



Pakistan Civic Rights & Spaces in Peril

June 2023

AwazCDS-Pakistan: Established in 1995 and is registered as not for profit organization with registrar joint stock companies under Societies Registration Act 1860 and enjoys special consultative status with United Nation's Economic & Social Council (UN ECOSOC). AwazCDS-Pakistan's core mission is to develop integrated and innovative solutions in cooperation with partners at all levels to secure the future of marginalized communities especially by creating rightful spaces and choices of life. For more information please visit www.awazcds.org.pk

Pakistan Development Alliance: Established in 2014, is an alliance of 114 national level NGOs/Networks working together through developmental and rights based approaches to address issues in governance and accountability across the country especially in the implementation of SDGs. The alliance is led by AwazCDS-Pakistan and is governed by elected national, provincial and regional executive committees at national, provincial and regional level. PDA is part of various national, regional and global alliances and forums including Global Call to Action against Poverty (GCAP), Asia Development Alliance (ADA), Asia CSOs Partnership for Sustainable Development (APSD), Action for Sustainable Development (A4SD), CIVICUS/AGNA- Affinity Group of National Associations and Transparency Accountability & Partnerships-TAP Network, Forus International etc. For more information please visit: www.pda.net.pk

International Centre for Not for Profit Law (ICNL): The International Center for Not-for-Profit Law was founded in 1992 as one of the first organizations to focus on the legal environment aspect of civic space. They work with partners from civil society, government, and the international community developing long-term relationships to advance reforms. For more information please visit: www.icnl.org

Conceived, written and edited by: Zia ur Rehman
Conducted by: AwazCDS-Pakistan
Facilitated by: Pakistan Development Alliance
Published by: AwazCDS-Pakistan
Supported by: International Centre for Not for Profit Law (ICNL)
Designed by: Ishfaq Khan Khalil
Publishing Date: June 2023

Copyrights

Awaz Foundation Pakistan: Centre for Development Services

All rights reserved however the content of this report may be reproduced with the due acknowledgment to AwazCDS-Pakistan and author.

***Disclaimer:** The International Center for Not-for-Profit Law (ICNL) does not necessarily share the opinions here within expressed. The author bears the sole responsibility for the content*

Table of Contents

Overall Context of the Report	01
The Review of Literature on Shrinking Civic Spaces	02
The Emergence of Modern World NGOs in Pakistan	07
Laws and Frameworks to Control & Regulate NGOs Sector	07
The Scrutinization of NGOs in 90s	09
The Musharraf Regime & CSOs	10
The Mushroom Growth & Transformation of CSO Sector -Earthquake 2005	10
The Crackdown on CSOs Begins with the Movement for the Independence of Judiciary	10
Expansionism of INGOs in Pakistan – Flood 2010	11
Abbottabad Commission Report -2013	11
NGO Policy 2013 by Economic Affairs Division	11
Army Public School Peshawar Massacre – 2014	12
National Action Plan 2014	12
INGO Policy 2015	13
Withdrawal of NPO Status & Imposition of Tax through Finance Bill 2017-18	13
Implications of Financial Action Task Force -FATF-2018	13
Closure of INGOs -2018	14
Sindh High Court Decision on NGO Policy 2013	15
Revised NGO Policy 2022- by Economic Affairs Division	15
Current Challenges of CSOs Working in Pakistan	15
Pakistan Civic Space Monitor	16
Reasons and apprehensions of government / security agencies regarding NGO/INGOs	18
Recommendations and Way Forward	19
Conclusion	21

Overall Context of the Report

The report is all about emergence, growth and transformation of non-governmental and/ or civil society sector in Pakistan. The report shares the challenges being faced by the sector since long and sheds light on coping mechanisms adopted by the sector to survive as well as struggles to create enabling environment for civic rights and spaces in Pakistan. The report provides empirical analysis of the fights of civil society sector with state institutions, governments and society at large to reclaim civic rights and spaces in different spans of time.

Pakistan is predominantly multi-ethnic country with Muslims in majority, having population of 234 million people¹ as of June 2023. Around 65% of the population is below the age of 30 whereas 22.8 million children² are out of schools. Pakistan is ranked 161 out of 192 countries in the UNDP's Human Development Index 2023³ as it fell down seven slots as compared to the last years HDI. Pakistan's healthcare system is already overstretched as there are only 6 beds for 10000 people and one doctor for 1300 people. Average Pakistanis are receiving 8 years of schooling due to meager allocation of resources to both health and education sector. More than 70% of the population do not have access to the safe drinking water as well as appropriate sanitation facilities. The poverty and inequality is rising hence there remained huge gap in demand and supply of basic social amenities since its inception. Charity organizations are given much spaces to fill in this gap and they remained active and supportive in imparting parallel services delivery initiatives. On the other hand the civil society organizations who were and who are trying to highlight and facilitate the state institutions to address the systemic and structural challenges, creating, poverty, socio-economic and political inequalities, bad governance, lawlessness and militarization of society, corruption and illicit flow of funds, discriminations in the name of caste, creed, physical ability, income status, religion, gender and sexual orientations, are being unconstitutionally and illegally harassed and controlled by the state authorities time and again since long.

The fundamental difference among CSOs and the governments as well as other state institutions is on the predominant role of CSOs. Generally CSOs are expected to hold state and private sector accountable to ensure pro-poor, pro-people agendas at the forefront of policies and developmental as well as humanitarian actions. However, in Pakistan both state institutions and private sector expect sub-ordinate role of CSOs at all levels. They are extremely satisfied if CSOs are doing service delivery in filling the gap of state institutions while keeping mum on the nexus of state and private / corporates to whatever exploitation of society at large is possible.

¹ <https://www.worldometers.info/world-population/pakistan-population/>

² <https://www.unicef.org/pakistan/education>

³ <https://tribune.com.pk/story/2400318/pakistans-depressing-state-of-human-development>

The Review of Literature on Shrinking Civic Spaces

The issues of shrinking civic space and the challenges being faced by society in Pakistan in the policy documents of many multilateral and bilateral institutions and organizations, which acknowledge the role of civil society in national development and progress.

The importance of civil society organizations has been recognized in the policy briefs⁴ of Asian Development Bank which acknowledges that CSOs play a crucial role in promoting social development and democratic governance in Pakistan. Civil society has a vital role in holding the government accountable and promoting democratic participation. However, the development of civil society in Pakistan has been hindered by various challenges, including limited resources, weak institutional capacities, and a restrictive legal and regulatory environment. To address these challenges and support the development of civil society, the state can take several measures, such as:

- **Enabling environment:** The state can create an enabling environment for civil society organizations by removing legal and regulatory barriers and ensuring freedom of association and expression. Also by acknowledging the role of CSOs in national development through a formal policy statement.
- **Resource mobilization:** The state can support the development of civil society by providing funding, technical assistance, and other resources to help CSOs build their capacities in addition to enhancing their access to legitimate foreign funding and thus increase their impact.
- **Partnership:** The state can establish partnerships with civil society organizations to jointly address social, economic, and political challenges. This includes involving CSOs in policy formulation, decision-making processes, and monitoring and evaluation of government programs.
- **Transparency and accountability:** The state can promote transparency and accountability in its interactions with civil society organizations by providing timely and accurate information, and engaging in open and inclusive dialogue.
- **Monitoring and evaluation:** The state can establish effective monitoring and evaluation mechanisms to ensure that its policies and programs are effectively supporting the development of civil society.

