their anti-terrorism actions and credentials, both internally and to the wider world. That approach has not only rendered NAP an ad-hoc focus but also has undermined prospects for developing any sustained policy or institutional responses. Pakistan Security Report 2018, prepared by Pak Institute for Peace Studies, had also noted that apparently after some successes in the war against terrorism, mainly in terms of declining terrorist attacks, the government's resolve to implement NAP had further weakened and become distracted.²⁴⁵

Many experts consulted for this study asserted that low level of trust between the state and society was also one reason for what they called NAP's lack of acceptance and credibility at societal level. This factor alone frustrated

242. Views expressed in PIPS consultation on NAP held in Karachi on July 9, 2020.

243. Views expressed in PIPS consultation on NAP held in Karachi on July 9, 2020.

244. Faizullah, journalist. Views expressed in PIPS consultation on NAP held in Karachi on July 9, 2020.

245. PIPS, Pakistan Security Report 2018 (Islamabad: Narratives, 2019).

governments' endeavors to gather full support of the people on NAP implementation. Most participants of the PIPS consultations held for this study, mainly in Gilgit-Baltistan, Khyber Pakhtunkhwa and Balochistan, said that they did not believe the state had completely changed its policy on extremist groups. In that context, they believed that more than capacity constraints, NAP was related to the state's policy discourses and decisions. For instance, one observer in Gilgit said that in Gilgit-Baltistan action against militant and sectarian groups could not be taken because their sympathizers existed at different levels of state and society. "When people think the state cannot provide them security and protection, they tend to subscribe to these groups," he noted.²⁴⁶

Others stressed that there are some inherent conceptual shortcomings in NAP. For one, there is little role of civil society; nor were multiple stakeholders consulted during the formative phase. Secondly, as it was formulated in haste, NAP just put together some objectives on a list, which sadly could not be developed into a comprehensive policy action plan. Thirdly, it was too broad in scope. Former National Security Adviser Lt. Gen. (retd.) Nasser Khan Janjua said in a lighter vein that apparently whatever problems had been accumulating over a period of 70 years in Pakistan were clubbed together in NAP for their resolution.²⁴⁷

Few experts, in particular, highlighted the capacity issues in law enforcement and legal/prosecution structures. Similarly, issues around lack of human resource and training were also noticeable. As noted by renowned religious scholar Allama Tahir Ashrafi, Federal Investigation Agency received hundreds of complaints on cybercrime everyday but could not act due to lack of human resource. Some participants also held the bureaucratic red tape and delaying tactics responsible for slow response on implementation of many of NAP's points.

There have been serious coordination issues as well at different levels including between the center and provinces and among institutions. Initially, responses to combating financing of terrorism (CFT), or FATF action plan, also suffered due to lack of coordination among the federal and provincial governments as well as the institutions. But in recent years, NACTA has been contributing significantly in facilitating such coordination.

Some experts consulted for this study regretted that instead of cooperating and coordinating, security and law enforcement agencies also interfered in each other's affairs. Secondly, the coordination between the provinces and the security forces had also not been exemplary. For one, security institutions in Balochistan in particular, including FC and the army, coordinate with the federal government, which also impacts NAP implementation at the provincial level.²⁴⁸

The issue of coordination had been further compounded by the persisting confusion over ownership and responsibilities. According to former NACTA national coordinator Ihsan Ghani:

"[T]o implement NAP's 20 points, initially, 16 different [sub]committees were constituted...12 of these committees ha[d] [the] interior minister as its head. Later, National Security Advisor [was] assigned to look after NAP, [while] provincial apex committees also existed... There has not been a uniform system for the implementation and monitoring of NAP.... As to the NSA, he was asked to serve as convener of the Task Force on Implementation of NAP. So, in 2016, we did not [do] much, ever since this appointment was made. But in August 2017, we started doing the work. All in all, this meant that several different institutions came up to look after NAP: the 16 implementing

246. Syed Ziaullah, a journalist. Views expressed in PIPS consultation on NAP held in Gilgit on July 20, 2020.

247. Views expressed in PIPS consultation on NAP held in Lahore on July 6, 2020.

248. Ali Baba Taj, Quetta-based writer and journalist. Views expressed in PIPS consultation on NAP held in Quetta on July 7, 2020.

committees constituted at the start, apex committees in the provinces, National Security Adviser, NACTA, and Ministry of Interior.”²⁴⁹

According to another account, some sub-committees were also headed by the finance minister, while the information minister and the KP governor also led one committee each. At the same time, the prime minister headed the special committee overseeing the overall NAP progress.²⁵⁰ Meanwhile, the formation of the apex committees was announced by the military’s media wing through a press release, which said that these would help coordinate with the security agencies working in different provinces and implement NAP.²⁵¹ The apex committees were basically formed for an oversight role but lacked any legal status.

This overlapping of roles and responsibility and issues of control and authority soon led to allegations and counter-allegations. As noted by former NSA Nasser Janjua, in the beginning all institutions and stakeholders came together and a consensus environment was created, but that did not sustain and soon blame-game started where each side was putting holding the other side responsible for non-implementation or failure.²⁵²

Some experts highlighted that NAP has largely remained military-centric. Others said that while this was understandable owing to the security forces’ frontline role in countering terrorism and achieving peace and security in the country, it did not help the civilian law enforcement, judicial and political structures to rise up to the challenge, and own and lead NAP.

Some participants of the PIPS consultations on NAP underscored that people tended to approach banned groups for dispute resolution because the governments’ service delivery and governance at the grassroots level was very poor. Journalist Sher Ali Khalti said that although to

a reduced degree now but religious groups, including banned ones, were still operating Shariah courts in different cities of Punjab, which decided cases of diyyat (financial compensation under Islamic law), etc., and collected zakat and religious charity. Against this backdrop, as essential as kinetic actions against banned and extremist groups are, improving governance and rule of law could significantly contribute to reducing the appeal of the banned groups among the masses.

The poor performance in achieving some of the NAP goals, mainly those linked to curbing religious persecution and protecting minorities, has been constrained by the government’s largely appeasing response to the so-called “religious pressure groups”. These pressure groups – including the clergy/madrassas, religious organizations, religious-political parties, and banned religious groups – hugely influence the policymaking processes besides exerting pressure on the government on religious/ideological issues. Religious groups and parties have the street power also, and their religious-ideological views largely resonate with those of the people. That makes it almost impossible for the government to reform any laws dealing with minority rights, religious persecution, etc. Some recent events and developments explain how the government succumbed to pressure by religious groups and compromised on its constitutional role and responsibilities including the NAP implementation. For one, in July 2020, the government backtracked on the decision to allow construction of a Hindu temple in Islamabad, largely under duress from religious groups and parties. Earlier, in 2018, the government had to ask a leading economist Atif Mian, an Ahmadi by faith, to quit the Prime Minister Imran Khan-led Economic Advisory Council due to mounting pressure from religious quarters.

Meanwhile some legislative and administrative issues have also been negatively affecting NAP

249. “Making NACTA effective: Interview with Ihsan Ghani, NC NACTA,” *Conflict and Peace Studies* (2018) 10 (1): 131-136.

250. Azam Khan and Amir Saeed, “Fighting terror: institutional structure in the context of NAP.”

251. Azam Khan and Amir Saeed, “Fighting terror: institutional structure in the context of NAP.”

252. Views expressed in PIPS consultation on NAP held in Lahore on July 6, 2020.

implementation and impact. For example, many NAP-related measures were finalized without any debate or consultation with stakeholders, without involving the parliament, e.g. the recently established minority commission. Similarly, there are several items on the NAP agenda, which fall in the federal, provincial and even local government domains. Renowned legal expert Ahmer Bilal Sufi believes that the Inter-Provincial Coordination Ministry (IPCM) should have been activated to work along with NACTA for better coordination and results; currently the PM's office serves as a de-facto IPCM.²⁵³

Sufi also noted that uneven coordination on management level had been affecting NAP implementation.²⁵⁴

“Laws are administrative tools; no legislation means no power to act or implement. So the only workable option is either to work under existing laws or make a new one. In the end, all measures ought to relate to legal and administrative functions, which are to be performed with multi-level coordination.”

Some participants in the consultations held for this study noted that the laws were there but the issue was with their implementation. For instance, 169 laws had been promulgated in Khyber Pakhtunkhwa between 2013 and 2018, yet the rules under 96 of these laws, the Hindu Marriage Act, were yet to be framed.

3.3 Impact evaluation

Most participants consulted for this study agreed that NAP had contributed to a degree, along with the anti-militant security operations, in improving the security situation in the country. For one, the incidents of terrorist violence had been on a decline since 2015. Most also seemed to be in agreement that NAP had managed to put some pressure on those supporting violent

extremist ideologies but also lamented that this pressure had been waning. Some noted that although NAP could not create any significant impact in terms of countering extremism, it had still initiated a debate in that regard and even developed some counter-extremism responses such as Paigham-e-Pakistan programme. But others disagreed with this assertion, referring to the continuing persecution of and violence against religious minorities and recent sectarian tensions that also entailed protest rallies by sectarian groups including banned ones.

Former National Security Advisor Lt-Gen (retd.) Nasser Janjua believed that NAP had at least provided a direction that could substantially help in developing effective responses against terrorism and extremism.²⁵⁵ But he asserted that half of the 20 NAP points related to religion, which already stood polarized in the country. Therefore, treading on the NAP path required utmost care.

