



Council of the  
European Union

010911/EU XXVII.GP  
Eingelangt am 11/02/20

Brussels, 11 February 2020  
(OR. en)

5949/20  
ADD 7

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## COVER NOTE

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From: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 10 February 2020

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of  
the European Union

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No. Cion doc.: SWD(2020) 22 final

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Subject: JOINT STAFF WORKING DOCUMENT  
The EU Special Incentive Arrangement for Sustainable Development and  
Good Governance ('GSP+') assessment of Pakistan covering the period  
2018 - 2019  
*Accompanying the document*  
Joint Report to the European Parliament and the Council  
Report on the Generalised Scheme of Preferences covering the period  
2018-2019

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Delegations will find attached document SWD(2020) 22 final.

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Encl.: SWD(2020) 22 final



HIGH REPRESENTATIVE  
OF THE UNION FOR  
FOREIGN AFFAIRS AND  
SECURITY POLICY

Brussels, 10.2.2020  
SWD(2020) 22 final

## **JOINT STAFF WORKING DOCUMENT**

**The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Pakistan covering the period 2018 - 2019**

*Accompanying the document*

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{JOIN(2020) 3 final} - {SWD(2020) 16 final} - {SWD(2020) 17 final} -  
{SWD(2020) 18 final} - {SWD(2020) 19 final} - {SWD(2020) 20 final} -  
{SWD(2020) 21 final} - {SWD(2020) 23 final} - {SWD(2020) 24 final} -  
{SWD(2020) 25 final}

# Pakistan

## 1. Summary Assessment

Pakistan was granted GSP+ in 2014 and has shown commitment to maintaining ratifications and meeting reporting obligations to the United Nations Treaty Bodies for the 27 UN Conventions.

A new Government came into office in August 2018 on an agenda of economic growth, job creation, and fighting corruption and climate change. The Government has shown a keen interest in maintaining GSP+ for its economic and trade benefits, notably at the time of requesting and implementing an International Monetary Fund (IMF) loan programme. It is also interested in the GSP+ arrangement as an incentive to sustainable development and good governance.

When it comes to effective implementation, Pakistan is making some progress on adopting laws on the protection of women and children rights; elimination of honour killings; protection of transgender persons; protection of the environment; and good governance. In the fight on drugs, Pakistan leads a UN initiative on education and was removed from the list of cannabis resin production countries. The launch of a national Child Labour Survey is important and implementation of the National Action Plan on Human Rights has started. The jurisdiction over civilians of military courts ended as the Parliament did not approve its extension in March 2019.

However, salient draft legislation on enforced disappearances and labour rights has not progressed. An Anti-Torture Bill (2019) was submitted in the parliament but decision-making is delayed. The trend is negative when it comes to space for civil society and voices of dissent, with a high level of impunity for perpetrators of crimes against journalists. The broad and vague grounds for cancellation of the registration of 20 (of which 17 appealed) out of 144 international non-governmental organisations (INGOs) remains a serious concern. The drive against corruption is high on the agenda of the government and while the National Accountability Bureau is claiming to work independently, it is being widely criticised by the opposition political parties for being mostly active against their leaderships.

Positive are the institutional and capacity development of the Ministry of Human Rights, the Treaty Implementation Cells (TICs), and Human Rights provincial departments, as well as the cooperation with stakeholders. The Ministry of Human Rights has begun to establish the Human Rights Information Management System (HRIMS) in cooperation with United Nations Development Programme (UNDP) and in consultation with the Office of the High Commissioner of Human Rights (OHCHR). This will strengthen the data collection for Treaty Bodies and GSP+ reporting. The Ministry of Human Rights' intention to establish a National Mechanism for Reporting and Follow up (NMRF) and to implement the OHCHR guidelines for Treaty Reporting Monitoring and follow up mechanisms are positive steps. A public announcement to this effect would be welcome.

With support from the EU, the Ministry of Human Rights is leading a national awareness raising campaign on women's and children's rights. However, to be effective it will require sustained political focus combined with the necessary resources.

Of concern is the status of the National Commission for Human Rights (NCHR). The tenure of the Commissioners expired in May 2019 and new commissioners are yet to be appointed<sup>1</sup>, which is hampering the operation of the institution.

Other challenges to the implementation and enforcement of the UN Treaty Body Obligations include: (i) the devolved provincial powers (18th amendment to the Constitution of Pakistan); (ii) limited institutional coordination and lack of institutional capacity, scarce human and financial resources; and (iii) overriding army and security (counter-terrorism) concerns.

## Priorities

A GSP+ monitoring mission took place in October 2018 and concluded with priority areas for action. These include, among others, actions in the area of freedom of expression, prevention of torture; reducing the scope for the death penalty and simplifying the procedure for granting mercy petitions; domestic violence; forced, bonded, and child labour; labour inspection; freedom of association; anti-money-laundering; interfaith dialogue policy; and the establishment of a Truth and Reconciliation Committee for victims of enforced disappearances.

## Human Rights

The enactment of the **Transgender Persons (Protection of Rights) Act in 2018**, represents an important milestone in defending the rights of transgender people as equal citizens. The Act acknowledges the right of transgender people to self-identify according to their self-perceived gender identity and forbids discrimination in employment, housing, education, health, and harassment. The Federal Government has finalised the **Domestic Violence (Prevention and Protection) Bill, 2019**. Senate passed the **Child Marriage Restraint Bill, 2019**. The passing of the **Zainab Alert, Response and Recovery Act, 2019** in response to continual reporting of sexual assault incidents against children is another positive step.

The National Commission for Human Rights has formulated Policy Guidelines for the protection of human rights defenders. These have been endorsed by the parliament. The Federal Government has drafted the **Journalist Welfare and Protection Bill** in 2019 and has active consultations and discussions on addressing enforced disappearance and secret detention. Passing and enacting the Bill would be a strong signal of Pakistan's commitment to international standards and human rights. A hot line for journalists under threat has been installed so journalists can inform the government of any potential or actual threat.

Concerning **cooperation with the UN**, the invitation to Pakistan of the **Special Rapporteur on the Right to Food** is a positive step. Moreover, the capacity building activities carried out in the past years with the Office of the High Commissioner of Human Rights (OHCHR), to the benefit of both National Commission on Human Rights (NCHR) and National Commission on the Status of Women (NCSW) and the legislature are welcome developments. This should be sustained and expanded to the police and the judiciary.

There has been a serious deterioration of **media freedom** in Pakistan, a trend that began in the lead up to the general election in 2018.. A draft proposal by the government to establish **media tribunals** has not been pursued. Materialisation of these tribunals would be a worrisome development. National security is widely used as a pretext for cracking down on freedom of expression. The increasing pressure by security forces, with the tacit approval of

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<sup>1</sup> At time of writing (October 2019).

the government, on those with dissenting views, including media representatives and human rights defenders, is worrying. Critical opinions of the armed forces are especially taboo, as well as topics considered to be of high security and strategic interest, e.g. the China-Pakistan Economic Corridor (CPEC). Intimidation tactics are diverse, sometimes extending to family members and in the case of media often lead to self-censorship by journalists and publishers to be able to continue to function.