The issue of shrinking spaces for society was also reviewed in the report titled “The Citizen Engagement in Pakistan - Final Report” by UKAID.⁵ The report provides an analysis of the state of citizen engagement in Pakistan and the impact of USAID-supported programs on promoting citizen engagement in the country. The report focuses on the efforts of UKAID to promote good governance, strengthen democratic institutions, and increase public participation in the political process in Pakistan.

⁴ <https://www.adb.org/publications/overview-civil-society-organizations-pakistan>

⁵ <https://www.gov.uk/research-for-development-outputs/citizen-engagement-in-pakistan>

The report highlights the challenges faced by Pakistan in promoting citizen engagement, including limited public awareness of their rights and responsibilities, weak civil society organizations, and a lack of government commitment to engage with citizens. The report also discusses the impact of UKAID-supported programs on promoting citizen engagement, including the development of citizen-led monitoring initiatives, capacity building for civil society organizations, and the promotion of transparency and accountability in government.

The report also provides recommendations for policymakers, civil society organizations, and other stakeholders to promote citizen engagement in Pakistan. The recommendations include the need to strengthen the capacity of civil society organizations to engage with citizens, improve access to information and increase transparency, and promote the active participation of citizens in the political process. The report is an important resource for those interested in promoting citizen engagement in Pakistan and the role of development organizations in supporting this goal.

The topic has also been taken up by many independent researchers and they have made significant contributions in not only identifying the challenges but also in recommending solutions for these critical challenges.

An important publication in this regard is the "[Towards Cohesive Civil Society in Pakistan: Collection of Research Articles on CSOs' Contribution Challenges & Trends, 2019](#)",⁶ which was published by NGORC. This publication is a collection of research articles that examines the role of civil society organizations (CSOs) in Pakistan and the challenges they face. The articles explore various topics such as the legal and regulatory framework for CSOs, the contribution of CSOs to social development, and the challenges facing CSOs in terms of funding, sustainability, and political influence.

According to the articles in the publication CSOs in Pakistan have made significant contributions to social development, particularly in the areas of education, healthcare, and poverty alleviation. They have also played an important role in promoting human rights, democracy, and social justice.

However, CSOs in Pakistan face a number of challenges, including funding constraints, sustainability issues, and political influence. They also operate in a challenging legal and regulatory environment, with stringent registration requirements and restrictions on foreign funding. Additionally, CSOs face threats from extremist groups and are often subject to surveillance and harassment by state authorities.

The publication highlights the need for a more enabling environment for CSOs to operate in Pakistan, including reforms to the legal and regulatory framework, increased funding and support, and greater protection for CSOs from threats and harassment. It emphasizes the important role of civil society in

⁶ https://www.academia.edu/39618508/Towards_Cohesive_Civil_Society_in_Pakistan_Collection_of_Research_Articles_on_CSOs_Contribution_Challenges_and_Trends_Main_Publication

promoting democracy and social justice, and the need for continued efforts to strengthen and support the sector in Pakistan.

The article "[The role of civil society organizations in the consolidation of democratic system of governance: the case of Pakistan](#)" by Shahid Habib & Zain Rafique⁷ discusses the important role played by civil society organizations (CSOs) in promoting democracy and good governance in Pakistan. The authors argue that CSOs are crucial in fostering democratic values, monitoring government performance, and advocating for human rights.

The article highlights the historical development of civil society in Pakistan and its evolution into a vibrant sector with a strong voice in shaping public policy. The authors also analyze the role of CSOs in various democratic processes, such as election monitoring and advocacy for political and social reforms. They argue that CSOs play a crucial role in strengthening democratic institutions, promoting transparency and accountability, and fostering public engagement in the political process. The authors also discuss the challenges faced by CSOs in Pakistan, including limited resources, lack of government support, and limited public trust. Despite these challenges, the authors maintain that CSOs have the potential to play an even greater role in consolidating democracy and promoting good governance in the country.

The article provides valuable insights into the role of CSOs in promoting democracy and good governance, with a focus on the situation in Pakistan. The authors argue that CSOs have a crucial role to play in consolidating democracy, promoting transparency, and fostering public engagement in the political process. The article provides important recommendations for policymakers, CSOs, and other stakeholders to support the growth and development of civil society in Pakistan and other countries.

Another article "[Social Accountability in Pakistan: Challenges, Gaps, Opportunities and the Way Forward](#)" by Fayyaz Yaseen⁸ provides an overview of the concept of social accountability and its importance in promoting good governance and strengthening democratic institutions in Pakistan. The author argues that social accountability is critical to ensuring that government policies and programs are responsive to the needs and aspirations of citizens.

The article highlights the challenges faced by Pakistan in promoting social accountability, including limited public awareness and understanding of the concept, lack of government commitment and support, and weak civil society organizations. The author also discusses the gaps that exist in the existing social accountability framework in Pakistan, such as inadequate legal and regulatory frameworks and limited access to information.

Despite these challenges, the author argues that there are numerous opportunities for promoting social accountability in Pakistan. For example, the author highlights the potential of new technologies, such as

⁷ <https://issrapapers.ndu.edu.pk/site/article/download/19/5/6>

⁸ <https://www.ijsrp.org/research-paper-1213.php?rp=P242038>

the internet and social media, in increasing public engagement and promoting transparency and accountability. The author also highlights the role of civil society organizations in promoting social accountability and calls for increased support for these organizations to help them carry out their work more effectively.

The author argues that while there are challenges and gaps in promoting social accountability in the country, there are also many opportunities to overcome these challenges and create a more accountable and responsive government. The article provides important recommendations for policymakers, civil society organizations, and other stakeholders to promote social accountability in Pakistan.

An other important article in this regard has been written by Muhammad Niaz Asadullah and Zaki Wahhaj and is titled "Nonprofits and Governance in Pakistan"⁹. The article examines the relationship between governance and nonprofits in Pakistan, with a focus on how nonprofits can enhance governance outcomes.

The authors contend that nonprofits have the potential to contribute towards better governance in Pakistan by promoting transparency, accountability, and citizen participation. Nonprofits can also deliver services and support to marginalized communities that may not receive adequate attention from the government.

Nonetheless, the authors point out that nonprofits in Pakistan encounter numerous obstacles, such as inadequate funding, a restrictive legal environment, and political intervention. These obstacles can limit the efficacy of nonprofits and hinder their ability to promote good governance.