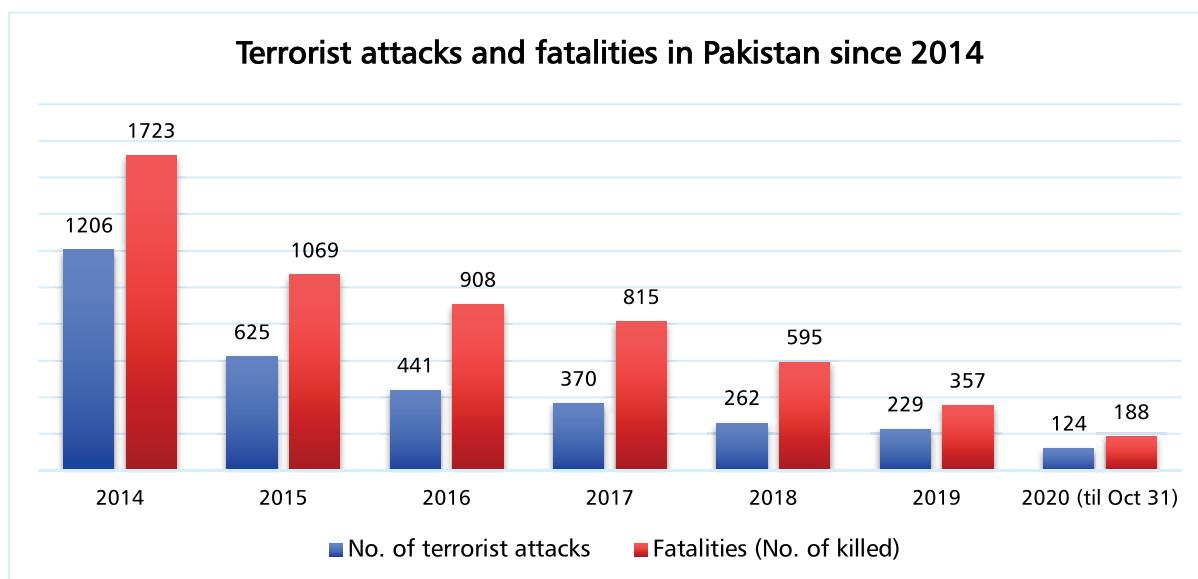
The APS attack had indeed brought a paradigm shift in the public discourse in Pakistan on extremism and terrorism. Even those who supported the option of “talks” with the militants before that heinous attack subsequently stood firmly against militants. That environment also changed the stance of some political parties, including the religious-political ones, regarding countering militancy and terrorism in Pakistan. For instance, “the Jamaat-e-Islami (JI), Jamiat Ulema-e-Islam (JUI-F), and PTI – previously sought reconciliation with the TTP”²⁵⁶ – even the ruling PML-N had unsuccessfully tried to make peace with the militants. The APS attack created unprecedented consensus on taking firm action against the militants, which meant full support for the military operations in the erstwhile FATA as well as for NAP. Eventually, the government, the military, the opposition political parties as well as the media all developed consensus for NAP and appeared to be in broad agreement.

253. Views expressed in a PIPS consultation on NAP held in Lahore on July 6, 2020.

254. Ibid.

255. Views expressed in PIPS consultation on NAP held in Lahore on July 6, 2020.

256. Pamir H. Sahill, “The terror speaks: inside Pakistan’s terrorism discourse and National Action Plan,” *Studies in Conflict & Terrorism*, 41(4): 319-337, <http://dx.doi.org/10.1080/1057610X.2017.1284448>



Multiple factors have contributed, including NAP, in reducing terrorist violence at the tactical and operational levels, but the militant and sectarian groups have been becoming active again of late.

A review of the incidence of terrorist violence in Pakistan indicates a gradual decrease in the number of terrorist attacks and the consequent fatalities in Pakistan since 2009, when the military launched an operation against the militant in Swat. After a slight upsurge in 2013, which was mainly caused by increased sectarian violence, the number of terrorist attacks and resulting casualties have been declining once again. The continuous anti-militant operational and surveillance campaigns by the security forces and police's counter terrorism departments (CTDs) – including mainly the Karachi operation, and the military operations in North Waziristan and Khyber tribal districts – as well as some counter-extremism actions taken under NAP have apparently helped sustain that declining trend from 2014 onward, which continues in 2020 as well.

Three factors are important in the evaluation of the current situation of the extremist and banned groups and their activities in the country, which will also help in understanding the extent of the NAP-related and other actions against them. First, the kind of pressure that NAP has mounted, at the outset, on the banned groups and their supporters, is apparently easing. These

groups and their sympathizers have not only been becoming increasingly active on the social media – their publications in print have always been there – but they have also been out recently holding protest rallies and indulging in hate speech. Leaders of some banned groups were at the forefront of some recently held protest rallies and gatherings across multiple cities.

Secondly, even though the statistics on terrorist violence have improved, yet experts underscore that the underlying factors of extremism and ideological radicalism persist, which in turn feed into terrorism. The problem remains that while the incidence and level of terrorist violence can be measured, it is very hard to measure extremism and extremist trends in a society. Therefore, a reduction in terrorist violence should not be taken as a measure of a reduction in extremism; nor has such a reduction in terrorist violence happened solely due to NAP, as cited earlier.

Thirdly, militant groups, mainly those carrying out terrorist attacks inside Pakistan, are once again trying to regroup in parts of the country. The military operations had weakened but not completely neutralized their operational capacity. A geographical analysis of Pakistan's current militant landscape will help in understanding that.

In Khyber Pakhtunkhwa, according to data provided by the PIPS database on conflict and

security, militants have launched 69 attacks in 2020 (until October 31st) and 32 of these attacks concentrated in the twin North and South Waziristan districts alone; as many as 27 army soldiers were among the 42 people killed in these attacks. According to senior journalist and anchorperson Aqeel Yousufzai, in about 25 percent area of North Waziristan there is visible movement of Taliban militants. Apparently, most of that movement is from the so-called “good Taliban”, but anti-Pakistan elements are also there, he notes.²⁵⁷ Similarly, militants have been trying to regroup and strengthen their position in the Bajaur tribal district. A recent media report claimed that Pakistani Taliban including those linked to the Tehreek-e-Taliban Pakistan (TTP) were found involved in the target killing of tribesmen, other acts of terrorism, and extortion of money in Bajaur.²⁵⁸ But the terrorist violence is not confined to the recently merged tribal districts alone. While a major attack hit a madrassa in Peshawar in October 2020 and caused significant casualties, low-impact attacks are also sporadically reported from parts of Malakand Division.

Similarly, the reported growing presence and activities of the Pakistani Taliban militants also validated a recent UN report that claimed that “[t]he total number of Pakistani foreign terrorist fighters in Afghanistan, posing a threat to both countries, is estimated at between 6,000 and 6,500, most of them with the TTP.”²⁵⁹ The UN report termed the TTP as the largest Pakistani group in Afghanistan and the main threat for Pakistan, it noted that the group was led by Amir Noor Wali Mehsud and supported by his deputy Qari Amjad and TTP spokesperson Mohammad Khorasani.²⁶⁰

Many among those consulted for this study also accused the government of not observing a policy of zero tolerance towards banned groups and leaders. For one, in what they described as a horrible escape, a leading TTP member and former spokesman of the group, Ehsanullah Ehsan, reportedly managed to flee from his house in Peshawar where he was held in detention by the security forces. A media report quoted security officials as confirming the escape days after Ehsanullah released an audio message claiming he had escaped detention and was in Turkey.²⁶¹ He had surrendered to authorities in 2017 and also appeared in interviews on Pakistani television, astonishing many who criticized the security agencies for allowing that. Pakistani security officials, however, argued, that Ehsan had “supplied valuable intelligence in the fight against militants.”²⁶²

In another disturbing development, the TTP leadership has managed to bring at least four former splinters back into its fold, including Hizbul Ahrar and Jamaatul Ahrar. Analysts believe that this will strengthen the TTP because if it “succeeds in bringing back all of its breakaway factions, its strength can cross 10,000, which is quite a worrisome figure.”²⁶³

Meanwhile, nationalist insurgents have also recently become active in Sindh, including Karachi. In June this year, the Sindhudesh Revolutionary Army and Sindhudesh Liberation Army carried out five attacks in Karachi, Larkana and Ghotki targeting Rangers and an office of the Ehsaas Programme, which is a programme working for supplementing incomes of the poor. Earlier, in June, media had reported that the federal Interior Ministry had decided to include these two Sindhi groups, along with Jeay Sindh

257. Aqeel Yousufzai, senior journalist and anchorperson. Views expressed in PIPS consultation on NAP held in Peshawar in July 2020.

258. Ghulam Dastgeer, “The return of the Taliban in Bajaur [as translated from Urdu],” *Sujag*, August 3, 2020, <https://sujag.org/feature/1809>

259. Anwar Iqbal, “6,500 terrorists still active in Afghanistan: UN,” *Dawn*, July 26, 2020.

260. *Ibid.*

261. *The News*, February 10, 2020, <https://www.thenews.com.pk/print/611729-security-official-confirms-escape-of-ehsanullah-ehsan>

262. *Ibid.*

263. Muhammad Amir Rana, “Changing militant landscape,” *Dawn*, September 6, 2020, <https://www.dawn.com/news/1578180/changing-militant-landscape>

Qaumi Mahaz, in its list of banned organizations under the Ant-Terrorism Act 1997. Sindhi insurgent groups have a history of perpetrating sporadic low-intensity, low-impact attacks. But in June they managed to create some impact both in terms of the number and intensity of the attacks they launched. Separately, four BLA attackers, armed with grenades and automatic rifles, launched an attack and attempted to enter the Pakistan Stock Exchange compound in Karachi on June 29. The police, Rangers and the stock exchange guards intercepted the attackers and killed all four of them. One sub-inspector and three security guards were martyred in the attack, and the seven injured included three policemen.²⁶⁴

The TTP claimed a recent targeted attack in Karachi that killed a policeman on September 18, 2020.²⁶⁵ Indeed target killings of policemen has increased in the city recently, including on sectarian grounds. On August 14, a police Head Constable Syed Muhammad Ali Rizvi was shot dead in what police suspected was sectarian targeted killing in Karimabad area of Karachi. Majlis Wahdatul Muslimeem secretary general Allama Sadiq Jaffary condemned the target killing adding weight to the police suspicion.²⁶⁶

A few months back, law enforcement agencies reportedly busted a cell of Al Qaeda in the Indian Subcontinent (AQIS) in Karachi and arrested four high-profile militants during an operation in the densely populated Gulistan-e-Jauhar area of the city.²⁶⁷ An appraisal by the Counter-Terrorism Department (CTD) in October 2019 concluded that the banned AQIS was regrouping in Karachi, apparently with the aim to carry out some major attacks. The CTD also claimed to have busted two other groups involved in sectarian killing and terrorism. A CTD official said they had received reports that “six ‘disgruntled’ militants

of the AQIS [had] recently arrived in Karachi from Afghanistan and they [we]re trying to activate their sleeper cell.”²⁶⁸ It is pertinent to mention that Al Qaeda and its Indian Subcontinent faction were quite active in Karachi before the Rangers initiated the recently concluded military operation in Karachi in 2013. Members of some other groups such as Jundullah and Lashkar-e-Jhangvi were also attracted to the AQIS. However, the 2013 operation uprooted the AQIS and other groups from the city.