The regulatory framework for **INGOs registration** continues to be broad and vague, with reasons for rejection of registration not clearly provided to the concerned INGOs and remains a matter of concern. This impacts civil space more generally, also having an impact on the (I)NGOs allowed to remain in the country. Seventeen INGOs filed appeals before the Special Committee headed by the Minister for Interior and with Secretaries of the Ministries of Interior, Foreign Affairs, Economic Affairs Division, Additional Secretaries of Interior and Law and Justice Division as members. Some appeals are now in the court of law.

Proper **investigation and prosecution** of cases of intimidation, abduction, and killing of **human rights defenders**, lawyers, and journalists is necessary. The Federal and Provincial governments have taken actions to sensitise police and other law enforcement agencies to accord top priority to such cases but no details have been provided on actual cases of investigation or prosecution as of yet. In an attempt to address the issue of the misuse of **Blasphemy law**, the procedure to file a case against blasphemy was reviewed. Now only a District Police Chief shall investigate in order to establish a blasphemy case. The impact this reform has on addressing miscarriages of justice for those accused of blasphemy remains to be demonstrated.

The **definition of most serious crimes** for which **death sentences** may be imposed is not aligned with international standards and the International Covenant on Civil and Political Rights (ICCPR). Pakistan has started examining the existing provisions of the Penal Code and the Criminal Procedural Code to determine if the scope of the death penalty can be narrowed down in line with the ICCPR. Although the implicit justification for resuming executions has been to deter terrorism, most of those executed were convicted for non-terrorism related crimes. A reinstatement of the moratorium on executions is not considered, but the number of executions continues to decrease<sup>2</sup>. The government has also carried out a review of the procedural constraints and flaws in the system of mercy petitions. The option of enhancing the duration of the life sentence is also under consideration. Pakistan has promulgated ‘Pakistan Penal Code (Amendment) Ordinance 2019’ on July 12, 2019, dealing with exclusion of punishment of death for people extradited to Pakistan.

Pakistan’s legislation falls short of a law specifically **defining torture** and fails to explicitly criminalise torture as required under the Convention Against Torture (CAT). A draft Torture and Custodial Death Bill (2019) has been presented to the Senate.

In the second cycle of the Universal Periodic Review in 2012, Pakistan accepted the recommendation to **criminalise enforced disappearances**. The Human Rights Committee repeated the recommendation in 2017. The previous National Commission on Human Rights published a report on enforced disappearances in February 2019, recommending the establishment of a **Truth and Reconciliation Commission** to enquire transparently into the cases of enforced disappearances. To date there have been no prosecutions for enforced disappearance or extrajudicial killing. Despite the publicly expressed position of elected

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<sup>2</sup> From 66 in 2017 to 13 in 2019 (January-September)

representatives of the government and active consultations and discussions on the matter, there is no progress in this area.

## Labour Rights

Pakistan has a very weak labour inspectorate system and systematic disregard exists of freedom of association and collective bargaining

All provinces and Federal Capital have initiated **Child Labour Surveys** and a national report is expected. In addition, Provincial Governments have enforced different laws to ensure proper investigations and prosecutions of child and forced labour incidences.

Provincial laws on minimum age of work and hazardous occupations exist. However, there are no plans for adopting a **comprehensive child labour law**<sup>3</sup>, which should cover child domestic workers and prohibition for children under 18 to engage in hazardous work, including in brick kilns. **Enforcement** of provincial laws and proper investigations and prosecutions of child and forced labour remains a concern. In 2018-2019, inspections in Punjab and Khyber Pakhtunkhwa led to several hundred arrests and prosecutions. On the other hand, in the Khyber Pakhtunkhwa the enforcement of the law prohibiting debt bondage in the formal sector is based entirely on a complaint system<sup>4</sup>. In 2018, only one complaint was received.

Concerns over the **capacity of the labour inspection system**, and the low number of labour inspectors persist. According to the authorities, the provincial governments regularly carry out inspections and take appropriate legal actions on the incidences of violation of law. However, while the number of provincial inspectors is increasing, it remains low relative to the number of enterprises.

Following discussion, the Government of the Punjab reversed its prior decision to abolish Labour Inspections in the province and committed to launch a third party inspection in future. Modalities for this are under consideration. If carried out, such a decision would be a worrisome development. Pakistan ratified the Convention on Labour Inspection, 1947 (No 81) in 1953. The Government of Pakistan states that the Labour Department of the Punjab Government categorically stated that the ILO conventions are being fully adhered to in letter and spirit and dispelled the impression of abolition in Punjab.

Another priority area is the adoption and implementation of the **Occupational Safety and Health Risk (OSH) legislation**. The Federal and Provincial Governments are working on Bills on OSH to improve the legislation, without concrete outcomes. A new model OSH legislation, developed by the Federal government, is still not adopted in all provinces.

The ILO supervisory bodies have repeatedly requested Pakistan to align labour legislation with the fundamental Convention 87 on **freedom of association** and to extend its applicability to **Export Processing Zones (EPZs) and Special Economic Zones (SEZs)**. In addition, Pakistan needs to bring its legislation in line with the Convention 98 to ensure, among others, that all categories of workers enjoy the rights under the Convention. It is noted that law in the EPZs prohibits trade unions and strikes<sup>5</sup>. The Ministry of Industries has initiated a consultative process with the Ministries of Commerce, Human Resources Development, and Human Rights for amendment in the draft Employment of Service Control Rule 2009 with the

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<sup>3</sup> [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3327224:NO](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3327224:NO)

<sup>4</sup> According to The Khyber Pakhtunkhwa Bonded Labour System (Abolition) Act, 2015, Section 3; bonded labour is absolutely prohibited in the province.

<sup>5</sup> <https://epza.gov.pk/production-oriented-labour-laws/>



idea to implement the remaining provisions and bring them in line with our international obligation under the various ILO Conventions.

## Environment

Pakistan's efforts to implement the environmental conventions have improved. Climate change is a priority for the Government. With legislative measures largely in place, Pakistan now looks towards strengthening institutions to achieve a sustained level of implementation of the conventions. Besides, Pakistan has actively participated in regional initiatives such SAWEN (South Asia Wildlife Enforcement Network - a regional initiative for wildlife). There is a growing awareness with regard to the effective implementation of these conventions among civil society organisations. The Ministry of Climate Change and other departments including Forest departments, as well as Pakistan Customs, have improved their vigilance to combat illegal trafficking of wildlife.

## Good Governance

In the area of drug control, Pakistan continues to face a multitude of challenges. Pakistan's Anti-Narcotics Force has taken stricter measures to apprehend drug traffickers, especially around education institutions, and making significant seizures. Further efforts are needed to seal the routes for smuggling and enhance cooperation within the region.