The article underscores the significant role that nonprofits can play in advancing good governance in Pakistan, while emphasizing the requirement for a supportive legal and regulatory framework to enable nonprofits to function effectively.

An important and significant article has written by Sanchita Bhattacharya, "Civil Society in Pakistan: Functioning and Challenges"¹⁰. It provides a comprehensive overview of the development and functioning of civil society in Pakistan, as well as the challenges it faces. The author argues that the evolution of civil society in Pakistan has been influenced by a range of factors, including colonialism, authoritarianism, and external funding. Despite these challenges, civil society has grown in size and influence in recent years, and has played a key role in promoting democracy and human rights. However, Bhattacharya highlights several key challenges faced by civil society in Pakistan, including state repression, limited resources, lack of coordination, and a culture of dependency on external funding. The author concludes that while civil society in Pakistan has made important contributions to social change, it will continue to face challenges in the future. To address these challenges, Bhattacharya suggests the need for greater coordination among civil society actors, increased funding from domestic sources, and a greater focus on promoting grassroots activism and citizen participation. Overall, this article provides a useful overview of the functioning and challenges of civil society in Pakistan, and highlights the need for continued support for the sector to ensure its sustainability and effectiveness.

⁹ <https://www.tandfonline.com/doi/full/10.1080/00346764.2019.1578171>

¹⁰ https://www.researchgate.net/publication/301770523_CIVIL_SOCIETY_IN_PAKISTAN_FUNCTIONING_AND_CHALLENGES

If we have a look at all these resources, we can find some common threads and themes, which have been highlighted by the authors.

- State repression and security concerns: Many authors have highlighted the challenges that CSOs face due to state repression and security concerns, particularly in the context of the government's crackdown on terrorism financing. This has led to increased scrutiny of CSOs, particularly those receiving foreign funding.
- Limited resources: Many CSOs in Pakistan face challenges in securing adequate resources to carry out their work effectively. This includes challenges related to fundraising, as well as limited access to human resources, infrastructure, and technology.
- Lack of coordination: A lack of coordination among different CSOs has also been identified as a challenge, particularly in terms of duplication of efforts and a fragmented approach to addressing social and political issues and developing a common voice.
- Dependency on external funding: Many CSOs in Pakistan rely heavily on external funding, which can make them vulnerable to changes in donor priorities and funding flows. This can also lead to a culture of dependency on external funding, rather than building more sustainable models of funding.
- Weak internal governance: Weak internal governance structures have also been identified as a challenge for many CSOs in Pakistan, particularly in terms of financial transparency, accountability, and management capacity.
- Regulatory barriers: Many CSOs in Pakistan face regulatory barriers that impede their ability to operate effectively. These barriers can include burdensome registration requirements, complex reporting procedures, and restrictions on foreign funding.
- Limited capacity for advocacy and mobilization: Many CSOs in Pakistan lack the capacity to engage in effective advocacy and mobilization, particularly at the grassroots level. This can limit their ability to influence policy and affect social change.
- Cultural and social barriers: Conservative cultural and social norms can make it difficult for CSOs to address sensitive issues, such as gender equality, reproductive rights, and LGBTQ rights.
- Limited access to information: Many CSOs in Pakistan struggle with limited access to information (in spite of Access to Information legislation), particularly on government policies and decisions. This can make it difficult for them to advocate for their causes effectively.

These challenges reflect the complex and multifaceted nature of the civil society sector in Pakistan, and the need for continued attention and support from policymakers, development partners and other stakeholders to address them effectively.

The Emergence of Modern World NGOs in Pakistan

Pakistan's organized civil society sector has grown exponentially in terms of size and influence. According to Pakistan Centre of Philanthropy, there are around 55000 registered CSOs in Pakistan.¹¹ According to a report by the Pakistan Centre for Philanthropy, the growth of civil society organizations (CSOs) in Pakistan has been uneven over the years. The report highlights two distinct growth periods for CSOs in Pakistan: the 1980s and the post-9/11 era. The 1980s saw the emergence of human rights and women's rights organizations, while the post-9/11 era led to the growth of organizations focused on development and disaster relief.¹²

Despite this commendable growth in the face of obstacles, there are a number of serious issues— state security concerns, poor financial transparency, development partner dependency, management capacity, and internal governance—that currently afflict the sector and will continue to hamper its efforts to serve as an effective partner of the state and business sector in delivery of services. Because of these issues the civil society has also struggled to emerge as an effective counterpoise of the state in checking its excesses.

Laws and Frameworks to Control & Regulate NGOs Sector

CSOs are being registered and controlled through various different laws and procedures through federal and provincial ministries, provincial home departments and district governments

- i. **Societies Registration Act 1860** – being implemented through Industries and investment promotion department at District level. The most important point is that *Madaris (religious seminaries)* and *Masajid (mosques)* are also being registered under the same law following the same procedures however neither CSOs nor Masajid/ Madaris were held accountable. There is no national study on compliance of Madaris / Masajid / CSOs registered under this law if they have ever submitted their audit reports /annual activities report and details of their board of governors / directors / members except few. The question is **why CSOs / Madaris / Masajid are being registered under the same law whereas there is a hell of difference between the working and objectives of both?** Both are having contrary objectives to each other? *Madaris* are promoting intolerance, extremism and *Jihadism* whereas CSOs are promoting culture of tolerance, pluralism to have egalitarian society.
- ii. **Social Welfare Agencies Registration and Control Act 1961-** A vast majority of NGOs in Pakistan and in southern Punjab districts are registered under this law however most of them are non-functional. **No independent evaluation of the working of social welfare department has ever conducted to ascertain the performance of these organizations as well as the department.** Most of the organizations registered under this law are operating in their respective districts. These organizations are working at the pleasure of district governments at voluntarily basis.

¹¹ <https://pcp.org.pk/>

¹² https://pcp.org.pk/wp-content/uploads/2017/11/State_of_Civil_Society_in_Pakistan_2016.pdf