Although the number of terrorist attacks in Balochistan has shown a decline over the past few months, a worrisome development was reported from the province in September. The CTD, police and intelligence officials conducted an operation in Quetta and killed six suspected militants of the Islamic State (IS) terrorist group. Those killed included a commander of the IS, or Daesh, and a would-be-suicide bomber woman. The eliminated IS cell was plotting a major attack during the month of Moharram. According to media reports, the group members had rented a house in Quetta about two months earlier. The incident revealed the threat that Quetta and other parts of Balochistan faced from the IS and other groups with sectarian orientation. Quetta has already suffered a lot due to sectarian-related and other terrorist violence. The presence of IS cells in the provincial capital does not bode well for the security of Balochistan as well as for the Shia Hazara community residing in the city.

Similarly, attacks by Baloch insurgent groups also continue in the province; they have perpetrated 24 attacks so far this year (until October 31st) claiming 50 lives and wounding 82 others. Baloch groups have also perpetrated some attacks outside of Balochistan, including in Karachi and southern Punjab. Meanwhile, religiously inspired militants including the TTP and IS affiliates

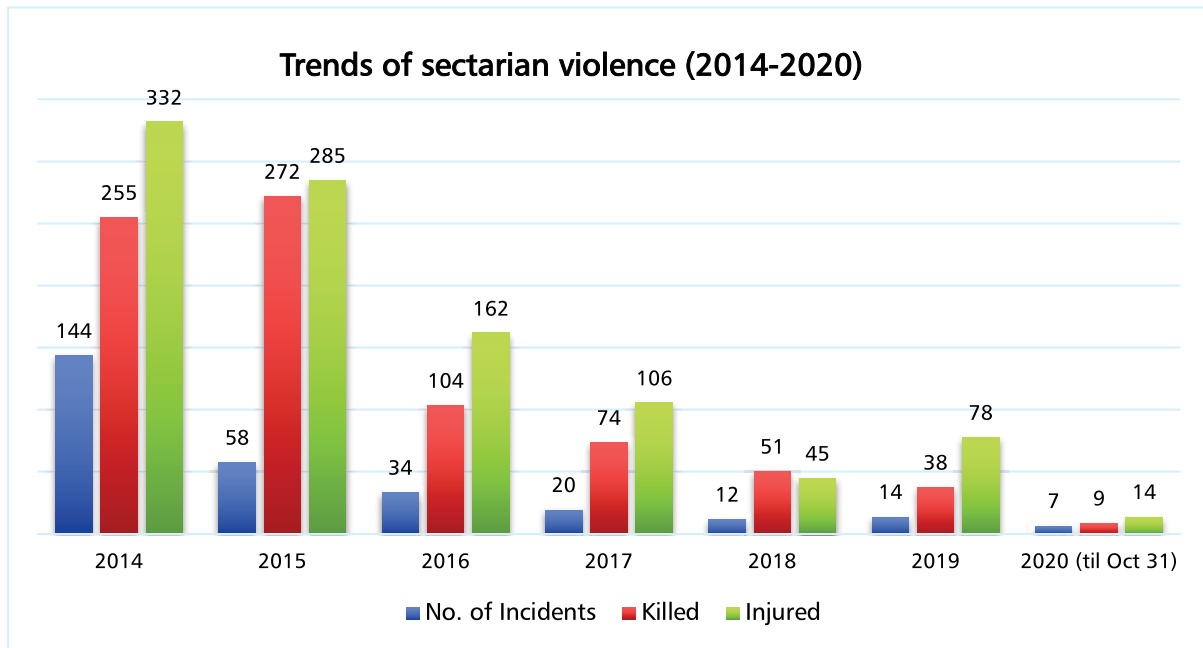
264. Dawn, June 30, 2020, <https://www.dawn.com/news/1565922/all-4-terrorists-killed-in-attempt-to-storm-pakistan-stock-exchange-compound-in-karachi-rangers>

265. Dawn, September 20, 2020, <https://www.dawn.com/news/1580547/ctd-launches-probe-into-targeted-killing-of-policeman-in-korangi>

266. Daily Jang (Urdu), August 15, 2020, https://jang.com.pk/news/808904?_ga=2.165923646.1429431243.1597482968-1987975163.1597309845

267. “AQIS cell busted,” Dawn (editorial), April 21, 2020.

268. Imtiaz Ali, “CTD says splinter group of outlawed AQIS regrouping in Karachi,” Dawn, October 15, 2019.



have also perpetrated 10 attacks this year in Balochistan, which killed 36 people and inflicted injuries on another 93.²⁶⁹

The incidents of violent sectarianism have significantly decreased in the years following the launch of NAP. In qualitative terms, NAP had assumed that action against sectarian militants will create positive atmosphere for religious minorities. However, that has not happened, and the presence of the sectarian mindset, supported by discriminatory laws, still looms large, creating fears of religious persecution. Analysts believe that sectarian violence will remain a threat so long as violent and non-violent sectarian groups remain active in Pakistan, and external moral, political and financial support to these groups continues, and the discourse of hatred in the country remains sectarian including through sectarian streams of madrassas. The threat of sectarian violence can particularly not be underestimated in the presence of IS, or Daesh, in the region.

Sectarian tensions in the country have been growing recently, mainly after the month of Moharram. Sunni groups held protests rallies across Pakistan and both sides registered cases against each other for issuing derogatory and

blasphemous remarks (Details provided in Section 3.1). The state not only overlooked the threat but also tried to appease those involved in the protests and hate speech.

Similarly, NAP has failed to check sectarian-related hate speech from cyberspaces, which has not only contributed to inciting violence but also caused ideological radicalism.

Sectarian groups and leaders are also engaged by the government in developing counter-extremist narratives and curbing hate speech including that contained in the textbooks. Many believed that reliance on such actors was counterproductive.

The Paigham-e-Pakistan has largely failed to create any significant impact, mainly because the religious clergy is reluctant to adopt the document as a manual for their mosques and madrassas. There is a need to encourage the clergy to adopt the declaration as a national agenda. Similarly, the government and civil society must take ownership of the declaration for a larger impact.

269. Statistics are drawn from PIPS database: www.pakpips.com/app/database

4. Political and policy orientation of NAP

The National Action Plan was conceived at a time when the country was reeling from militant and sectarian violence. It was adopted just weeks after the deadly terrorist attack on the Army Public School (APS) in Peshawar. The pre-NAP baseline of counter-terrorism (CT) and counter-violent extremism (CVE) frameworks primarily stressed upon military measures against the terrorists. Developing and deploying soft approaches to counter terrorism and extremism have never been a strong point of successive governments. Apart from a few failed peace deals with militants in the erstwhile FATA, Swat, and Malakand in the past, no soft measures were taken and no attempts at reconciliation were made. Meanwhile, civilian governments have mainly ceded the tasks of CT and CVE to the military. The PPP government did take some initiatives to lead the battle against terrorism and extremism, and owned the military operation in Swat in 2009, but ultimately it deferred to the military on security matters. The NAP framework has also failed to civilianize the CT and CVE policies and responses.

Historically, security has mostly been viewed as a military domain in Pakistan where, some experts believe, civilian interference is resisted. According to Raza Rumi, on security issues the federal government has traditionally worked under the overall policy direction of the military.²⁷⁰ The Musharraf regime relied on force as well as peace deals to tackle the Islamist insurgency that wreaked havoc with the country after the 9/11 attacks in the US. In mid-2004, an international dimension was also added to Pakistan's counter-terrorism efforts with the initiation of drone attacks on militant targets on the country's soil. Analysts claim that even though the Pakistani

government publicly opposed the drone strikes, it tacitly approved at least some of them.²⁷¹

The 2008 democratic transition brought a civilian government to power after a protracted military rule. Although elected governments have made attempts to assert some control over security matters since 2008, they have ultimately relegated the job to the military. In February 2014, the PML-N government produced the country's first policy document on internal security and counterterrorism. Called the National Internal Security Policy (NISP), the document was significant in the sense that for the very first time it was acknowledged that the immediate threats to Pakistan's national security were internal. This civilian-owned security policy diverged from the traditional military-defined perspective on national security.

Initially, the government demonstrated considerable focus in tackling the scourge of terrorism as the NISP was followed by certain administrative measures, such as activating the Cabinet Committee on National Security, which was tasked with formulating the national security policy aimed at informing the government's subsidiary policies – defense policy, foreign policy, and internal security policy.²⁷² The exercise was underpinned by the idea to improve civil-military coordination and assert that the prime minister was in charge of internal security. Unfortunately, however, there was no visible follow-up, probably in part due to the anti-government agitations led by Imran Khan and Tahir-ul-Qadri. It was amid protracted agitation and the government's battle for political survival that the APS tragedy occurred. An enraged public demanded action against the terrorist outfits responsible for the gruesome massacre. In little over a week, the government

270. Raza Rumi, "Charting Pakistan's internal security policy," United State Institute of Peace, Special Report 368, May 2015, <https://www.usip.org/sites/default/files/SR368-Charting-Pakistans-Internal-Security-Policy.pdf>

271. "Secret memos 'show Pakistan endorsed US drone strikes'," BBC, October 24, 2013, <https://www.bbc.com/news/world-asia-24649840>

272. Raza Rumi, "Charting Pakistan's internal security policy."

announced what it called the National Action Plan (NAP) – a set of 20 goals to combat and contain religiously inspired terrorism and extremism as well as sub-nationalist insurgency. Basically, NAP was an articulation of the NISP with two additional provisions i.e., withdrawal of the informal moratorium on executions and establishment of military courts for speedy trial of terror suspects.²⁷³