Efforts to strengthen the **anti-corruption framework** include enhancing capacity. As for the Accountability drive, the Government must give more confidence and autonomy to the National Accountability Bureau, which should follow Accountability for All in its actions. At present, it is widely being criticised for partiality by mostly taking up cases against the opposition parties.

Several strategic deficiencies have been identified in the regime for the prevention of **money laundering and terrorist financing**, leading to Pakistan's inclusion on the grey list of the Financial Action Task Force (FATF) in 2018 and consequently on the EU list of high risk third countries<sup>6</sup>. Pakistan has made a high-level political commitment in June 2018 to address these deficiencies by the implementation of an FATF Action Plan. The FATF plenary in October 2019 granted an extension period for the implementation of outstanding FATF commitments of Pakistan until February 2020.

## Status of ratification and reporting

Pakistan maintains ratification of relevant international conventions. Pakistan has improved its reporting compliance. Reports are due for three environmental conventions (Convention on Biological Diversity (CBD), United Nations Framework Convention on Climate Change (UNFCCC), and Stockholm Convention on Persistent Organic Pollutants).

Several treaty bodies have adopted written follow up procedures as part of the review and engagement process. Pakistan has followed up its reporting obligations for Convention against Torture (CAT) and Convention on the Elimination of All Forms of Racial Discrimination (CERD) in May 2019 and November 2018, respectively and has fulfilled its outstanding follow up reporting obligations for the Covenant on Civil and Political Rights (CCPR) and the International Covenant on Economic Social and Cultural Rights (ICESCR).

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<sup>6</sup> see Commission Delegated Regulation (EU) 2018/1467 of 27 July 2018 amending Delegated Regulation (EU) 2016/1675 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council, as regards adding Pakistan to the table in point I of the Annex

## 2. Recent Developments

The opportunities and obligations deriving from the EU's engagement with Pakistan in GSP+ form an integral part of EU-Pakistan relations. The new **EU-Pakistan Strategic Engagement Plan (SEP)**, signed on 25 June 2019, provides an overall framework of bilateral engagement and prominently addresses GSP+ in the chapters of Democracy, Rule of Law, Good Governance, and Human Rights, as well as Trade and Investment, demonstrating the crosscutting relevance of the scheme.

In the same vein, the annual **EU-Pakistan Joint Commission**, together with its relevant Sub-Groups on Human Rights and on Trade, are platforms to exchange views on priorities and issues of common interest, and serve as an important mechanism to oversee and push for progress in GSP+ implementation. The latest such consultations took place in November 2019, when Pakistan showed willingness to pursue reforms. The EU welcomes active engagement with relevant interlocutors in the Government in this regard.

### EU – Pakistan Bilateral Development Cooperation

Pakistan is a major development partner of the European Union (EU). For the 2014-2020 period, the amount available for bilateral cooperation with Pakistan is € 603 million, complemented with a bilateral investment allocation of € 15 million. EU-Pakistan cooperation priorities focus on:

- rural development (54% of the budget);
- education and vocational training (31%); and
- good governance, rule of law and human rights (15%).

This is complemented by regional and thematic programmes related to human rights, migration and displacement, and security. EU Development Cooperation supports Pakistan's trade capacity and its compliance with core international conventions, notably on human rights.

## 3. EU – Pakistan Trade and GSP

According to the World Bank, Pakistan's economic growth is expected to decelerate in 2019 and 2020, with a projected annual growth of around 3%. This follows a period of recovery in the period 2016-2018, which culminated in a 5.8% annual GDP growth in 2018.

From 2008 to 2018, EU imports from Pakistan almost doubled from € 3.6 to € 6.8 billion. The growth of imports was particularly fast following the award of GSP+ to Pakistan in January 2014, with a 30% increase of between 2014 and 2016. The growth of Pakistan exports to the EU have since slowed down, but the country continues to enjoy a trade surplus with the EU (€1.2 billion in 2018). The EU is Pakistan's first export destination absorbing over a third (34%) of Pakistan's total exports to the world in 2018, followed by the USA (16%), China (8%) and Afghanistan (5%). The EU is Pakistan's third largest source of imports, after China (23%) and the UAE (14%), accounting for around 9% of the total in 2018.



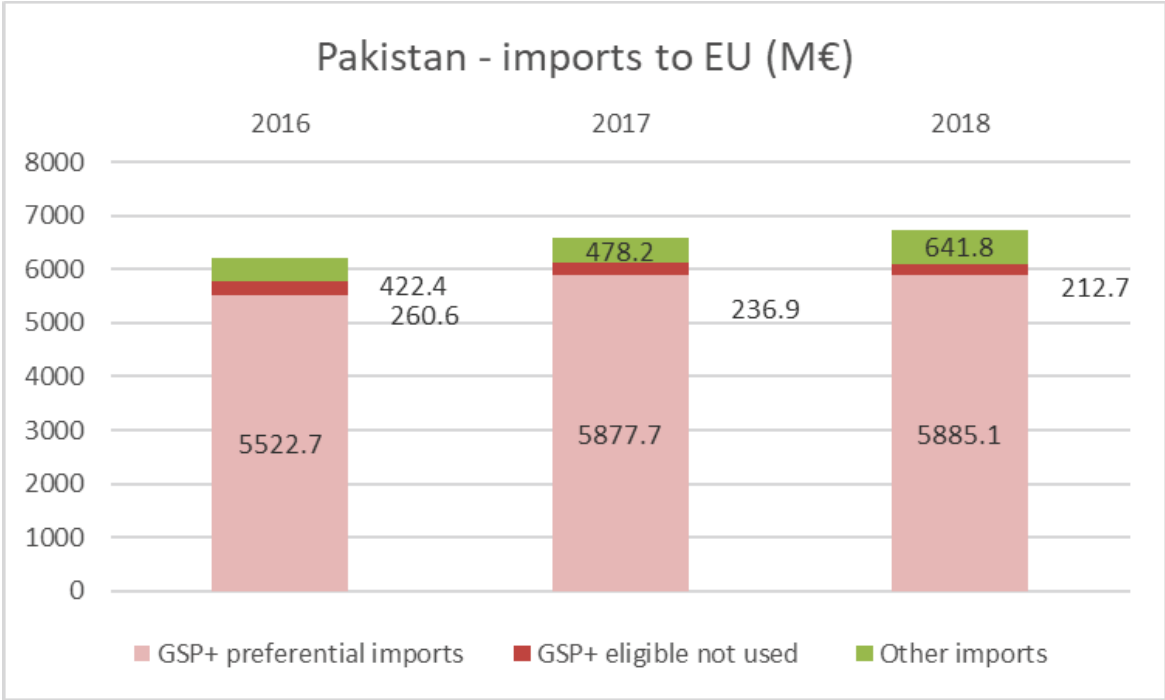
Pakistan takes part in economic integration efforts within the South Asian Association for Regional Cooperation (SAARC) and has trade agreements with China, Indonesia, Malaysia, and Sri Lanka.