- iii. **Section 42 of Companies Ordinance 1984/ Companies Act Under SECP**- Very few organizations are registered under this law because the regulations under this law are strict and control mechanisms are much efficient than the other laws in the country. However the common people of this country are unable to get their CSOs registered under this law as only influential can fulfill their requirements for registrations. Most of the private sector for profit firms, companies, industries are able to get their foundations registered under this law to save their Corporate Social Responsibility (CSR) money. For example Engro Chemicals Private Limited has their Engro Foundation for saving taxes and CSR likewise there are several hundred registered not for profit companies are operating in Pakistan under this law. Furthermore a great number of international funds/ grants management for profit companies like DAI, MSI, Adam Smith International, JSI and others are operating in Pakistan as companies under SECP and running their programs.
- ii. **Trust Act 1882**- Many influential families and religious groups are operating their Trusts under this Act. The government regulations and controls over such bodies are much weaker than other laws.
- iii. **Cooperative Societies Act 1925**- Many CSOs, housing societies, charitable institutes and micro finance organizations are operating under this law. This law was abundant in Punjab after Taj Company Scam in early 90s, however district level government initiated the implementation through their Executive District Officers for Community Development again in 2001.
- iv. **Local Government Ordinance 2001**- Community based organizations, Citizen's Community Boards (CCBs) were registered under this ordinance and are being governed through social welfare department at district level. District/ Tehsil/ Union Councils are implementing their developmental projects through CCBs since 2001.
- v. **Charity Commissions**: After 18th Constitutional Amendment in 2010, social welfare, women development, rural development and 27 other ministries, departments and divisions were devolved to the provinces. Therefore the provinces decided to have their fresh laws to regulate and control civil society sector. All the four provinces and regions like Islamabad Capital Territory (ICT), Azad Jammu & Kashmir (AJ&K) and Gilgit Baltistan (GB) have their separate Charity Commission Laws. The CSOs that wishes to operate in all provinces and regions will have to take seven registrations otherwise they cannot operate directly. There is no cohesion and coordination among these seven charity commissions in terms of facilitation and to avoid overlapping roles. CSOs have to be registered under any of the aforementioned law to get registration with Charity Acts. This is mere duplication of efforts and resources. The registration with Charity Commissions is online therefore this is said that the data of office bearers and bank details are directly connected with National Counter Terrorism Authority (NACTA) and Financial Action Task Force (FATF).

Economic Affairs Division (EAD)- All local / national CSOs who are seeking foreign funding are required to get themselves re-register and sign an MOU with EAD. This process is cumbersome and the documents of the concerned CSOs are being distributed for clearance to all over Pakistan in almost 27 security agencies for scrutiny and clearance, no matter the concerned CSO operates in that particular region or not. This process creates delays and ambiguities in the eyes of CSOs as non-concerned agencies and departments do not know about their operations in the fields where concerned CSOs are not operating.

- i. **Ministry of Interior (MoI)** – This has been recently announced that all INGOs operating in the country should get MOU and NOCs of their projects/ programs from Ministry of Interior -MoI. The INGOs should also get the approval of the local partner organizations from MoI. This process is also quite cumbersome and it delays the implementation of programs and interventions of the INGOs in the country. The most interesting fact is that this process also create mistrust upon the local / national CSOs and hinders localization as the INGOs are given permissions for direct implementation in the field. Generally the role of INGOs is expected to build the local capacities and strengthen civil societies instead expanding their operations at district and town levels.
- ii. **NOCs from Provincial Home Departments-** All the CSOs/ INGOs are also required to have No Objection Certificate (NOC) from the provincial home department prior to the commencement of any project/ activity in the territory of the province. This process again asks for the details already communicated to the concerned departments through above mentioned departments and regulatory processes.
- iii. **NOCs from District Government** –All district governments also restrict the operation of local CSOs/ INGOs while they start implementation at the district level until they obtain an NOC from the concerned Deputy Commissioner/Executive District Officer.

The Scrutinization of NGOs in 90s

The civil society sector was much vibrant in Pakistan in late 80s (after the demise of General Zia ul Haq in 1988) and early 90s (post Afghan/Russia war) however second hybrid regime of Benazir Bhutto, the first women Prime Minister of Pakistan, introduced the new regulatory frameworks and scrutinization processes under a coercive law to control civil society sector across the country. Many organizations were forced to close their operations between 1994-1998. Civil society sector however fought back and **Pakistan NGO Forum (PNF)**¹³ was formed in 1994. CSOs from all over Pakistan expressed their apprehension about the new law. CSOs were of the view that new law can adversely affect the positive development work and human rights actions. So the concept of a unified, collective and representative CSO platform was born with the aim to shield against negative portrayal of CSOs and draconian governmental actions. While this concept was still being discussed and debated the Government unveiled the Social Welfare Agencies Control Act 1994. This act allowed the state machinery to interfere in the work of CSOs and provided for putting limitations on CSO activities. For the sake of collective voice against this law, the need for a representation platform of CSOs became inevitable. Representatives of various federal and provincial forums of PNF initiated the dialogues with Dr. Sher Afgan , Federal Minister Social Welfare & Women Development in the Cabinet of Benazir Bhutto and Pir Binyameen Rizivi, Provincial Minister for SW&WD in the Cabinet of Chief Minister of Punjab Mian Nawaz Sharief and consequently pushed them successfully to take back such draconian law. Benazir Bhutto's government was ousted by her own handpicked President Farooq Laghari and Mian Nawaz Sharief took over as Prime Minister after manipulated elections with the support of military establishment. Mian Nawaz Sharief however also tried to bring back the same law again but his regime ended in 1999 after a *quo'd etat* by General Pervez Musharraf.

¹³ <https://ngospk.webs.com/>

The Musharraf Regime & CSOs

General Musharraf introduced devolution of power and empowered local governance system. Citizens Community Boards were launched through local governments and citizens organizations were given financial support to run the affairs of social amenities at local level. Demands of CSOs like 33% seats for women in local bodies and 17% representation of women in federal and provincial parliaments were met. *Hudood* Ordinances, imposed by General Zia ul Haq to introduce Shariah laws and clauses in parallel to Pakistan Penal Code-PPC, were repealed. CSOs leaders were engaged in various human rights and developmental programs and official committees. Resultantly many of the Pakistan NGO Forum leaders joined the Musharraf's cabinet, as well as provincial governments cabinets, commissions and committees. Therefore, PNF was slowly became redundant and eventually lost the interest of its founders, well-wishers and members. CSOs were given enabling environment to grow and strengthen. No new laws and frameworks were introduced rather the implementation on existing laws were made flexible, friendly and growth oriented. Many new CSOs emerged and worked across the country without major challenges. The impact of such enabling environment for CSOs was healthy and productive for overall socio-economic development and political empowerment in Pakistan by all means. The phenomenon of enforced disappearances started in 2001 in Pakistan and CSOs by an large did not have capacity to understand this with human rights lens therefore the Musharraf regime remained positive for them and no major difference appeared until 2007 when Musharraf imposed emergency and constitution was held in abeyance.

The Mushroom Growth & Transformation of CSO Sector -Earthquake 2005

The devastating earthquake in many parts of the country in 2005, especially in AJ&K, Khyber Pakhtunkhwa and Balochistan originated the mushroom growth of CSOs in Pakistan whereas those who were working on rights based agendas transformed themselves in to the service delivery organizations and facilitated the earthquake affected population through their rescue, relief, rehabilitation and reconstruction operations and programs. Many INGOs also joined hands with government and local CSOs without any major challenge. UN agencies also played active role of facilitation for local CSOs, INGOs, bilateral and multilateral donor agencies etc. The CSOs registered in any part of the country were allowed to serve in the earthquake affected areas and local, provincial and federal governments were facilitating them by all means.