Ever since its introduction, NAP has been a subject of intense debate amongst security analysts and academia. In early 2020, PIPS held consultations on the National Action Plan with stakeholders from the academia, government, security, and civil society, etc. At one of these sessions, Adnan Rafiq, a newspaper columnist, said the immediate aim of NAP was to pacify public anger. He emphasized the need to develop a comprehensive framework around NAP's 20 points, adding that the country needed a response from the 'whole of the nation'. "Military options alone are not enough to address the problem of militancy and extremism," he argued. Likewise, security analyst Farhan Zahid believes NAP was formulated in haste in the wake of the APS attack.²⁷⁴ This view echoes the International Crisis Group's report back in 2015 that termed NAP "far more like a hastily-conceived wish-list devised for public consumption during a moment of crisis than a coherent strategy".²⁷⁵ From the outset, the NAP implementation mechanism was tilted in favor of the military, since the military was empowered with legal and administrative tools in the form of military courts and provincial apex committees. NAP also created a hybrid legal system as military courts were established parallel to the regular criminal courts. In addition, military officers were given lead roles in counterterrorism at provincial levels through the provincial committees. The overwhelming emphasis on a militaristic approach

towards terrorism and violent extremism raised concerns about the prospects of democratic evolution in the country as well as the overall effectiveness of the battle against terrorism and extremism. US-based Pakistani military historian Shuja Nawaz likened the post-APS militarization of the counterterrorism regime to undeclared martial law.²⁷⁶

Notwithstanding criticism, however, significant gains have been made under NAP, especially with regard to the reduction in acts of terrorism in the country. Although PIPS data shows that the incidents of terrorism had been on a steady downward trend in Pakistan since 2009, the adoption of NAP accelerated that positive trend. Yet, reliance on the hard approach and deployment of force to counter terrorism are not without serious pitfalls. Besides being fraught with the risks of undermining democratic governance, rule of law, and fundamental rights, such an approach may in turn provide incentive to jihadist propaganda.²⁷⁷ Security issues are inevitably linked to economic and social development. And the military, however well-organized and disciplined, is not capable of addressing these issues. Security analyst Farhan Zahid rightly observed that it is easy to follow and examine the problem of terrorism, but assessing the problem of extremism is exceedingly challenging.²⁷⁸ Therefore, seeking military solutions to the highly complicated phenomena of terrorism and extremism amounts to fighting the symptoms only, or what some call fire-fighting.

4.1 Relevance to countering extremism and terrorism

The effectiveness of the National Action Plan as a counter-extremism (CE) framework remains

273. Raza Rumi, "Charting Pakistan's internal security policy."

274. Views expressed in PIPS consultation on NAP held in Islamabad on May 16, 2020.

275. Crisis Group, "Revisiting counter-terrorism strategies in Pakistan: opportunities and pitfalls," Report no. 271, July 22, 2015, <https://www.crisisgroup.org/asia/south-asia/pakistan/revisiting-counter-terrorism-strategies-pakistan-opportunities-and-pitfalls>

276. Shuja Nawaz, "Countering militancy and terrorism in Pakistan: the civil-military nexus," United States Institute of Peace, Special Report 393, October 2016, <https://www.usip.org/publications/2016/10/countering-militancy-and-terrorism-pakistan-civil-military-nexus>

277. Raza Rumi, "Charting Pakistan's internal security policy."

278. Views expressed in PIPS consultation on NAP held in Islamabad on May 16, 2020.

a subject of debate, although the problem of terrorism has largely been contained. Hard or kinetic approaches such as military and intelligence-based operations against terrorist groups have neutralized the militants' capacity to plan and execute major attacks. However, a critical question that lingers in discussions on NAP is this: does NAP have the provisions for addressing the problem of religious extremism that fuels terrorism in the first place? Experts believe that NAP is weak on soft approaches. In the counterterrorism discourse, the use of political or soft approaches is referred to as an effective tool for reducing the appeal of militants' ideologies as well as bringing the militants back to the mainstream by convincing them to quit violence. It has two major functional components. One is linked to reconciling with the militants for some political settlement through dialogue. The outcome of such an option is seen as militants joining the political mainstream and quitting their violent agenda and methodology of achieving their goals. The second main component of such approaches is described by different concepts and methodologies, including disengagement, deradicalization, reintegration, and rehabilitation, etc.²⁷⁹

Pakistan's extremism problem is more serious than terrorism because different shades of religiously-inspired extremism are deep rooted in Pakistani society. The problem is also an unintended outcome of the country's policies in the past. The use of religious militants as a counterforce against separatist Bengalis in 1971, the Islamization and jihad projects of the 1980s, the Kashmir jihad, and pro-Taliban policies of the 1990s all contributed to the growth of religious extremism in Pakistan. Some of those policies still await reversal, or at least a serious revision. In Pakistan, the militant landscape is

extremely diverse, and the challenge cannot be addressed with a one-size-fits-all strategy. NAP did not provide any roadmap on how to deal with an assortment of militants operating in Pakistan, including religiously inspired, ethno-nationalist, and violent sectarian.²⁸⁰ A key driver of faith-based violence in the country is sectarian extremism that has claimed thousands of lives since the mid-1980s. Pakistan's support for the Taliban regime in the 1990s aggravated the issue of sectarianism at home because members of militant sectarian groups such as the SSP and LeJ, etc., went to fight alongside the Taliban, and also forged links with transnational terror outfits such as Al Qaeda. According to Pakistani journalist and author Khaled Ahmed, members of the LeJ were trained by Al Qaeda operatives including some hardcore anti-Shia extremists like Abu Musab Al Zarqawi,²⁸¹ who laid the foundation of Daesh. In the post-9/11 period, evidence of collaboration between local sectarian groups and Al Qaeda began to emerge. Today, sectarian extremism is more intricate and layered than it was back in the 1980s or early 1990s.

Since the adoption of the NAP framework, there have been crackdowns on some violent sectarian groups such as the LeJ²⁸², yet no considerable success has been achieved in countering the violent ideologies and narrative peddled by sectarian outfits. NAP does not provide a clear strategy as to how inter-sect harmony is to be achieved. Attempts at building counter-extremism narratives, such as the Paigham-e-Pakistan (PeP), have not seen much success so far, which is evident from the fact that the country witnessed a resurgence of sectarian extremism in the previous months.²⁸³ Though some analysts believe the PeP is a significant document in the way that it reflects the collective will of society, still some other observers view the PeP merely

279. Pak Institute for Peace Studies, *Pakistan's achievements in war on terror but at what cost* (Islamabad: PIPS, 2019).

280. Ihsan Ghani, former national coordinator NACTA. Views expressed in a PIPS-led consultation on NAP held in Islamabad on May 16, 2020.

281. Khaled Ahmad, *Sectarian wars: Pakistan's Sunni-Shia violence and its links to the Middle East* (Oxford University Press, 2012).

282. "Malik Ishaq: Pakistani Sunni militant chief killed by police," BBC, July 29, 2015, <https://www.bbc.com/news/world-asia-33699133>

283. Shah Murad Baloch and Hannah Ellis-Peterson, "Pakistani Shias live in terror as sectarian violence increases," *The Guardian*, October 21, 2020, <https://www.theguardian.com/world/2020/oct/21/pakistani-shias-live-in-terror-as-sectarian-violence-increases>

as rhetoric with limited practical value. The PeP largely revolves around the military and the state. There was little or no input from social scientists, political analysts, and the larger civil society in the development of the PeP. Many doubt that the PeP was a genuine effort to counter religious extremism in society. For one, the state brought clerics of all shades together and made them sign the PeP in a mechanical manner. Even signatories of the PeP have shown little interest in disseminating the PeP message, and some have even been seen to be preaching extremist views. Therefore, the PeP's effectiveness as a CE framework or strategy is debated amongst scholars and security analysts.

In the same way, the strategy to check propagation of religious and sectarian hatred mostly emphasizes administrative action under NAP. For instance, banning the publication and distribution of jihadist or sectarian literature, surveillance of the internet including social media platforms, and filtering out violent content involve pure administrative measures by the concerned government departments. Such a strategy may muzzle the speech, but it does not check the hatred that is the cause of the speech. And unfortunately, even administrative measures have been half-hearted or ineffective because many sectarian and other jihadist outfits continue to operate online and disseminate their extremist ideologies and agendas.

The Citizens Protection (Against Online Harm) Rules, 2020 make it mandatory for the social media platforms to block or remove content considered objectionable by the government. In addition, the government can also acquire data on individual accounts from the companies. The measure is aimed at mitigating online content that

has to do with "terrorism, extremism, hate speech, fake news, incitement to violence and national security."²⁸⁴ However, there have been concerns lately that the laws meant for battling extremism in the cyberspace may be vulnerable to abuse by the authorities. For instance, in September 2020, Karachi-based news editor of The Express Tribune Bilal Farooqi was arrested by the police for allegedly 'spreading and inciting' hatred on social media.²⁸⁵ Although Farooqi was released soon thereafter, his arrest strengthened fears that authorities may use CE laws to target critics. Such apparent abuse of CE laws not only damages the credibility of the government, but also tends to undermine the overall counter-extremism efforts.

Apart from the above-mentioned factors, education is also a critical topic that is missing from the NAP framework. NAP is silent on the role of educational curricula in promoting extremist mindsets and narrow worldviews. Historically, textbooks in Pakistan have been used both as a means of education and as a political tool to shape public thinking and perception about national security and identity.²⁸⁶ The curricula often reflect the country's internal political ideals and foreign policy objectives.²⁸⁷ Studies have found that textbooks promote paranoid thinking, suspicion, and even hatred of minority religious faiths, such as Hinduism,²⁸⁸ despite the fact that Pakistan is home to millions of Hindus. Such indoctrination through the education system may be a key reason behind the faith-based persecution of the Hindu citizens in the country. Therefore, it is only too apparent that the curricula taught at educational institutions have a critical relationship with the overall radicalization of society. During the 1980s,

284. "Pakistan's new internet laws tighten control over social media," DW, February 24, 2020, <https://www.dw.com/en/pakistans-new-internet-laws-tighten-control-over-social-media/a-52375508>

285. "Journalist Bilal Farooqi released following social media outcry," The Express Tribune, September 11, 2020, <https://tribune.com.pk/story/2263573/police-arrest-journalist-bilal-farooqi-on-charges-of-spreading-hatred>

286. Muhammad Ali Babakhel, "Extremism in books, Dawn, May 30, 2016, <https://www.dawn.com/news/1261474>

287. Madiha Afzal, "The Pakistani curriculum and extremism," The Express Tribune, May 17, 2016, <https://tribune.com.pk/story/1105130/the-pakistani-curriculum-and-extremism>

288. Madiha Afzal, "Education attitudes in Pakistan," United States Institute of Peace, Special Report 367, April 2015, <https://www.usip.org/publications/2015/04/education-and-attitudes-pakistan>; Asif Aqeel, "Report: Pakistan school textbooks riddled with religious 'hate material'," WorldWatch Monitor, August 25, 2016, <https://www.worldwatchmonitor.org/2016/08/report-pakistan-school-textbooks-riddled-with-religious-hate-material>

a lot of religious and jihadist literatures were incorporated into the textbooks.²⁸⁹ Educational syllabus laden with Islamist ideological content has only contributed to extremism and exclusion of the religious minorities from the mainstream. This problem was also pointed out during the PIPS-led consultations on NAP held for this study. The participants noted that the NAP framework proposes no strategy on rectifying the educational curricula that have contributed to extremism in Pakistan.