Figures 1-3 below describe Pakistan’s utilisation of GSP+ in the context of the EU's overall imports from Pakistan<sup>7</sup>.

**Figure 1: Imports to the EU 2016-2018 – GSP+ utilization rate**

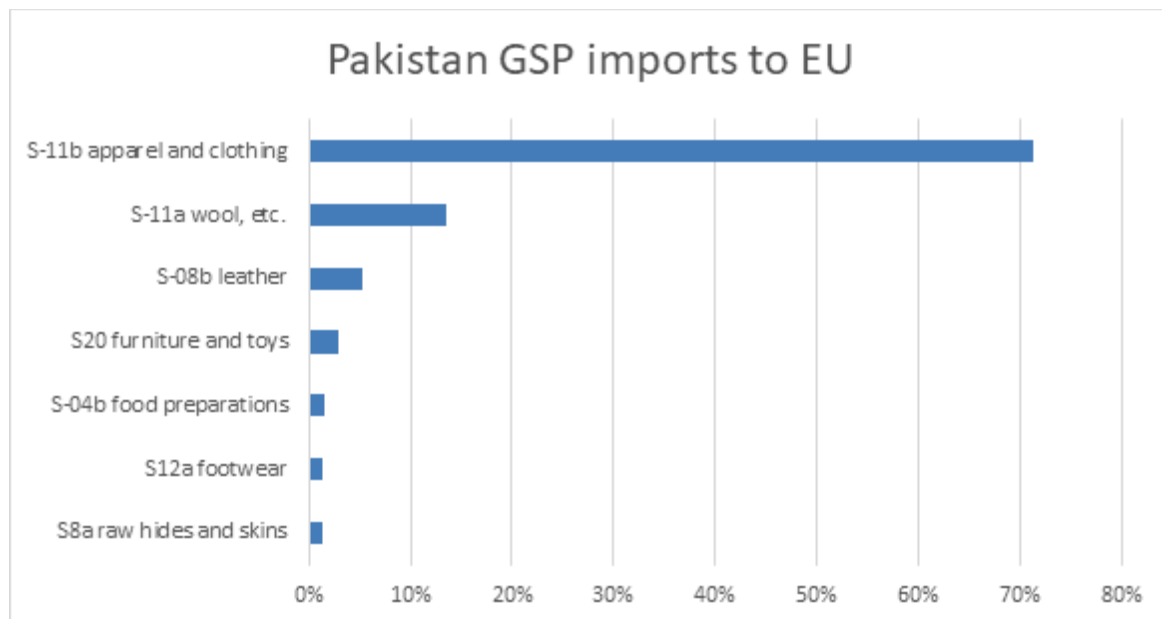
Pakistan - imports to the EU 2016-2018 (M€)				
	2016	2017	2018	trend 2016-2018
<b>Total imports</b>	6205.7	6592.8	6739.5	8.6%
<b>GSP+ eligible</b>	5783.3	6114.6	6097.8	5.4%
<b>GSP+ preferential</b>	5522.7	5877.7	5885.1	6.6%
<b>Utilisation rate</b>	95.5%	96.1%	96.5%	1.1%

**Figure 2: Imports to the EU 2016-2018 by regime**



<sup>7</sup> GSP-statistics only cover goods imported in the EU market, i.e. goods released for free circulation in the EU. The GSP statistics do not cover other EU-imports, like goods imported for the customs inward processing procedure or re-imports after the customs outward processing procedure

**Figure 3: Product Diversification of GSP+ Preferential Imports, 2018**



## 4. Compliance with GSP+ Obligations

### 4.1 UN Human Rights Conventions

Pakistan has made noticeable achievements since 2014 as a GSP+ beneficiary. Legal and institutional progress has taken place in a number of areas covered, and the country's reporting to the UN monitoring bodies has significantly improved. Notwithstanding positive measures e.g. in women's rights, children rights, and transgender persons' rights, implementation remains generally slow with little impact.

The Government of Pakistan stated its commitment to maintain its GSP+ eligibility. However, political will needs to be coupled with determined action for reform, in particular in the areas of fundamental freedoms, as well as labour rights. The deteriorating situation of freedom of expression, including the misuse of cyber laws, the intimidation of media practitioners, and laws discriminating against religious minorities remain elements of high concern.

The implementation of the **National Action Plan for Human Rights** and the operationalisation of the National Commission on Human Rights (NCHR) remains incomplete. The previous NCHR concluded its term in May 2019, and the new procedure to appoint the new Commissioner is delayed, which has implications on the EU's cooperation on human rights. Moreover,

#### Promotion of Human Rights in Pakistan

This is the main European Union project supporting Pakistan's efforts to improve its compliance with human rights commitments. The aim is to provide technical assistance and capacity development to key government ministries at federal and provincial level, with special focus on the criminal justice chain, to strengthen the capacity to implement Pakistan's own human rights agenda, and to raise public awareness, knowledge, and understanding of rights and how to protect them. The project also supports Pakistan to comply with its obligations under GSP+. It started in early 2019 for a duration of 36 months and with a budget of € 9.6 million.

the constitution of the National Commission on the Rights of the Child also remains pending.

The federal and provincial Treaty Implementation Cells (TICs) established in 2015 by the Government of Pakistan are dedicated mechanisms to oversee GSP+ implementation across the country. Supervised by the Attorney-General including through regular visits, the system of TICs constitutes the national framework for reporting and follow up. The province of Punjab has made important headway in monitoring and coordinating GSP+ implementation, while other TICs continue to have capacity challenges. The TIC in Punjab launched a web portal in September 2019, to inform comprehensively about Human Rights obligations in Pakistan and the progress made under GSP+. This is a significant first step towards implementation of the right to information.

With support from the EU, the Ministry of Human Rights is leading a national awareness raising campaign on women's and children's rights. However, to be effective it will require sustained political focus combined with the necessary resources for follow up.

The main challenge for the next monitoring period will be to ensure the acceleration of progress across the whole spectrum of GSP+ coverage, supported by improved and reliable data and statistics.

### *International Convention on the Elimination of All Forms of Racial Discrimination (CERD)*

Despite the fact that the Constitution and laws of Pakistan do not provide a unified definition of racial discrimination, but only cover a narrow definition of religious minorities, the Penal Code provides sufficient guarantees for the protection of citizens. Due to a heavy backlog and other structural issues in the judicial system, justice delivery remains slow. The implementation of the Penal Code is far from effective as exemplified by international rankings<sup>8</sup>. Reports relay that **religious minorities** in Pakistan continue to face attacks from extremist groups and society at large<sup>9</sup>. Misuse of the country's strict **blasphemy laws** results in the suppression of rights for non-Muslims, Shias, and Ahmadis.