The Crackdown on CSOs Begins with the Movement for the Independence of Judiciary

In 2006, General Musharraf cracked down on the judiciary and de-seated the then Chief Justice of Pakistan, Chaudhry Muhammad Iftikhar as he refused to extend Musharraf's unlawful and unconstitutional declaration for the emergency in the country. The Chief Justice was right in his understanding that "if we give the judicial legitimacy to the General Musharraf's emergency declaration any further it will extend the military rule for another term in the country". The civil society at large including CSOs, lawyers, media, traders and people from all walks of life supported the "lawyers movement" which they call the movement for the independence of judiciary and rule of law in the country. The then military government started noticing the role of CSOs and tightened the regulations and control for the movements and community operations of CSOs. However, soon General Musharraf was compelled to announce the general election and resultantly Pakistan People's Party Parliamentarians (PPPP) was invited for the formation of government being majority party in Parliament. PPPP government led by Prime Minister Yousaf Raza Gillani, reinstated the ousted Chief Justice Chaudhry Iftikhar.

Expansionism of INGOs in Pakistan – Flood 2010

The countrywide floods devastated 20% of land in all the four provinces and regions of AJ&K and GB. 1700 people were killed, there was huge loss of crops, livestock and properties. 20 million people were displaced, 1.9 million houses were severely damaged causing billions of dollars loss to the economy of the country.¹⁴ The government institutions in more than 67 districts were totally paralyzed and their functions were shattered. Therefore the government called for the national CSOs and INGOs and other international community to come forward for support. At one hand there was again mushroom growth of local CSOs happened across the country to support flood affected communities and on the other hand INGOs were encouraged to expand their operations at districts and towns level because the local CSOs did not have that much of capacity and ability to deal with the gigantic tasks for rescue, relief, early recovery, rehabilitation and reconstruction phases of the support operations and programs. Many of the local CSOs criticized the expansion of INGOs at local level because they were losing their trained staffs as well as finances. INGOs hired local trained staffs from the CSOs on hefty salaries and additional privileges and perks whereas most of the funding agencies were reluctant to pay the similar packages to local CSOs so as they have offer the same packages and perks to retain their staffs for quality implementation to attain higher levels of outputs, outcomes and impacts.

Abbottabad Commission Report -2013

Osama Bin Laden (OBL) was killed by U.S. special forces between the night of 1-2 May 2011 at Abbottabad, a district of Khyber Pakhtunkhwa Pakistan. Government constituted a commission led by retired Judge of the Supreme Court of Pakistan to submit the investigation report to ascertain causes of the matter on July 5, 2011. The commission was known as “Abbottabad Commission”, the commission submitted its report in 2013 however the report was not made public yet. Whereas a true copy of the report¹⁵ was available through Aljazeera TV. One of the finding of the report highlighted that an INGO staffer played an important role in reaching to OBL compound. It was in the aftermath of the report when security agencies started cracking down the local and international NGOs working across the country. The alleged INGO operations were stopped and other related partners were also passed through extensive scrutiny and surveillance.

NGO Policy 2013 by Economic Affairs Division

In a bid to tighten the control over INGOs and CSOs getting foreign contributions, the first NGO Policy in Pakistan was introduced in 2013. The purpose of the **NGO Policy 2013**¹⁶ was set to provide a regulatory framework for the functioning of non-governmental organizations (NGOs) in the country. The policy was aimed at promoting transparency and accountability in the sector, and ensuring that NGOs operate within the legal and regulatory framework of the country. The need for the NGO Policy in Pakistan arose due to concerns about the transparency and accountability of NGOs operating in the country, and their alleged involvement in activities that were deemed to be against the national interest. The policy was designed to address these concerns and provide a clear framework for the functioning of NGOs in the country.

¹⁴ https://www.finance.gov.pk/survey/chapter_11/Special%20Section_2.pdf

¹⁵ [file:///Users/zia-ur-rehman/Desktop/AbbottabadCommissionReport_Aljazeera%20\(1\).pdf](file:///Users/zia-ur-rehman/Desktop/AbbottabadCommissionReport_Aljazeera%20(1).pdf)

¹⁶ https://www.ead.gov.pk/SitelImage/Misc/files/iii_%20NGOs%20Policy%202013.pdf

However, CSOs raised concerns regarding the restrictive provisions of the policy. The CSOs also demanded effective but simpler regulation and the establishment of a “one window” mechanism, for CSOs to comply with the necessary administrative, financial and reporting requirements.

Army Public School Peshawar Massacre – 2014

In the deadliest terror attack in the country's history, 131 schoolchildren and 10 other school staffers were martyred when heavily armed militants stormed the Army Public School building in Peshawar on December 16, 2014. The two members commission comprised of retired Supreme Court judges held the inquiry of the incident. The commission report¹⁷ is available online however officially the report has yet to be made public in spite of the orders of the Supreme Court of Pakistan on September 25th 2020.¹⁸ The APS incident also badly impacted the work of CSOs in Khyber Pakhtunkhwa particularly and across Pakistan generally. The security agencies alleged that local CSOs and INGOs are involved in terror financing. Afterwards, the scrutiny of local CSOs and INGOs in Khyber Pakhtunkhwa province was further tightened.

National Action Plan 2014

In the aftermath of APS attack in Peshawar, National Counter Terrorism Authority (NACTA) was established under the chairmanship of Prime Minister. NACTA proposed 20 points National Action Plan¹⁹ against terrorism and rising extremism. The plan was later approved by the Parliament of Pakistan and CSOs across the country welcomed the plan and assured their all-out support towards its implementation in letter and spirit to curb the terrorism and address challenges of extremism at large. Although the formation of military courts for the trial of alleged terrorists was a point of concern for many local human rights CSOs however it was clarified through the Parliament that the permission of military courts was for limited time of two and the law will die down following sunset clause of the Constitution of Pakistan. It was also expected that CSOs will be engaged in soft components of the NAP 2014 like countering hate speech, abuse of social media by religious fanatics and sectarian groups as well as revamping and reforming criminal justice system of the country. But unfortunately the government and the security agencies misused the powers under NAP 2014 and started harassments, surveillance and strict scrutiny of CSOs under the pretext of choking terror financing and terrorist organizations. Banks started closing the accounts of CSOs and the field operations of many CSOs and INGOs were halted through NOC regime. Every organization either local or global was restricted to enter in to any community, engage with any government body until and unless have No Objection Certificate (NOC) from concerned authorities. There were multiple authorities at local, provincial levels for the issuance of NOCs and the processes were extremely cumbersome. As a result many INGOs and local CSOs stopped their operations and started limited actions in the field. The NAP 2014 now been revised as NAP 2021²⁰ yet the implications on INGOs /CSOs are same and compliance procedures are further tightened.