Just like education, certain policies of the past and their fallout have also been a major source of growing extremism in the country. Pakistan's foreign policy with regard to India, Afghanistan, and the United States, and its regional security priorities have been both a source of extremism and an impediment to the CT and CVE efforts. Experts fear that this policy leads to selective treatment of various militants operating in the country.

It is incredibly perilous to discriminate or pick and choose among militants on the basis of their operational orientation. For instance, India-centric and Pakistan-centric jihadist groups may have varying missions and strategic objectives, but at the core of their ideological convictions they are primarily driven by the idea of jihad, and thus they cannot be viewed ideologically too disparate from one another. A prominent case of such a collaboration was the kidnapping and killing of Wall Street Journal reporter Daniel Pearl. Reportedly, a number of local and foreign militants including operatives of Al Qaeda and local sectarian outfits collaborated to execute this tragic episode.²⁹⁰ Besides, jihadists of different shades tend to have mutual sympathies for each other's cause.

Pakistan must also guard against conflating religion-based militancy with separatist insurgency. Broadly, the country has two sets of challenges relating to armed militancy. Both run parallel but are divergent in mission and outlook.

The first one is the Baloch separatist insurgency which is basically political in nature with clear political demands, though the demands vary across insurgent groups. On the other hand, the jihadist groups including sectarian outfits are motivated by extremist religious ideologies. This complex situation merits an elaborate response from the state. A one-size-fits-all solution applied to all militant groups might not work. This fact has apparently been taken into account by the authors of the National Action Plan because the NAP framework provides for political reconciliation with the indignant Baloch leaders, and proposes to empower the Balochistan government to undertake such an initiative with 'full ownership by all stakeholders'. This NAP provision is excellent in the sense that it separates sub-nationalist insurgency from religious extremism and terrorism. During the PIPS consultations on NAP, an observer cautioned that political dissent must not be conflated with religious extremism, claiming that incidents of extrajudicial killings and the so-called 'encounter' killings by the police had increased since NAP was launched. He was of the opinion that the police were overstepping their legal mandate of law enforcement.²⁹¹ Excessive and undue use of force or heavy reliance on hard approaches, in absence of soft strategies, also carries the danger of triggering social and neo-ethnic movements in the country. The emergence of Pashtun Tahaffuz Movement (PTM), some argued, is a case in point. This aspect of the problem makes NAP even more important because it can be developed into an effective and comprehensive CE policy roadmap to address Pakistan's structural and regional factors of violent and non-violent extremism, terrorism and alienation.

Similarly, although various Islamist militant groups are ultimately driven by the concept of jihad, their strategic objectives still vary widely. Groups like the TTP seek to overthrow the state, while extremist sectarian outfits dream of a Sunni state at the expense of the Shias. On the other

289. Pervez Hoodbhoy, "What Imran Khan is doing to Pakistani school textbooks even Zia-ul-Haq didn't," *The Print*, July 19, 2020, <https://theprint.in/opinion/what-imran-khan-is-doing-to-pakistani-school-textbooks-even-zia-ul-haq-didnt/464016/>

290. Khaled Ahmad, *Sectarian wars: Pakistan's Sunni-Shia violence and its links to the Middle East*.

291. Views expressed by Brigadier (retd.) Muhammad Feyyaz in PIPS consultation on NAP held in Lahore on July 6, 2020.

hand, the LeT aims to 'bleed' India or liberate Kashmir. Therefore, the challenge is complex and the state's response needs to be appropriately flexible. A strategy of promoting inter-sect harmony, for instance, might help counter the extremist ideologies of sectarian outfits, but it may not be effective in countering the ideology of the TTP. This naturally requires elaborate counterterrorism and counter-extremism strategies that take into account both explicit and subtle differences in ideologies and outlooks of militant groups. However, the NAP framework is broad and envisages only overarching goals which the state is to achieve. Apparently, the task of devising detailed plans against the NAP goals has been left to the relevant institutions. And so far, no specific plan has been devised for the implementation of these goals.

When soft approaches to countering extremism are discussed, the key question that pops up is the deradicalization part. Deradicalization is a non-military component of any CT and CE regime. It offers opportunities for reintegrating would-be (or former) terrorists and disengaging them from conflict, rather than the alternative of trying them in military courts and subjecting them to capital punishment or long prison terms.²⁹² Many countries in the world have experimented with deradicalization programs to neutralize religious extremism and separatist insurgencies. The NAP framework does not chalk out any clear agenda for deradicalization of persons involved in terrorism or extremism. Though in early 2000 the military did establish some rehabilitation centers in the Swat valley to deradicalize former Taliban and other militants and reintegrate them into their communities, still there is a lack of comprehensive policy on this issue. NAP lacks any explicit provision for deradicalization of would-be religiously swayed

militants. However, it does envisage political reconciliation in Balochistan where a separatist insurgency has been simmering for long. During the tenure of the previous government, the then Balochistan chief minister, Dr Abdul Malik Baloch, took some initiatives to draw up reconciliation plans and seek resolution of the insurgency,²⁹³ but the effort fell through due to unknown reasons and no noticeable progress was made. As a result, the insurgency problem lingers on, causing security instability in the province.

However, it must be taken into account that no hard or soft approach to CT or CVE would succeed in a governance vacuum. Several studies have found links between poor governance and extremism and militancy.²⁹⁴ A study by the UNDP in May 2018 found that reducing corruption can help mitigate religious extremism.²⁹⁵ In Pakistan, chronic political instability and repeated derailments of the democratic process have contributed to poor governance, degradation of public institutions, and weakening of the rule of law. These factors also lead to loss of public trust and confidence in the institutions of the state.

Therefore, political stability and continuity of democratic governance are indispensable for the state to develop and improve its capabilities to deliver basic social services like education, health, employment, justice, etc. A state failing in basic governance challenges can hardly pursue any policy effectively. Public support and ownership are critical for the success of government policies and initiatives. For this reason, it is important for the government to restore the rule of law and improve governance in order to effectively address the challenges of terrorism and extremism. Unfortunately, the NAP framework has left this important area unaddressed. On the contrary, it has put more

292. Selina Adam Khan, "Deradicalization programming in Pakistan," USIP, Peace Brief 193, September 2015, <https://www.usip.org/sites/default/files/PB193-Deradicalization-Programming-in-Pakistan.pdf>

293. Azam Khan, "Reconciliation plan drawn up for estranged Baloch leaders: CM," The Express Tribune, April 26, 2015, <https://tribune.com.pk/story/876111/reconciliation-plan-drawn-up-for-estranged-baloch-leaders-cm>

294. See for instance, Peace Direct's report "Local approaches to preventing violent extremism in Pakistan," at: <https://www.peacedirect.org/wp-content/uploads/2017/03/Report-Pakistan-8-single-pages.pdf>; and International Centre for Religion and Diplomacy's 2016 report on "Countering violent religious extremism in Pakistan" at: <https://icrd.org/wp-content/uploads/2017/12/Countering-Violent-Religious-Extremism-in-Pakistan-White-Paper.pdf>

295. Anga Tiimilsina & Jide Okeke, "Reducing corruption could help prevent violent extremism," UNDP, May 4, 2018, <https://www.undp.org/content/undp/en/home/blog/2018/Reducing-Corruption-could-help-Prevent-Violent-Extremism.html>

stress on military means for tackling the issues of terrorism and extremism. Some analysts fear the NAP framework tends to further weaken civilian control over the CT and CVE regimes. Such a military-centric model might not be a sustainable solution to the challenges in the long run.

Improved governance along with better policy planning by the state can help in the development of robust CT and CVE responses in Pakistan. NAP is just an initial document that outlines the broader goals for the stabilization of the security in the country. However, NAP in itself is well short of being a concrete action plan. Experts at the PIPS consultation were cognizant of this point. One speaker, Farhan Zahid, underlined the need for devising elaborate plans with clearly defined objectives against each NAP goal. According to him, no plans have been devised so far against any of the NAP points.²⁹⁶ This factor creates confusion as no particular institution is principally mandated to lead actions on specific goals under the NAP framework. Some observers consider NAP just a collection of administrative points. Even if it is so, it still needs well thought-out plans to effectively translate such points into action. In addition, the government also lacks uniformity in its approach to the NAP framework because the state focus fluctuates from one point to the other in response to circumstances. For instance, currently money laundering (ML) and terror financing (TF) are the focus of the CT regime. Pakistani journalist Azaz Syed says that the government's enhanced efforts in this specific area are due to FATF pressure.²⁹⁷ It is unclear if the government's efforts against ML and TF would continue with the same vigor once the country comes out of the FATF grey list.

Lastly, Pakistan's long and traumatizing experience with terrorism and extremism has made it clear that there is no royal road to achieving durable peace and stability. The state has to confront militant groups and their extremist ideologies head-on at one point or another. There simply is no escaping that. Terrorism is fueled by extremist

ideologies and narratives, and Pakistan lacks comprehensive policy or strategy for countering the violent ideologies that produce foot soldiers for terrorist groups. The Paigham-e-Pakistan, though remarkable, was not enough as a CVE strategy. It was more of a one-off response to the persisting and deep-rooted challenge of religious extremism. Besides, the message of the Paigham-e-Pakistan has also not been disseminated as widely and effectively as it should have been. In fact, for many people it might already be a forgotten episode. The CVE policy must be structured and institutionalized with systematic efforts to challenge and counter violent and reactionary ideologies on a continuing basis. There is no shortcut to fixing the extremism problem through ad hoc approaches and quick fixes.