In 2018 and 2019, the Government has taken some positive steps to **promote religious freedom** and combat religiously motivated violence and hate speech. The provinces were directed to take stringent action against hate speech. Although the blasphemy laws remain unchanged, the Supreme Court 2018 judgment and subsequent release of Asia Bibi, and her safe departure from Pakistan were positive developments, although her lengthy imprisonment on death row is a telling evidence of the worrying state of the criminal justice system, as stated by the Supreme Court in its judgment. Following her release, an inter-ministerial committee on religious tolerance has been established and an action plan has been presented to the ministry of interior, which is yet to give its approval.

The EU's Special Envoy for Freedom of Religion or Belief outside the EU, Mr. Ján Figel', visited Pakistan twice during the reporting period and delivered messages on freedom of religion or belief and interfaith harmony. During the second visit in May 2018, the EU also organised a roundtable, which presented its recommendations to the Council of Islamic Ideology (CII)<sup>10</sup> and the Ministry of Religious Affairs and Interfaith Harmony. Despite efforts, the interfaith harmony policy could not yet be finalised. The consultation with

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<sup>8</sup> <https://worldjusticeproject.org/our-work/wjp-rule-law-index/special-reports/rule-law-pakistan>

<sup>9</sup> Reported by the Human Rights Commission of Pakistan in its 2018 report.

<sup>10</sup> CII is a constitutional body responsible for giving legal advice on religious affairs to the Government and the Parliament.

provinces has been ongoing since 2015/2016 but not finalised due to lack of consensus amongst the stakeholders.

Despite legislation against **forced marriages**, there are still reports of **forced conversions** of Hindu women to Islam (including kidnapping), mostly among lower caste minor girls (mainly in Sindh). The Sindh Child Marriage Restraint Act 2013 has not been enforced effectively and the state's response to forced marriages has been mixed.

### *International Covenant on Civil and Political Rights (CCPR)*

Federally Administered Tribal Areas (FATA) is undergoing a substantial reform process towards democratisation. The jurisdictions of the Khyber Pakhtunkhwa (KP) High Court and the Pakistan Supreme Court were extended to FATA in May 2018. On 1 June 2018, the President of Pakistan promulgated the 25th amendment of the Constitution of Pakistan in order to merge FATA and the province of Khyber Pakhtunkhwa (KP). In an unprecedented move, the Government and opposition in the National Assembly unanimously passed the 26th Constitutional Amendment Bill, 2019, giving **more representation** to the inhabitants of former FATA in the lower house of the federal Parliament and in the Khyber Pakhtunkhwa Assembly. This has been a landmark achievement for the people of the erstwhile FATA. However, in August 2019, the government passed the Khyber Pakhtunkhwa Action (in Aid of civil power) Ordinance 2019, which strengthens the role of the military in the merged districts. The law, which would give armed forces power to detain without a reason and without producing the accused at a court of law, is of serious concern. The Peshawar High Court found it in violation of the constitution in October 2019; however, this decision has been suspended by the Supreme Court.

Opposition parties continue to question the legitimacy of the new government and the transparency and fairness of the general elections in July 2018. The EU Election Observation Mission made a critical assessment of the general conduct of the electoral process, the suppression of media freedom, and civil society in general, and noted interference of the military in favour of a given party.

During the reporting period, the right to **freedom of expression** continued to be restricted despite the commitment of Pakistan in its statement on the outcome report of the Universal Periodic Review to 'review and align the legislation with freedom of religion and belief and freedom of expression, as stipulated in the International Covenant on Civil and Political Rights (ICCPR).' The Human Rights Commission of Pakistan observed that under the usual pretext of 'national security concerns', the restrictions on media coverage were stepped up, journalists increasingly took to self-censorship to evade intimidation and threats, cable operators were prohibited from broadcasting certain networks, and the distribution of a national newspaper was severely curtailed.

As for the **death penalty**, figures submitted by the Federal Ombudsman to the Supreme Court indicated that the number of executions is consistently decreasing since 2016. There are 4,688 persons on death row and 511 have been executed since December 2014. In 2019, 13 prisoners were executed which shows a continued decline in executions in recent years; in 2018 the number of executed was 15, while in 2017 it was 66. A Justice Project Pakistan 2018 report found that a special appeal bench, formed by the Supreme Court to adjudicate upon murder appeals, had overturned 467 death sentences in 546 appeals (85%), since December 2014. Furthermore, Pakistan has promulgated 'Pakistan Penal Code (Amendment) Ordinance 2019' on July 12, 2019, excluding death penalty for people extradited to Pakistan. Pakistan

has also started examining the existing provisions of the Penal Code and Criminal Procedural Code to determine if the scope of the death penalty can be narrowed to bring it in line with Article 6 of the ICCPR.

After the ICCPR review in July 2018, the Human Rights Committee issued 22 recommendations, which urged Pakistan to take steps to ensure that the rights in the covenant are in full effect; review and repeal certain sections of the Anti-Terrorism Act, 1997; limit the scope of the death penalty; and ensure that no person under 18 years of age when an offence occurred, or with any disability, was subjected to the death penalty.

The situation pertaining to the slow **registration of International Non-governmental organisations (INGOs) and rejection** on vague and broad grounds remains a point of concern since 2016. The current registration policy has led to a considerably restricted space for both INGOs and NGOs. (I)NGOs working in areas of human rights and governance are particularly affected, with decisions denying their registration on security grounds. Many NGOs operating in ex-FATA or Baluchistan are facing difficulties due to the Government of Pakistan's interpretation and application of the Financial Action Task Force (FATF) requirements for measures countering terrorism financing and money laundering.

### *International Covenant on Economic, Social and Cultural Rights (CESCR)*

Pakistan continues to face difficulties with the realisation of the economic and social rights enshrined in the International Covenant on Economic, Social and Cultural Rights (CESCR). The ability to succeed will largely depend on generating economic growth and channelling the revenues from this growth into investing in the welfare of the people, as well reprioritisation of existing budgets. The ruling party has promised to create 10 million jobs and build 5 million houses for the poor during its 5 years tenure. When it comes to the UN tables of poverty and malnutrition, the figures are sobering. For example, half of the children are affected by stunting.

A High Powered Committee was constituted in 2011 under the Chairmanship of the Minister for Law & Justice. The Committee was mandated to look into the issues arising out of the implementation of the devolution of powers from federal to provincial level, because of the 18<sup>th</sup> Amendment of the Constitution of Pakistan. With devolution, provincial governments are confronted with the bottlenecks in realising of social, cultural and economic rights, and with capacity issues.