¹⁷ <https://dailyaftab.pk/wp-content/uploads/2020/09/APS-Commission-Report.pdf>

¹⁸ <https://tribune.com.pk/story/2265567/sc-orders-to-make-aps-judicial-commission-report-public>

¹⁹ <https://nacta.gov.pk/nap-2014/>

²⁰ <https://nacta.gov.pk/revised-national-action-plan-2021-2/>

INGO Policy 2015

Based on the findings of Abbottabad Commission Report, government decided to further tighten the control and regulate the working of INGOs in the country. As a first step INGOs were separated from generic NGO policy 2013 and a new INGO policy 2015²¹ was launched under the aegis of Ministry of Interior. The purpose of the policy was to restrict INGOs to expand their work at district level, take prior approvals and NOCs for their projects and programs, selection of local partners etc. They were also restricted to work on rights based agendas, women and transgender rights, sexual minorities and peace building etc. The INGOs mandated Pakistan Humanitarian Forum (PHF)²² to negotiate with MOI and other related government departments to create enabling environment for the operations of INGOs in the country. PHF is the representative body of 42 INGOs in Pakistan and it has been working since 2003. However the PHF remained unsuccessful in reclaiming space for INGOs in particular as well as for CSOs sector in the Pakistan in general.

Withdrawal of NPO Status & Imposition of Tax through Finance Bill 2017-18

There was a clause in the Finance Act that CSOs may be given Not for Profit Organization (NPO) status. This was the authority of Commissioner Inland Revenue at Federal Bureau of Revenue (FBR) to assess the quality and transparency of CSO's operations,²² finances and programs to allow NPO status under article 2(36) of Income Tax Ordinance 2001. The benefit of getting NPO status is to attain the eligibility for tax exemption. This means that NGO/CSO income is regarded as "grant in aid". Government repealed this clause from the Finance Act through Finance Bill 2017-2018 and withdrew the NPO status of all CSOs and imposed the 1% tax on all grant incomes of the CSOs and 10% on surplus restricted funds. CSOs including [Pakistan Development Alliance](#) raised their concerns through letters/media to reject excessive taxation of non-profit sector.²³ As a result, the excessive taxation was withdrawn and NPO status was reinstated but every CSO has now to apply for NPO status on yearly basis. Today many CSOs get their NPO status after bribing the FBR officials otherwise the CSOs are advised to get themselves evaluated by an independent authority or organization. NPO status is also mandatory for the submission of application to get MOU Economic Affairs Division-EAD. Pakistan Centre for Philanthropy (PCP)²³ has been recognized as third party by FBR for the external evaluation of CSO to be considered as NPO. Whereas PCP also charges heavy fee from local CSOs and INGOs in lieu of assessment.

Implications of Financial Action Task Force -FATF-2018

Pakistan was placed under grey list of FATF in June 2018²³ for increased monitoring to control money laundering and terror financing. Some of the points for adherence at national level were also related to non-state actors and CSOs. The compliance of such clauses might have been done without any doubt in mind regarding the operations of local CSOs however the security agencies and other related

²¹ <https://www.ead.gov.pk/SiteImage/Misc/files/NGO's%20Policy%202015.pdf>

²² <https://pakhumanitarianforum.org/>

²³ <https://www.thenews.com.pk/print/209728-NPOs-reject-excessive-taxation-on-n>

²⁴ <https://pcp.org.pk/>

²⁵ <https://rsilpak.org/fatf/>

government departments took the advantage of such clauses to blackmail and maltreat CSOs and their leaders. Although none of the local CSO have been proved to be found guilty of money laundering and terror financing during the scrutinization process of CSOs and INGOs yet the mindsets of security officials remained polluted against CSO sector. Charity Commissions were introduced in all the four provinces and regions to re-register all CSOs / NGOs through online processes. These processes also opened up new ways for security agencies, home departments, registration authorities to harass CSO leadership and their colleagues through false accusations like corruption, money laundering and terror financing etc. The database of all the charity commissions is directly linked to NACTA and FATF for the purpose of monitoring. Banks were directed through State Bank of Pakistan to monitor the risks of money laundering / terror financing through CSOs accounts. Now bank receives or allows to withdraw funds without the MOU of concerned CSO with EAD. Unfortunately those CSOs who are not getting foreign contributions they are also facing challenges to operate their accounts through banking channels as the local banks don't have understanding on the working of CSOs and they treat all NGOs/ CSOs with a suspicion of foreign agents and anti-religion as well as anti-national actors.

Closure of INGOs -2018

Since the commencement of INGOs policy 2015 under the aegis of Ministry of Interior many INGOs winded up their operations from district level and restricted themselves to national and provincial level. However their programs and projects were critically disturbed because of the delays in approvals of their MOUs with MOI and NOCs from the concerned departments and district governments. Most of the INGOs also faced challenges in selecting their local partner organizations. All the INGOs operating in Pakistan were expected to sign MOU with MOI with in the period of 90 days and in case their application is rejected by the concerned authority they could appeal to the same authority. If the appeal was also rejected than there is no permission to operate in the country.

In December 2018 all together 18 INGOs including ActionAid, Plan International, Rutgers etc. were given final notices to shut down their operation from Pakistan.²⁶ Moreover 20 other INGOs were in the waiting list with a risk of expulsion from the country soon. Today no INGO focuses on human rights, freedom of expression, freedom of assembly, women rights etc. however those who work on rights are usually selecting comparatively mild agendas and not critically engaging on civic rights and spaces. Most of the INGOs are now operating for humanitarian actions and services delivery. Support role of INGOs for rights based agendas have totally been controlled and managed through the draconian clauses of INGOs policy 2015. The appeal of Pathfinders USA was also dismissed and they were asked to wind up their operation in 60 days. Pathfinders local reps decided to appeal in the Sindh High Court. In spite of repeated notices MOI reps never appeared in the court except the last day of the judgment. The division bench of Sindh High Court finally asked the special committee of the MOI to consider the appeal of Pathfinders again.²⁷ This was ridiculous decision therefore the Pathfinders decided to leave instead wasting time and energy.

²⁶ <https://www.civicus.org/index.php/media-resources/media-releases/3670-pakistan-shuts-down-and-kicks-out-18-international-ngos-with-20-others-facing-expulsion-2>

²⁷ <https://caselaw.shc.gov.pk/caselaw/view-file/MTM1MjkyY2Ztcy1kYzgz>

Sindh High Court Decision on NGO Policy 2013

NGO Policy 2013 was also challenged by Marie Stopes Society-MSS in Sindh High Court as their bank accounts were ceased by the Bank. MSS prayed the court to set aside the policy for regulation of organizations receiving foreign contributions vide Notification No. I(5)INGO/05 dated 28-11-2013 and declare the same as issued without lawful authority and is void ab initio and non est; MSS also prayed to restrain the respondents from impeding, hindering or interfering with the Petitioner's functions and operations on the basis of the 2013 NGO policy or otherwise. The case was filed in 2019 and it took two years to get a decision by the court. The Sindh High Court's division bench announced that EAD has no constitutional strength, legislative mandate or legal sanctity or backing of enabling law as such does not carry any weight. We therefore arrived at an irresistible conclusion, that the impugned notification / policy dated 28-11-2013, is of no legal effect.²⁸ The decision of Sindh High Court was warmly received by the civil society and human rights sector at national and global level. The EAD and other concerned government stakeholders did no appeal against SHC however, they continued pushing CSOs to sign MOU under the same policy until October 2022. In the meanwhile TWO notification were issued to relax the MOU policy for humanitarian NGOs receiving foreign contributions during COVID 19 period in 2019-2020,²⁹ and after monster monsoon floods in July and August 2022.³⁰