4.2 Political will and policy sustainability

There has been a traditional civil-military imbalance on matters of security in Pakistan. Many political leaders tend to consign the responsibility for security to the military authorities. By extension, the tasks of counterterrorism and counter extremism are also generally viewed as domains where the military is expected to deliver. Such a tendency creates problems of political will because political leaders feel a degree of detachment from matters of security. General (Retd) Talat Masood believes that a lack of political resolve and capacity to work on NAP is the reason there was hardly any review or upgrade of the systems that were meant to strategize and implement NAP.²⁹⁸ A lack of sustained efforts, he said, was also due to the fact that NAP was taken as a project of self-projection to the world. Instead of developing sustainable institutional responses, NAP has only showcased some ad-hoc efforts. Pakistan's heightened crackdown against certain banned groups at certain points, and accelerated efforts to curb terror financing under the FATF pressure are two examples in this regard. Many argue that

296. Views expressed in PIPS consultation on NAP held in Islamabad on May 16, 2020.

297. Views expressed in PIPS consultation on NAP held in Islamabad on May 16, 2020.

298. Views expressed in PIPS consultation on NAP held in Islamabad on May 16, 2020.

in the absence of sustained engagement and policy consistency, even a refined version of NAP will fail.

Therefore, policy consistency backed by strong political will is indispensable for an effective fight against terrorism and extremism. According to former NACTA head Ihsan Ghani, lack of policy consistency precluded concerted and sustained efforts against terrorism and extremism, and did not allow effective methodologies to implement the NAP.²⁹⁹ In the past, the civilian governments took some steps to tackle militancy and extremism, but ultimately the job was consigned to the military. In October 2008, the then prime minister, Yousaf Raza Gilani, initiated the PPP government's counterterrorism policy of 'deterrence, development, dialogue' or the 3D strategy. He took parliament into confidence by securing a joint resolution, and declared war on terrorism. But the initial fanfare was not followed by a befitting follow-up action. In practice, neither the parliamentary resolution was implemented nor the 3D strategy executed. In the end, the task of fighting terrorism and extremism was delegated to the military.³⁰⁰

Similarly, in late 2013, the military was planning to launch operations against militants in North Waziristan. The army and the air force had been preparing for such action for quite some time. But the prime minister went for a peace deal that faltered even before really taking off.³⁰¹ Following the terrorist attack on the Karachi international airport, the military moved into North Waziristan. Though the PML-N government did provide a political direction on internal security and counterterrorism through the NISP and NAP, it lacked the capacity or political will to implement those policies. Civil institutions remain weak and largely dysfunctional, and military organized and disciplined. Limitations of capacity also affect the political will of the civil

authorities. Following the invocation of NAP, the government immediately complied with the military's demand to institute military courts and lift the informal suspension of executions. Likewise, the government amended NAP during the first quarter of its implementation, slashing three key elements: action against banned outfits; madrassa reforms; and repatriation of Afghan refugees.³⁰² Apparently, this was done to avoid a backlash from jihadists. That the country's political leaderships have lacked the will to confront violent jihadists is evident from the fact that the government has largely avoided cracking down on madrassas with links to terrorism or extremism, and has remained contented with rounding up terror suspects only. The more challenging task of madrassa reforms has been put in the cold storage. In the same way, the parliament and provincial assemblies have remained detached from NAP implementation. They do not conduct hearings on NAP, nor seek answers to questions about the progress on NAP. According to journalist Imran Mukhtar, senior government officials including the prime minister and the interior minister rarely talk about NAP.³⁰³ On the other hand, however, some journalists such as Aoun Sahi contend that it is unjustified to suspect civilian governments of lacking the political will because security affairs are dominated and controlled by the military.

The civilian governments' lack of will or capacity in dealing with terrorism and extremism is further compounded by chronic political instability in Pakistan. An empowered and stable democratic government is crucial for sustained policies and reforms regarding security and counterterrorism. Ahmer Bilal Sufi maintains that lack of continuity in the democratic process in the country created a vacuum which was filled by extremist elements.³⁰⁴ Since the democratic transition of 2008, elected governments have shuffled from one political crisis to another. Throughout its

299. Views expressed in PIPS consultation on NAP held in Islamabad on May 16, 2020.

300. Shuja Nawaz, "Countering militancy and terrorism in Pakistan: the civil-military nexus."

301. Ibid.

302. Raza Rumi, "Charting Pakistan's internal security policy."

303. Views expressed in PIPS consultation on NAP held in Islamabad on May 16, 2020.

304. Views expressed in PIPS consultation on NAP held in Lahore on July 6, 2020.

tenure, the PPP struggled to cope with a number of destabilizing challenges that undermined its authority and consumed its attention such as the so-called Memogate episode and the repeated protests by Defense of Pakistan Council, etc. In early 2013, the PPP was compelled to dismiss its own provincial government in Balochistan following a deadly terrorist attack in Quetta.³⁰⁵ Likewise, the prolonged protest sit-in by PTI-PAT duo in 2014 put the PML-N government under enormous pressure. The government's attention and resources were diverted from the critical challenges of terrorism and extremism to ending the agitation. Later, the violent protest by the radical Tehreek-e-Labbaik Pakistan (TLP) in 2017 further undermined the government.

Apart from the question of political will, the sustainability of the CT framework is also critical to achieving the intended goals of NAP. Terrorist attacks have fallen remarkably over the past years, but long-term success against extremism requires a holistic approach towards the challenges. The state has to ensure that all political and institutional stakeholders support the framework and align their actions so that they help in the implementation of NAP. Building such a consensus among diverse stakeholders and then sustaining it is extremely challenging. In addition, the military's dominance of the security affairs also adds an element of fragility to the consensus because in the event of civil-military tension any consensus is bound to falter. On the other hand, the military should also realize its limitations with regard to CT and CVE efforts. Even if it dominates security policies, it still has to rely on civilian expertise for investigation of cases and trial of persons accused of acts of terrorism or extremism. Similarly, the civilians are the lead brain in the ongoing efforts to chock terror financing and comply with FATF requirements. Therefore, the civil and military authorities must collaborate in order to add elements of consistency and sustainability to the CT and CVE efforts. Without active civil-military coordination, there would be no success regarding NAP.

Another critical dimension missing from the NAP framework is the need for regional peace. Many believe that improving relations with the neighbors, especially India and Afghanistan, is critical for neutralizing transnational terrorism that targets these two countries.³⁰⁶ Pakistan's internal security challenges are closely linked to its external security policies towards India and Afghanistan. Although NAP is silent on those policies, yet elected governments have a history of taking initiatives to normalize relations with neighboring states including India. Such attempts at peace, however, have repeatedly been thwarted on multiple accounts. Pakistan's facilitation in the Afghan peace process that resulted in the US-Afghan Taliban Doha deal and is also contributing in the ongoing intra-Afghan dialogue is being acknowledged by the world as a major positive role in achieving peace and stability in the region. However, it remains to be seen where this process leads the region.

That hard approach alone does not offer a sustainable solution to the challenges of terrorism and violent extremism is amply evident in the case of Karachi. For years, Karachi was being cited as a counterterrorism success story. It is true that the security operations against terrorist groups and organized crime gangs did restore law and order in the metropolis, but the aggressive show of street power by extremist sectarian groups over the past months is a disturbing indication that the issue of sectarian extremism had receded only temporarily to the background. At this critical time, when the country is facing economic challenges and a pandemic, the resurgence of violent sectarianism serves as a grim reminder of a potential security issue that is simmering just below the surface, and highlights the significance of soft approaches in tackling the problem of religious extremism.

The issues of terrorism and extremism cannot be addressed through military and administrative means in a sustainable manner. Administrative measures tend to be more temporary and

305. "Governor rule to be imposed in Balochistan," Dawn, January 13, 2013, <https://www.dawn.com/news/778500/governor-rule-possible-raiani-ready-to-resign>

306. Adnan Rafique, USIP's country director for Pakistan. Views expressed in PIPS consultation on NAP held in Islamabad on May 16, 2020.

cosmetic in nature because they hardly address the causes of the problem. The problem of extremism is a product of decades of evolution, and countering extremism is a long-drawn-out battle that requires holistic efforts on the parts of the state as well as society.

4.3 Issues of control and ownership

Issues of control and ownership have been the biggest hurdle in the implementation of NAP. Some experts argue that the political governments have been reluctant to take control and ownership of NAP, and thus they have been outsourcing even the counter-violent extremism (CVE) discourse to the military. They assert that while it is understandable to expect the military to execute hard measures against terrorism, the political and civilian authorities should be the ones developing soft approaches for countering extremism. In practice, however, uncertainty and confusion around the questions of leadership, coordination, and funding continue to persist. NACTA was activated to coordinate the implementation of NAP, yet after so many years it is still debated whether NACTA is under the control of the prime minister or the ministry of interior, which oversees the overall internal security in Pakistan. Most security experts at the PIPS consultations held for this study were of the opinion that as a body NACTA is inter-ministerial in nature, and thus must be headed by the prime minister. With the exception of the past year and a half when NACTA had been carrying out some noticeable coordination work on countering terror financing, the contribution of institution has hardly been significant since its inception. NACTA's make-up resembles the Cabinet Committee on National Security (CCNS) with only more diversity as it includes a wide variety of stakeholders. The CCNS is the highest executive body on national security, but it has largely been ineffective.³⁰⁷ This existence of parallel institutions with ostensibly similar functions have also contributed to the overall

confusion and impeded the implementation of NAP.