In March 2019, the Prime Minister launched the *Ehsaas* program, a wide ranging **social protection and poverty alleviation program** outlining four pillars and 115 policy areas to be implemented through 20 Federal Ministries, six Federal Agencies involved in poverty alleviation and social protection, and provincial governments, Azad Jammu and Kashmir and Gilgit-Baltistan. The four pillars include: (1) addressing 'elite capture' and making the government system work to create equality; (2) safety nets for disadvantaged segments of the population; (3) jobs and livelihoods; and (4) human capital development. The EU is not directly supporting the *Ehsaas* initiative, but is cooperating with Pakistan to increase its social spending (on social safety nets) under its Public Finance Management (PFM) Programme which also complements ongoing IMF facility for Pakistan. The newly created Division of Poverty Alleviation and Safety Nets is the coordinating agency of the *Ehsaas* program. The first Programme called *Mazdoor-Ka-Ehsaas* (Programme for Labourers) was announced by the Prime Minister on Labour Day, May 1, 2019 and has two areas of policy focus: social



protection in the informal sector and welfare of overseas Pakistanis. However, implementation will be challenging, especially in the context of the current financial and economic crisis.

### *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*

The Government continued to give high priority to the situation for women and girls. This has resulted in new legislation and policies to tackle persistent problems and in some instances seems to have resulted in improvements on the ground. A **Federal Domestic Violence Bill 2019** was finalised by the Ministry of Human Rights and submitted for Cabinet approval.

Women's rights in Pakistan fall in the provincial domain. Punjab, for instance, passed the Punjab Protection of Women against Violence Act 2016. Its implementation has started. The Social Welfare and *Bait-ul-Maal* Department has established a first state-of-the-art Violence against Women Centre (VAWC) in Multan in March 2017. Punjab also established its Commission on the Status of Women, mandated to monitor the mechanism and institutional procedure for redress of violation of women's rights. Since August 2017, the Commission registered 1057 complaints through its Helpline; of these, 535 complaints were resolved, while 495 complaints were being processed. However, in 2019 the Violence against Women Centre (VAWC) faced serious funding shortcuts that hamper its functionality. Similarly, Baluchistan has introduced a set of legislation and policies for the provision of rights to women. The Provincial Commission on the Status of Women Bill 2017 was passed; the Law on Protection against Harassment of Women at Workplace (Rules 2018) has been enforced; and Women Crisis Centres at Divisional level have been set up. The provincial Government is working on a Prohibition of Early Marriage Bill and an Anti-Acid and Rehabilitation Bill for women.

Despite these positive steps, since 2017, with regard to legislation and sensitisation on violence against women (police, judiciary and other stakeholders), women and girls continue to be exposed to serious and widespread human rights violations, including murder, violence, rape, forced marriage and forced conversion and discrimination in practically all fields of life. Pakistan was named once again the second worst country (ranked 149) in terms of **gender equality** in the world by the Global Gender Gap Index 2018. Most notably, domestic and sexual violence continues to prevail. 'Honour' killings, acid attacks, social restrictions on movement and jobs, inequality and abject poverty, forced and arranged marriages depict a grim picture. According to the United Nations Population Fund (UNFPA), the UK Department for International Development (DFID), and the Punjab Bureau of Statistics survey on Generating Data on Women's Economic and Social Wellbeing in Punjab, one in every 3 women aged between 15-64 years has suffered violence<sup>11</sup>. No such data exist for the other three provinces.

In terms of **political participation**, there has been a record number of women running for National Assembly general seats in the 2018 election. Reports of higher women's turnout in the elections and the appointment of the first female chief justice in a Pakistani high court are positive developments. Concerning the National Commission on the Status of Women (NCSW), the body's Employees Recruitment and Conditions of Service Rules, 2019, were approved and notified. The ongoing appointment process for Commissioner should be

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<sup>11</sup> Punjab Commission on the Status of Women.



accelerated. The process of constitution of the National Commission on the Rights of the Child needs to be expedited as well.

In 2018, the state responded to campaigns launched by **the transgender community** for the provision of transgender rights through a comprehensive legislation, with an enacted law titled '**Transgender Persons (Protection of Rights) Act, 2018**'. The Act acknowledges transgender persons' right 'to be recognized as per his or her self-perceived gender identity', which has been a great success for the transgender community who have, over the years, endured allegations of inauthenticity and fraud, as well as invasive tests and procedures to determine their gender. The Act also forbids discrimination in employment, housing, education, health, and harassment. Significantly, it specifies harassment 'both within and outside the home', thus enacting protection for transgender people from their own families. The explicit ensuring of the rights to assembly and to access public spaces, combined with anti-harassment, provides legal protection for transgender people in daily public life and space. Furthermore, the Act ensures that transgender people have inheritance rights, and the right to vote, to hold public office, and to own property. The Ministry of Human Rights has set up a committee with representatives from government, civil society, the transgender community, the NCHR and the NCSW to review progress of the implementation of the Act.

### *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)*

The UN Committee on Torture (Committee) recommended in its 2018 review of Pakistan that the Government **define and criminalise torture**, as well as take adequate action to **investigate complaints** of torture. Pakistan's follow up report on the recommendations of the Convention against Torture (CAT) Committee was submitted in May 2019.

Article 14(2) of the Constitution prohibits torture for the purpose of extracting information, while provisions of the Pakistan Penal Code prohibit the infliction of 'hurt', and Police Order 2002 makes torture by police officers punishable in Punjab, Sindh, and Baluchistan. In Khyber Pakhtunkhwa, the Police Ordinance 2017 prohibits police officials from torturing. However, Pakistan's legislation falls short of a law specifically defining torture and fails to explicitly criminalise torture as required under Convention against Torture (CAT).

Despite these laws, the police are known to use torture to coerce accused persons to confess, including by sleep deprivation, rolling heavy objects over the limbs of the accused, beatings with leather rackets, exposure to heat, etc. Since such practices are an inherent part of investigation by the police, and as the Pakistan authorities have executed persons whose death sentences were pronounced partially or wholly based on evidence gathered through torture, Pakistan has disregarded some of the obligations under International Covenant on Civil and Political Rights (ICCPR) such as the right to life. This situation continues to be exacerbated by Pakistan's failure to fulfil its obligations under Convention against Torture (CAT).

The National Commission for Human Rights conducted a nationwide inquiry into torture. The Ministry of Human Rights has prepared a draft Torture, Custodial Death and Custodial Rape (Prevention and Punishment) Bill 2018, covering police forces, but not military or security services. A private Member's Bill has been presented in the Senate, which will be vetted by the Standing Committee on Human Rights and recommended to the National Assembly for discussion if the Standing Committee raises no objection. Pakistan expressed its reservations with regard to Individual Complaints Procedure under Article 22 of the Convention against Torture (CAT).

In several cases, torture inflicted by Police has been subject to reprimand. Different major and minor punishments were given, while the Committee of the CAT has stated that it does not have sufficient information to assess their proportionality. In Punjab, 268 constables, 300 Head constables, 363 Assistant Sub Inspectors, 240 Sub Inspector, 104 Inspector, and six Deputy Superintendent Police have been punished for violations i.e. torture, death in custody, misuse of official power, misbehaviour, and illegal confinements<sup>12</sup>.