Revised NGO Policy 2022- by Economic Affairs Division

In the light of the decision announced by Sindh High Court, NGO policy was revised by the Economic Affairs Division in 2022 and was formally approved by the Cabinet on 11th of November 2022 whereas the office memorandum was issued on 24th of November 2022.³¹ CSOs were consulted un-meaningfully prior and in between the formulation of the new policy however their submissions were not given any consideration. Therefore almost all the human rights as well as civic rights organizations rejected the new policy with their written concerns. Joint Action Committee (JAC) has decided to challenge NGO policy 2022 in Islamabad High Court.³²

Current Challenges of CSOs Working in Pakistan

Pakistan Development Alliance engaged CSOs from all across the country including AJ&K and GB through online survey on civic rights and spaces as well as by organizing consultative meetings with CSOs, concerned government departments, security agencies and other related stakeholders. Almost 431 CSOs took active part in responding to the civic rights and space survey – Annexure-I and 231 CSOs and reps of concerned regulatory departments attended the 14 consultative meetings.

²⁸ <https://caselaw.shc.gov.pk/caselaw/view-file/MTU3MDcxY2Ztcy1kYzgz>

²⁹ <https://www.brecorder.com/news/583981>

³⁰ <https://propakistani.pk/2022/08/22/ngos-exempted-from-signing-mous-with-ead-for-flood-relief/>

³¹ <https://ead.gov.pk/SiteImage/Policy/NGOs-Policy-2022.pdf>

³² <https://voicepk.net/2022/12/jac-to-move-court-against-new-ngos-policy/>

Pakistan Civic Space Monitor

Based on the findings of the civic space survey and consultative meetings first ever [Pakistan Civic Space Monitor](#) was developed and launched in May 2022. The PCSM declares that the overall civic space in Pakistan is **Obstructed** with 41 score whereas the right to freedom of speech and assembly is **Repressed** with 37 score, freedom of information & dissemination is **Repressed** with 38 score, rule of law is **Obstructed** with 41 score, governance, accountability and meaningful public participation is **Repressed** with 40 score.

The following major challenges were highlighted by the CSOs during Consultations.

- a. The first and foremost challenge is the definition of civil society which has not been agreed upon yet. Different stakeholders define it differently with their own lens.
- b. The Financial Action Task Force requirements have compelled the Govt and law enforcement agencies to have a keen eye on the NGOs or INGOs making things tough for the CSOs.
- c. Shrinking civil society space in Pakistan. The concept of vibrant civil societies and the socio-economic progress of the marginalized factions is eking out.
- d. The complex verification processes. The unreasonable or consciously created barriers not only making the donor reluctant but sometimes they even back out. This verification process should be made transparent, simple and easy so that the CSOs and their potential donors never feel troubled.
- e. There is a perception that the Madrassa system in Pakistan is deep rooted and has been for a long. Their system of rules and procedures and operational dynamics have often been ambiguous and away from the public eyes. But in contrast NGOs and INGOs have been contributing in open to the national growth and progress but yet face numerous challenges.
- f. There is a climate of mistrust and gap between the government and the CSOs. The inconsistent efforts between the both partners to fill the gaps have widened the gulfs between the two.
- g. The law enforcement agencies incapacitate to understand and CSO role, acknowledge the working dynamics and operational mechanisms of the CSOs.
- h. Diminishing of the right based organization is happening swiftly. Rights based organizations both INGO/NGOs are being shut down so that no reform voice could be made.
- i. Democracy is not mere elections. It is a way of life. Democratic norms not being practiced by the Civil Society Organizations themselves.
- j. Absence of a collective bargain institution prevents CSOs from being united under one platform.
- k. The conditionalities by the registration process; first by Security and Exchange Commission of Pakistan and then the consent by the law enforcement agencies while engaging often in exhausting and unneeded processes make the registration process more extremely difficult for the CSOs.
- l. This is important to learn that our governments of various levels and security agencies are unable to understand the difference between various types of NGOs/ INGOs/ for profit funding companies working in the non-profit sector / grants management companies and bilateral and multilateral donor agencies. Government departments and security agencies are dealing with all of them with similar policy actions and regulatory measures, which are creating confusions at ground level.

- m. A local registered NGO has to get THREE to FOUR NOCs to operate and the process for the NOCs issuance is quite cumbersome.
- n. The staffs of security agencies are illiterate and incompetent who are unable to understand the socio-economic sufferings of people and vary spirit of NGOs work.
- o. NGOs are also jack of all trades and master of none: An NGO operating in education sector may also intervene in the health sector or environment sector or any other sector where the funding is available
- p. INGOs are free to operate anywhere in Pakistan. They are also operating at districts and Tehsil levels with their **highly secured** field offices directly without having any liaison and coordination with the local NGOs. This type of direct intervention of INGOs increases the security risks. INGOs should be restricted at national levels and must be encouraged to work through the local NGOs to ensure cost efficiencies, sustainability and zero compromise on the security issues
- q. There are several duplication of efforts in the regulations of NGOs / INGOs and donor agencies in the form of seeking multiple NOCs. For example for one project INGOs are applying for NOCs from Ministry of Interior (Moi) and local NGOs are also advised to get NOCs from Economic Affairs Division (EAD), Provincial Home Departments as well as from district governments. For one project only one NOC / MOU should be suffix.
- r. Almost all Security Agencies are dealing with the NGOs / INGOs for their clearances and NOCs/MOUs and this is also creating a lot of confusions among this sector. These agencies influence the decisions on NOCs/MOUs as per their understanding and thus the decisions are being delayed.
- s. Those NGOs who are doing government led projects get more support than those who are working independently with donor funding. This means the civil society spaces are shrinking and no civil and political discourse is allowed at grassroots level. Such kind of restrictions will create huge gap between state and society thus enhances the violent behaviors and deprivation in the society at large.
- t. Corporates and private sector organizations are running their own charitable organizations to save taxes and doing misuse of their Corporate Social Responsibility (CSR) money.
- u. Retired and serving influential from all walks of life including army and political fraternity are running their NGOs and patronizing NGOs and such NGOs are free to operate anywhere without any need of NOC/MOUs or they get the required permission quickly.
- v. Grants and funds management companies are operating in the development and humanitarian sector and earning lots of money.
- w. Due to the growing restrictions of the government and agencies most of the international, bilateral and multilateral donors are operating through funds / grants management companies like DAI, MSI, JSI, Adam Smith and alike. These companies have recruited experience leaders of the NGO sector on hefty salaries however their work at grassroots level is extremely controversial and poor. In some cases these companies are promoting corrupt practices
- x. The authorities and departments who are responsible to regulate and control the NGOs are weak, incompetent and their officials/ officers are operating with outdated knowledge and experience

- y. The NGOs sector is considered as independent think tank sector in the world and they work in facilitation to their respective governments however in Pakistan the mistrust between NGOs and the government / agencies is on the rise.
- z. This may be interesting to mention that almost all the governments in global south, particularly in south Asian region, are hard to the NGOs sector however they have introduced rationale policies and strategies as compared to the governments and agencies in Pakistan.
- aa. The current policies towards the NGOs are irrational, confusing and disgusting. Almost 3 million families have been affected due to the closure of local NGOs and thus Pakistan is losing millions of precious foreign exchange as well as earning a bad name across the world for poor conditions of freedom of expression, assembly and association.