The issue of ownership of NAP could and should have been anticipated right at the outset in the sense that both the NISP and NAP were formulated by the federal government – the second one in a hasty manner - without full consultation of the provinces. This was very important since the subject of law and order had become a provincial mandate after the 18th Amendment to the constitution in 2010. In other words, the provincial authorities and the police were the principal entities for the execution of NAP, yet their input had not been sought while developing NAP. It was for this reason that NAP has been termed a hastily put together document. Similar has been the case with the NISP. A senior army officer had complained that the military's counterterrorism strategy was not incorporated in the final NISP.³⁰⁸ This scenario led to varying degrees of ownership for the National Action Plan from its inception. A joint intelligence directorate (JID) has also been established under NACTA that is to meant to serve as a melting pot of all intelligence relating to internal security. Though the military supported the JID from early on, the ISI is reportedly reluctant in sharing intelligence with the JID. According to military historian Shuja Nawaz, the military is unlikely to share its privilege i.e., premier intelligence with civilians. Expectedly, the JID has been manned by the military but the army prefers to work directly under the Prime Minister's office instead of the interior ministry.³⁰⁹

In addition to the administrative confusion, a lack of clarity on the question of funding has also caused ownership issues. The NAP framework does not touch upon how the federal government will compel provinces to invest in their police forces and allocate budgets for the implementation of NAP. If budgetary commitments are taken as a yardstick of political will, then NAP is not a policy priority for the provincial governments. It seems that the

307. Shuja Nawaz, "Countering militancy and terrorism in Pakistan: the civil-military nexus."

308. Ibid.

309. Ibid.

ownership remains disputed among NACTA, the interior ministry, National Security Committee and different apex committees. Funding to NACTA has also been relatively insignificant given the importance of its mandate. The current PTI government announced in late 2019 that it was planning to introduce 'a new NAP'. The announcement came after the terrorist attack on the Chinese consulate in Karachi in November 2019.³¹⁰ The government's professed inclination to reinvent the wheel without fully utilizing what is at hand indicates the shortsighted approach of the government on core security issues.

Similarly, the most significant state institution, parliament, has also shown a lack of interest in owning NAP. Apart from passing some laws such as the Protection of Pakistan Act and the 2015 Amendment in the Army Act that substantially empowered the military with policing and judicial powers, parliament largely remained indifferent to NAP during the military operations against militants. On the other hand, the military too did not share much detail about its CT operations. Information trickled down to the public mainly through the ISPR, which is the military's media wing. The general public has also not been keen on owning NAP due to absence of open dialogue on militancy and terrorism.

Another key reason behind the glaring lack of ownership for NAP is the continuing absence of clarity on the distribution of responsibilities amongst different political and institutional stakeholders. The National Action Plan is practically not a plan in itself. It is a set of 20 broadly-defined goals, each requiring a separate plan for achievement of individual goals. A plan chalks out a specific mechanism with achievable objectives and measurable outcomes. So far, no information is publicly available on whether any plans have been formulated for implementing any of the 20 NAP goals. Unless a clear and elaborate plan is chalked out for each individual NAP goal and assigned to a relevant institution, chances are that the issue of ownership would persist

indefinitely. Of late, the thrust of the entire NAP framework has been on the single goal of curing terrorism financing. Unfortunately, this largely seems to be a knee-jerk reaction to the pressure from the FATF, which has threatened to put Pakistan on its black list if the latter fails to address lacunas in its financial system that facilitate money laundering and terrorism financing. At least five people, including Jamaatud Daawa leader Hafiz Saeed, have been convicted over terror financing since late 2019. However, FATF has not deemed even these measures sufficient because in late October 2020 the FATF ruled that Pakistan will stay on its 'grey list' till it met all requirements of the watchdog.³¹¹

310. The Express Tribune, Islamabad, November 30, 2018.

311. "Pakistan stays on global terrorism financing 'grey list'," Reuters, October 23, 2020, <https://www.reuters.com/article/us-fatf-pakistan/pakistan-stays-on-global-terrorism-financing-grey-list-idUSKBN27820B?src=ilaw>

5. Recommendations

A. Restructuring the Anti-terrorism Regime

The reduction in the threat of terrorism and restoration of peace in the country in recent years are just the beginning of an extended struggle against extremism and terrorism. The reason terrorism managed to get a strong footing in Pakistan in the first place was the pre-existing environment of religion-based extremism that had evolved both as a result of deliberate policy choices and unintended fallout of those policies. The operational capabilities and infrastructures of the terrorist groups may have been neutralized through use of force, but the danger of terrorism resurfacing in future remains as long as religious extremism remains unaddressed. Therefore, the state has to take a holistic view of the challenge, and introduce radical reforms in multiple sectors in order to increase the effectiveness of its CT and CVE regimes. NAP should be reviewed afresh in light of its past performance as well as according to the emerging challenges and forms and dynamics of insecurity, terrorist violence and extremism. Some clauses of NAP, such as Karachi operation and military courts, have apparently either become redundant or irrelevant and should be excluded from the plan. Meanwhile, there have been some missing areas, which should be incorporated, including education and curriculum reforms. With the acts of terrorism largely contained, the response must be reoriented with a focus on the longer-term challenge of religious extremism. In view of the above discussions, the following recommendations are put forth:

1. Redefine the National Action Plan

1.1 Civilianize NAP

- The military leading the counter-terrorism efforts may have been a priority due to the exigencies of responding to terrorist attacks that wreaked havoc with the country until recent years, but there is a need now to civilianize the counter-terrorism regime and refocus on counter-extremism efforts.

Civilian authorities and institutions must be the principal entities shaping and implementing the CT and CVE policies and strategies. Parliament can play a significant role by debating the challenges of terrorism and extremism, determining the broad contours of security policies and maintaining oversight. On the other hand, the civilian law-enforcement agencies have been, and must always be, the premier line of defense against terrorism because both counter-terrorism and counter-extremism are ultimately the jobs of civilian security agencies in the long run.

- The provincial apex committees were formed with much enthusiasm to supervise the implementation of NAP, but not much is known about the working of such committees. Such ad hoc arrangements tend to wane over time. Besides, weak civilian control may lead to loss of political will and ownership of initiatives. Therefore, there should be sustainable mechanisms at provincial levels, headed and owned by political leaders.
- The police force stands at the forefront in the fight against terrorism. Thousands of police personnel, including high-ranking officers, have lost their lives in the anti-terror fight since 2001. Therefore, the expansion and modernization of the police must be a priority. The investigation branches of the police must be strengthened through better training and technology in crime scene investigation and case building. Likewise, the Evidence Act which has become obsolete in view of the improvements in science and technology should be reformed to shift the focus from witness testimony to modern scientific investigation techniques.
- The police's operational autonomy must be enhanced, and police chiefs appointed on merit and given full authority over the force.

1.2 Devise Plans with Monitoring and Evaluation Systems

- Without elaborate plans and concrete objectives, it is hard to determine which state agency is leading any specific CT or CVE effort. Therefore, the government should take the initiative of devising plans against individual NAP goals. Such plans must set well-defined, realistic, and achievable objectives with specified timeframes. And the planning process should be informed by inputs from parliament, provincial governments, security experts, think tanks, academia, and journalists.
- A criteria-based monitoring and evaluation system should be constituted to evaluate the implementation of NAP plans. Such a system may help ensure that all CT and CVE efforts are executed in light of the NAP framework. Monitoring bodies may submit progress and evaluation reports on NAP to the government or parliament on annual or biannual basis. Discussion on these reports may highlight gaps and lead to further improvement of the NAP framework. Monitoring and evaluation should be done against clearly-defined and concrete indicators. Without clear performance indicators, NAP would continue to be judged subjectively on the basis of varying perceptions.

1.3 Strengthen NACTA

- Given NAP's coverage of a wide range of security issues and its nationwide jurisdiction, it makes sense that NACTA should be independent of the ministry of interior and function under the Prime Minister's office. Such an administrative hierarchy would help address the reported reluctance of some intelligence agencies to share information with what they may consider a subordinate department.
- The prime minister should take ownership of NAP and use the NACTA platform to

regularly review the status of and progress on NAP provisions.

- Budgetary allocations to NACTA should be made compatible with its wide-ranging mandate. NACTA's potential for strengthening the CT and CVE efforts through intelligence-based early warnings must not be underestimated. After all, NACTA had issued a threat alert before the APS tragedy, warning that terrorists were planning to target military families and educational institutions.³¹²
- Inter-Provincial Coordination Ministry (IPCM) should be activated to work along with NACTA for better coordination and results. Similarly, the platforms of NEC and CCI should be used to enhance coordination for NAP measures.

2. Reform the Criminal Justice System

- Reform of the criminal justice system must be accorded much greater urgency and focus than has been given to the goal so far. Some degree of financial resources are indispensable for any reform. However, a clear and consistent commitment to reform is even more crucial. The federal and provincial governments must take meaningful steps to expedite nearly 1.8 million cases pending before the courts in Pakistan and also work on setting strict timelines to enhance the capacity of all links in the rule of law chain, particularly of the police, investigators, prosecutors, and judges, and ensure effective protection for judges, lawyers and witnesses. Progress will remain stunted unless there is a singular federal institution facilitating and tracking progress of the various provincial stakeholders.
- The anti-terrorism courts (ATCs) are overwhelmed by cases which results in delays in prosecution. In many cases, this leads to witnesses recanting their testimony which results in acquittals. The problem basically emanates from the Anti-Terrorism

312. Haseeb Bhatti, "APS attack judicial commission report points to security 'fiasco' at school," Dawn, September 26, 2020, <https://www.dawn.com/news/1581564>

Act 1997 itself, which defines terrorism in very broad terms. The definition of terrorist acts includes 'heinous crimes' which is not specifically defined anywhere in the Act. This definition often encompasses non-terrorism cases too. Therefore, the government must review and refine key definitions in the Act in consultation with relevant stakeholders.

- The ATCs are manned by judges of the district and sessions courts who serve on fixed terms. These judges have experience dealing with criminal cases, but many of them lack experience regarding terrorism cases. Therefore, there is a need to afford rigorous training and sensitization to the ATC judges in handling terrorism cases.
- The government must also invest in a protection mechanism for prosecutors, witnesses as well as judges in terrorism cases. In the past, witnesses, even judges, were intimidated or harmed to weaken the prosecution against high-profile terror suspects.
- Oversight of the criminal justice system by parliament and provincial assemblies should be increased. Closer networking is also needed among the subsystems of the criminal justice system.
- The ATCs can also be strengthened through infrastructural uplift and capacity building. Open trials of terrorists also have their benefits, and could prove more effective in terms of deterrence and public ownership, but the state institutions have preferred in-camera trials through the military courts.
- The police must be equipped with new technologies and resources so as to enhance their efficiency. Their training programs should focus on technology-led policing, along with management, intelligence gathering, mobility and connectivity. At the same time, NAP should prioritize depoliticization of police in order to transform it into a professional force.