### *Convention on the Rights of the Child (CRC)*

The government in 2018 promised to uphold children's rights in the country. The Ministry of Human Rights showed renewed resolve to improve the situation of children's rights in the country through legislation, judicial reforms, awareness raising, and other practical measures.

Although the judiciary and law enforcement agencies were seen to be more actively pursuing cases of crimes against children, the extent and severity of the violence against children and their exploitation remained worrying. Despite the promulgation of the National Commission on the Rights of the Child Act, 2017, the Commission is not yet functional.

The Criminal Law (Second Amendment) Act, 2016 has been enacted to criminalise **violence against children** such as exposure to seduction, cruelty to a child, child sexual abuse, trafficking of human beings, and child pornography. The Ministry of Human Rights has conducted post-sensitisation workshops.

The Juvenile Justice System Act, 2018 focuses on disposal of cases through diversion and social reintegration of **child offenders**. For this purpose, the Government plans to establish corrective institutions for social reintegration of children involved in crime.

In 2018-2019, The Ministry of Human Rights implemented a project titled 'Preventing violence against children' with the support of South Asian Association for Regional Cooperation (SAARC) Development Fund. This project had five thematic areas including child abuse, child trafficking, early child marriages, and corporal punishment. Various training workshops were conducted to sensitise media professionals, public and private sector stakeholders.

The Wafaqi Mohtasib (Federal Ombudsman) in 2013 appointed Commissioners for Children at federal and provincial levels to monitor and address the grievances suffered by children.

Despite these measures, violence against children saw no respite in 2018 and 2019, encompassing a broad spectrum of physically and sexually exploitative acts. Although each province has dedicated child protection legislations, very few victims received protection, counselling, and legal services.

In 2018, in response to the tragic and violent death of a little girl, which received extensive media attention and resulted in massive riots, the government drafted the **Zainab Alert Response and Recovery Bill 2019** and submitted it to Parliament. The bill will ensure setting up the Zainab Alert, Response and Recovery Agency (ZARRA), where missing child cases will be reported and it will generate an automatic alert. The bill will also introduce response

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<sup>12</sup>Data for other provinces are not available.

and recovery mechanism of missing children to prevent acts of sexual violence against children. It is promising to see that the harsh punishment included in the draft Bill against the perpetrators such as death penalty and life imprisonment without parole have been excluded in its final version. This case also led to the formation of a Committee on Children by the Federal Ombudsman to conduct an **analysis of child abuse in the country**. The ensuing report released by the task force in October 2018 proposed short and long term measures to counter the rising sexual violence against children in the country. The report revealed that Punjab was the most vulnerable province where 1089 cases of child sexual violence, out of 4,139 in the entire country in 2017, were reported; and that Lahore had the highest number of incidents.

The Federal Ministry of Human Rights drafted an action plan in November 2018 to address the issue of child abuse in the country. A document presented before the National Assembly's Special Committee on child abuse, stated that the plan would focus on prevention, protection, recovery, reintegration, and participation. The plan also seeks to strengthen the National Commission on Child Rights (presently National Commission for Child Welfare and Development (NCCWD), and developing a referral system for child abuse victims.

**Early marriage** remains a serious problem, with 21% of girls in Pakistan marrying before the age of 18, and 3% marrying before the age of 15. Following legislative measures taken earlier by provincial governments, the federal Child Marriage Restraint Bill, 2019, has been submitted to the Parliament for approval. It will set the legal age of marriage at 18 years for all.

## **Conclusions and monitoring priorities**

*Pakistan has shown commitment in maintaining ratification and meeting reporting obligations to the treaty bodies for the 27 UN conventions. During the current reporting period, improvements have been made in adopting legislation, yet the capacity of institutions to implement and enforce the legislation remains weak. The challenge of availability of reliable data on implementation of treaty body obligations makes it difficult to assess the situation on the ground.*

*Shrinking space for civil society, a crackdown on freedom of expression, curtailing media freedom and impunity for crimes against journalists and human rights defenders are areas of serious concern. No legislative development on narrowing down the scope of the death penalty in line with the article 6 of the International Covenant on Civil and Political Rights (ICCPR) has been demonstrated. Tightened procedures for registration of INGOs (with domestic NGOs facing increasing pressure) and widespread violations of women's, children's and minority rights were documented during the reporting period. Enforced disappearances and extra-judicial killings remain prevalent. Legislative development to address this, such as criminalisation of enforced disappearances, would be a significant step forward.*

*Pakistan must demonstrate that it will concretely increase its efforts and take more proactive and sustained actions to implement legislation and to address problematic areas. In this context, it is important that Pakistan follows up on the recommendations provided by the UN Human Rights Treaty Bodies, addressing salient shortcomings and strengthening the overall*

*implementation mechanism of the relevant Treaty Body obligations.*

*Pakistan needs to continue developing a strong and transparent institutional setup, which should translate its policies and legislation into concrete actions.*

*The Federal and Provincial Treaty Implementation Cells (TICs) should be equipped with appropriate capacities and resources to effectively monitor and coordinate Pakistan's implementation of its international and domestic law commitments. Cooperation between the Federation and the provinces must be enhanced. The setup of a National Mechanism for Reporting and Follow up and effective coordination with the TICs would be a positive step.*

*Also in line with the recommendations of UN Human Rights Treaty Bodies, strengthening the capacities of the National Commission for Human Rights, adopting legislation on criminalising torture and progress on the definition of the most serious crimes as regards the death penalty, should be pursued.*

## **4.2 ILO Labour Rights Conventions**

Enforcement of Labour standards is provincial competence in Pakistan since devolution in 2010. Overall, the situation of labour in some provinces has improved. However, the situation of labour in the mining sector remains a challenge. The National Commission on Human Rights (NCHR) has alerted Coal Mine Inspection teams in provinces, particularly in Baluchistan, to act proactively and use new techniques to ensure the safety of labourer's at work<sup>13</sup>.

The Ministry of Overseas Pakistanis and Human Resource Development (MOP&HRD) has completed a National Labour Protection Framework. It carries provincial time-bound action plans, focusing on seven thematic areas: child labour, forced labour, freedom of association and collective bargaining, non-discrimination, labour inspection, social dialogue, and occupational safety and health. This Framework is not yet applicable in all 4 provinces.

The Pakistan Bureau of Statistics (PBS) released its findings of the **new Labour Force Survey (LFS) 2017-18**<sup>14</sup> in January 2019 after a gap of three years. The new data highlights the continued challenges facing the country. It indicates, for example, a gradual formalisation of employment (28% of non-agricultural employment is in the formal sector, which is a marginal increase since 2015 (27.6%) and a first time reduction in share of agriculture in the total employment to 38% (from 42% in 2015). The remaining employment (62% workers) is distributed in industry (24%) and services sectors (38%). The data further indicates that the vulnerable employment (a combination of own account work and contributing family work) has reduced from 60% to 56%. This is a significant achievement since the vulnerable employment rate was hovering at around 60% for almost a decade. The gender wage gap remained relatively static at 40.4% (up from 38.55% in 2015).