Reasons and apprehensions of government / security agencies regarding NGO/INGOs

There are several reasons and apprehensions shared by government as well as security agencies representatives regarding CSOs/NGOs/INGOs

- I. **NGOs/INGOs are anti state, anti-national, anti-religion, agents of west and promote anti-social and cultural agendas in Pakistan** – Such derogatory statement has never been given for any other type of organizations/ money looters / plunderers / religious groups who are freely operating in the guise of for profit agencies/ religio-political parties etc. in Pakistan.
- II. **NGOs/INGOs invest a lot on operational costs instead of programs.** This may be true for some who are operating in federal and provincial capitals however those who are operating at grassroots level are barely managing their operational costs with in the ambit of 10-20% of the total program costs.
- III. **NGOs / INGOs are transferring data and misusing information and providing the same to international agencies.** The NGOs / INGOs are mostly using government's own data for sensitization of the public.
- IV. **NGOs/INGOs are facilitating anti state elements/ visitors through their interventions.** This may also be true in some cases but none of the person visiting Pakistan may enter without the immigration and permissions from the security agencies. The systems to give entry as well as surveillance of their movement after their arrival need to be prepared carefully. NGOs/INGOs do not have any idea about those who are operating indifferently through their systems.
- V. **NGOs/INGOs are getting foreign direct funding and this may be used for the terrorism / extremism and creating law and order situation in the country.** This may not be possible as donor funding is open, transparent and accountable at various tiers. This is not possible to use the funds otherwise to the stipulated purposes.

Recommendations and Way Forward

The following are certain policy & practice level suggestions to improve the situation for smooth working of CSOs/ NGOs and INGOs in Pakistan. The suggestions are developed based upon recommendations derived from consultations. The suggestions are also extracted after studying other regional and global government models.

- a) There is a dire need to have one law and department/ regulatory body for the registration and control, monitoring and regularization of NGOs/ INGOs/ UN agencies and other charitable institutes in Pakistan. All other laws and control regulations should be abolished .
- b) Establishment for a one-window system for CSOs, digitalization and integration of different registration regimes. Might be done through establishment of a single Islamabad based platform which should look after the matters of the Civil Society Organizations. Currently, the Economic Affairs Division, Labor Department and many other organizations and their hierarchies have made it both complex for organizations to get registered and run their affairs.
- c) One security agency should be responsible to give clearance for the operation of NGOs/ INGOs instead of several security agencies. The staffs of the Security Agency should be highly qualified and specially trained for the purpose to have abilities for strategic analysis of national, regional and global developmental and human rights agendas.
- d) One central regulatory body should be established at national level and members and staff of the regulatory body should be appointed through open merit. The regulatory body may have powers to monitor the projects / programs of NGOs / INGOs/ funds and grants management companies. No funds should be allowed to be used by the NGOs/ INGOs/ funds management companies over and above the approved mandate and budget as approved by the funding partner.
- e) The government should open up Corporate Social Responsibility (CSR) Fund through a legislation to invite all Corporates / Private Sector Companies to contribute mandatory 7% of their net profits in the National CSR Fund. The Fund shall be utilized through local NGOs for public good as per the approvals of the regulatory body.
- f) All the bilateral, multilateral and development sections of foreign embassies should fund their grants to local NGOs /CSOs only to strengthen localization, innovation and community led developmental models.
- g) NGOs and *Madaris* / registration of religious groups should be treated differently under different laws and policies
- h) No INGO should be given permission to operate directly in any area of Pakistan whereas they should operate through local NGOs and local Charitable organizations and government departments. INGOs should have only one Office in Islamabad and they should not have any permission to have their filed offices at provincial or district level. Such action will strengthen local civil society.

- i) Local NGOs/CSOs should be given permission to freely operate in their respective provinces and if there is any desire to operate in other province then the said NGO should also take prior permission from the regulatory body.
- j) Once NGOs/ INGOs are cleared by the relevant security agency/ regulatory body then they should be given free space to implement their approved programs/ projects freely without any requirement of further project wise approvals from federal, provincial and district level governments and their respective departments.
- k) Holding governments, private sector and global corporates accountable, sensitization and mobilization of masses in the interest of state and society is the democratic right of civil societies therefore the civil society organizations should be given space to operate under the ambit of Constitution of Pakistan
- l) CSOs need to protect themselves from cyber-attacks and propaganda campaigns. These maligning propagandas not only harm the organizations but leave a bad impression of the overall institution.
- m) CSOs need to do their homework effectively and efficiently to fulfill lengthy compliance requirements. Good homework by the CSOs will make them better prepared for all types of situations.

Conclusion

There is a dire need for **sustained engagement** between different stakeholders including CSO, government and development partners to alleviate the climate of mistrust between government and civil society. A continuous and rigorous engagement not only with government and the law enforcement agencies but also within the CSOs can ensure an **enabling environment** for civil society sector in Pakistan. Global and other regional development partners need to play their role in **bridging the gap** between government and civil society and may use their leverage and clout to support more conducive environment for CSO. On the other hand, civil society should also **understand the ever changing global context** and align themselves to changed realities. This could be done by strong **inter-CSOs connectedness and synergy** among them.

Literacy programs should be initiated to raise awareness about the role of civil society and its importance using social media platforms like Facebook, Twitter and other online platforms. These platforms need to be utilized for the **effective promotion of the mission and the vision** of the CSOs. Furthermore there is a dire need for stronger coordination among the CSOs for developing better understanding of the problems and for making collective efforts needed for their resolution. CSOs should also think on **self-governance system** like Bar Councils, Press Clubs by building minimum consensus on regulatory framework governed through law of land. CSOs should also demand establishment of **NGO/CSO Commission** on the lines of National Human Rights Institutions working under Paris Agreement.

Awaz Foundation Pakistan



Centre for Development Services

Awaz Foundation Pakistan : Centre for Development Servies

Website: www.awazcds.org.pk, www.pda.net.pk

Email: info@awazcds.org.pk