3. Deradicalization and Reintegration

- An effective deradicalization program is critical for helping individuals abandon extremist views, shun violence, and reintegrate into society. In Pakistan, there is no overarching strategy for deradicalization, and the ongoing efforts are guided by disparate frameworks. The army-run deradicalization centers in Swat and other tribal districts are limited in scope and reach. There is a need for the government to devise a more inclusive strategy that takes stakeholders like police and civil society on board. A deradicalization program led by civilians is more desirable because sometimes local communities may be skeptical of security and intelligence agencies.
- Deradicalization and reintegration programs require considerable resources besides capacity, which is one of the reasons a better-funded army is leading on this front. The government should prioritize funding to civilian sectors in order to enhance capacity and carry out the deradicalization and reintegration programs effectively.
- At the reintegration phase, the role of civilian institutions and civil society organizations is particularly important because these entities tend to have greater acceptability among individuals undergoing reintegration. Due to their social outreach, civil society groups can help sensitize communities on the risks and threats of extremism and build resilience against radical ideologies. Extensive engagement of the civil society would help make the reintegration process smoother.
- The current deradicalization regime in the country enlists only those individuals who have been terrorist sympathizers, or have played other secondary roles such as raising funds or recruiting followers for terror outfits, etc. The program excludes hardcore militants involved in acts of terrorism. The government may conduct studies to assess the feasibility of extending deradicalization

efforts to prisons where hundreds of militants belonging to this category are incarcerated.

- Given the complexity of the extremism issue, in-depth studies of the factors and motivations that drive people to embrace extremism are direly needed. Motivations vary in different persons and contexts, and a thorough understanding of the drivers of extremism can help in the process of devising effective deradicalization strategies.

4. Build and Promote Counter-narrative

- The government must take prompt and effective steps to implement in letter and spirit not just the June 2014 SC judgement and the NAP ambition, but also the recommendations made in the report by the UN special rapporteur on the question of religious intolerance when he visited Pakistan on the government's invitation in June 1995. That will go a long way in alleviating the faith-based challenges for religious minorities in Pakistan.
- Religious extremism pervades almost all sections of society. A robust and unambiguous narrative on terrorism and sectarianism is indispensable for countering the cancerous growth of violent ideologies. Without a crystal-clear narrative, the CT and CVE responses would be ineffective in the long run.
- An estimated 64% of Pakistan's population is below 30, and youth lacking space for self-expression and opportunities for growth are susceptible to extremism and terrorism. Therefore, the so-called youth bulge must be provided with inclusive public and private spaces, both in physical and digital realms, where they could engage in discussion and dialogue on critical issues.
- The Paigham-e-Pakistan can be a significant ideological response to the extremist ideologies. The message must be disseminated widely, and transformed

into national narrative. The government must invest in the reconstruction of religious and political thoughts by developing a robust culture of dialogue among scholars, politicians, policymakers, academia, and students. For this purpose, national platforms for dialogue should be established.

- Distinguishing between militants on the basis of their perceived strategic utility has perpetuated mass confusion and resulted in deadly consequences. This categorization of jihadists into pro-state and anti-state must end. Besides, political and military leaders have often indulged in double talk on important matters such as relations with the United States for populist reasons and domestic consumption. Such practices have done a disservice to the country by strengthening the narratives of the extremist groups and must be discontinued forthwith.
- Likewise, the tendency to shift the blame for internal security troubles onto foreign hands while downplaying the policies and attitudes that cause these troubles in the first place, such as the Baloch sub-nationalist insurgency, may not help in countering extremism. The damage done by this tendency can begin to be remedied via a consistent and conscious effort to own and correct past mistakes without further delay.
- Militant groups use the cyberspace for recruitment, fund raising, propaganda, and radicalization to expand their influence. In Pakistan, many jihadist and sectarian outfits continue to operate freely on the Internet. The government must curb their access to such means of mass communication. However, CT or CVE must not be used as an excuse to clamp down on freedom of expression. There is evidence to suggest that cyber laws such as the PECA have been abused to target political dissidents as well as perceived critics, including journalists. Such abuses not only dilute the utility of these laws, but also cause loss of public trust and confidence in state institutions.

- In Pakistan, elements associated with extremism have been contesting elections, and even going to parliament or provincial assemblies. This practice should be put to an end through legislation. Persons involved in terrorism or promoting extremism should be barred from contesting elections and holding any public office.

5. Heal and Rehabilitate the Citizens of Ex-FATA

- The former FATA region remained the center of gravity for jihadist violence for much of the past two decades. Ruled under a repressive colonial law and excluded from the mainstream, this region along the border with Afghanistan proved a safe haven for local and transnational militants. Military operations dismantled the terrorist infrastructure in the region, but they also displaced hundreds of thousands of residents. Much of this internally displaced population awaits repatriation to their homes and rehabilitation. The government must prioritize the healing and rehabilitation of the people of the erstwhile FATA.
- Since the former FATA region is now part of the Khyber Pakhtunkhwa province, the government must fulfill its commitments to the economic and infrastructure development of this strategically critical area. It must invest judiciously and urgently to not just revive the infrastructure destroyed during the militancy and military operations but also expand it reflect the ambition of bringing to the region to the national mainstream. The local population should be compensated for their losses, and provided opportunities for economic growth and integration in order to reduce the appeal for extremism.
- The physical infrastructure of public education system must be expanded in the region, and education made accessible to the locals. Strategies should be developed for creating enabling environment for girls' education.

B. Policy Reforms

1. National Identity and Education

- Nation building in Pakistan has been underpinned, among other things, by public education which has been used to construct a religious national identity. This endeavor, however, has failed in its objectives mainly because it tends to overlook the great diversity of faiths, ethnicities, sub-cultures and value systems, etc., in the country. The experiences of the last seven decades merit a reconstruction of non-discriminatory religious thought and national identity. This can be done through curriculum and wider educational reforms that seek to promote principles and values of religious diversity, multiculturalism and non-discrimination.
- The textbooks must be purged of inaccurate or biased presentation of our political history so as to allow the young generations to have a factual reading of their past and learn from the wisdom as well as mistakes of their predecessors. Feeding half-truths to young minds in the name of nation building only creates confusion and paranoia.
- Textbooks are the sole source of knowledge for millions of citizens in Pakistan. Many people never read a book beyond what they read in schools. Therefore, the textbooks should aim to educate students on the sanctity of law and constitution. Key provisions of the constitution should be made parts of the syllabus. This would help produce educated citizenry, and create a culture of respect for rule of law which is indispensable for national stability and progress.
- Core state institutions like the parliament should initiate and encourage debates on national identity. The experiment of manufacturing an exclusivist identity with religious overtones has given birth to confused political ideals, and undermined democracy. The parliament should discuss politico-philosophical issues that have

impeded the growth of democratic culture in the country. There is substantial evidence to suggest that authoritarianism breeds extremism in society, while democracy safeguards citizens' fundamental rights and gives them avenues for self-expression which in turn reduce appeals to radical ideologies.

- Terrorism should be taught as a subject at universities, and research centers should be established to focus on terrorism and extremism and ways to counter these. NACTA is working on that but with very limited scope. The focus needs to be expanded from the current security perspective to sociological, political, economic and ideological contexts of Pakistan.

2. Foreign Policy

- Foreign policy choices by successive civilian and military governments have contributed to the progressive growth of religious radicalism in Pakistan. Regional security challenges, strategic imbalance between Pakistan and India in the context of long-running disputes like Kashmir, and the prolonged political instability in Afghanistan have traditionally shaped Pakistan's regional security policies. Various regimes have used jihadist non-state elements to achieve foreign policy objectives. The reverberations of such policies are felt today in the form of violent extremism in the country. In this scenario, the parliament should constitute a high-powered truth and reconciliation commission to examine policies, laws, and security philosophies that produced extremism and terrorism. It must be debated what went wrong, and how things could be fixed.
- The traditional rivalry with India has checked Pakistan's ability to focus on the most critical element of its national interest – the economy and its use to ensure the well-being of the people. Mutual animosity has had deep impacts on both

countries' internal dynamics. In Pakistan, it has militarized the state, diverted disproportionate sums to tackle security concerns, hampered democracy, and given rise to extremism in society. Therefore, both sides, especially Pakistan, should seek peaceful resolution of all outstanding issues with India, including Kashmir. Peace with the immediate neighbors would enable the government in Pakistan to invest more in basic social services like health and education, and improve governance.

3. Sub-Nationalist Insurgency

- The grievances of the Baloch citizens are economic and political, and they are as old as Pakistan itself. Unjust policies and repressive strategies by the federal government have triggered several rounds of insurgencies since 1948 in which thousands have died. NAP acknowledges the need for reconciliation in Balochistan. However, no substantial progress has been made on this front. During the previous government, the provincial government had taken some initiatives to reach out to dissident Baloch leaders and notables, but those efforts eventually fell apart due to unknown reasons. The government must make serious efforts to initiate a process of political reconciliation with the Baloch in order to address the issue peacefully.
- High-handed policies in Balochistan including an emphasis on military solutions has tended to further aggravate the sense of alienation among the Baloch. The issue of missing persons has become a point of reference in the center-Baloch relations. The government should ensure that while dealing with suspected insurgents, fundamental rights and legal frameworks are not violated, because otherwise the state tends to lose legitimacy in the eyes of public.

C. Democracy

- Pakistan's security, stability, and economic prosperity ultimately lie in democracy. Only

genuine and inclusive democracy with strong civilian institutions would have the requisite political strength and resilience to eliminate extremism from society and curb terrorism on a permanent basis. Repeated interruptions of the democratic process have been the key reason behind chronic political instability in the country. And political instability and vacuum have abetted extremist elements to further their radical agendas.

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Imprint
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