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<sup>13</sup> <https://nchr.gov.pk/wp-content/uploads/2019/01/Coal-Mines-in-Balochistan.pdf>

<sup>14</sup> <http://www.pbs.gov.pk/content/pakistan-employment-trends-2018>

**Occupational Safety and Health (OSH)** continues to be an issue in Pakistan. Serious incidents, such as factory fires and building collapses, do occur. The construction sector remains the most hazardous sector in terms of occupational injuries. The majority of injuries take place in the agriculture sector (42 %) followed by construction and manufacturing (34 % combined). Some sectors, such as mining and the ship breaking industry, have particular problems. The incidence of occupational accidents is still 4% for the overall economy, meaning one in every 25 workers faces an occupational accident. Incidence of occupational diseases is double in the informal sector (4.16%) when compared with formal sector (2%).<sup>15</sup> The actual numbers are likely to be much higher as not all accidents are reported. The Federal and Provincial Governments are working on Bills on OSH to improve the current legislation. The new OSH legislation is still not adopted in all provinces. In January 2019 the Punjab Government adopted the Punjab Occupational Safety and Health Act 2019.

#### **International Labour and Environmental Standards Application in Pakistan's SMEs (ILES)**

This project is being implemented by the International Labour Organisation (ILO) since September 2016. This programme aims to promote sustainable and inclusive growth in Pakistan by supporting the economic integration of Pakistan into the global and regional economy. To this end, and in order to increase the competitiveness of textile and leather sector in particular, the programme helps to enhance the compliance of Pakistan's economy with international labour and environmental standards. The total budget is € 12.6 million, of which an amount of € 600.000 is co-financed by ILO.

The **labour inspection system** is too weak to ensure its crucial function of proper enforcement and overseeing of the application of labour laws and safety standards. The number of labour inspectors is too low and they lack technical and other capacity to perform their tasks. A concerning decision from Punjab to abolish labour and social security inspections of factories was reversed on 25 September 2019.<sup>16</sup> The Government of the Punjab intends to introduce third party inspections of the industry to assess the situation of labour rights.

#### *Freedom of Association and Collective Bargaining (Conventions 87 and 98)*

Pakistan made limited progress over the reporting period to ensure freedom of association and the right to collective bargaining. There are concerns over low **unionisation rate** and weak functioning of **tripartite social dialogue** at national and provincial levels. The ILO supervisory bodies have also been repeatedly requesting Pakistan to align labour legislation with the fundamental Convention 87 on freedom of association and to extend its applicability to Export Processing Zones (EPZs) and Special Economic Zones (SEZs). In addition, Pakistan needs to bring its legislation in line with the Convention 98 to ensure, among others, that all categories of workers, with the only possible exception of armed forces, police, and public servants in state administrations, enjoy the rights under the Convention.

Unfortunately, since the devolution of the subject of labour to the provinces in 2010, the Federal and provincial governments have not taken steps to promote **unionisation**. The

<sup>15</sup> <http://www.pbs.gov.pk/content/labour-force-survey-2017-18-annual-report>

<sup>16</sup> <https://cm.punjab.gov.pk/node/2886>



unionisation rate remains very low at less than 5%<sup>17</sup>. Unionised workers also continue to be subject to threats of violence and kidnapping. To address this, the Government needs to carry out effective, impartial, and systematic investigations into workers' allegation of mistreatment and abuses.

Although the Industrial Relations legislation is in place at Federal and provincial level, it does not provide for unionisation in several work clusters. The Industrial Acts regulate the formation of trade unions, collective bargaining, formations of federations and confederations of unions. According to the Government, a new proposal for Industrial Relations Act (IRA) in Balochistan has been prepared, which is supposed to address some of the issues such as any restriction for workers to join trade unions, the financial supervision of the registrar, and disqualification.

The power of Industrial Relations Acts to make legal decisions is also questionable. For instance, there are eight **Export Processing Zones (EPZs)** with 300 units and 40,000 workers, of which over 50% are women. These EPZs are managed by a Federal autonomous body Export Processing Zones Authority (EPZA). Under the provisions of EPZA laws, the IRAs (Industrial Relations Acts) are not applicable. Thus, formation of labour unions, collective bargaining and strikes are forbidden by the EP laws. However, the Government has committed to the ILO to amend the laws and ensure compliance with the rights of association and collective bargaining. This is important because Pakistan is developing Special Economic Zones (SEZs) under the ongoing China Pakistan Economic Corridor (CPEC) initiative. The SEZs will also have a separate autonomous Federal body for which the Government of Pakistan commits to make enterprises abide by national labour laws as applicable in all territories within Pakistan<sup>18</sup>. According to the Government, new EPZA Board has been constituted in March 2018, but it has not yet been functional as its Chairman has not yet been appointed.

At the Federal level, the Government of Pakistan has set up a National Industrial Relations Commission (NIRC)<sup>19</sup>. There has been a noticeable misuse of the Federal Industrial Relations Regulations, whereby employers of a firm located in one province artificially create a branch in another province, by which they force the union to deregister at the provincial labour department and approach the NIRC. In some cases, the employers have registered two fake unions at the NIRC, justifying trans-provincial locations of their business, thus effectively blockading the possibility for the formation of a representative union in their firms.

The Baluchistan Industrial Relations Act 2010 introduced a clause of 'arbitration'<sup>20</sup> which violates workers' right to strike (without prior notice of 14 days)<sup>21</sup>, thus askew with relevant convention. The arbitrators usually delay proceedings; hence, no decision is taken to appease the workers.

**Harassment and intimidation** of trade union members continue to be an issue. This can take the form of threats of dismissal. The widespread practice of not giving workers formal employment contracts, leaving them without protection or the ability to join a union, continues. The provincial Labour Departments either deny this or blame it on poor labour inspections in the provinces.

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<sup>17</sup> Source: Pakistan Workers' Confederation (PWC)

<sup>18</sup> Section 30 of the SEZ Act 2012: <http://invest.gov.pk/sites/default/files/2019-01/SEZAct2016e.pdf>

<sup>19</sup> <http://www.nirc.gov.pk/>

<sup>20</sup> Section 47 of BIRA:

<http://balochistan.gov.pk/Downloads/SERVICE%20Rules%20S&GAD%202013/Balochistan%20Industrial%20Relations%20Act%202012.pdf>

<sup>21</sup> Section 44 of BIRA.



The **tripartite structures** have strengthened since 2014. The National Industrial Relations Commission (NIRC) has been re-established and is taking a more active role. Recently established Tripartite Consultative Committees (TCCs) at federal and provincial level have also met regularly in the last few years and discussed relevant labour market issues. According to the legislation, Tripartite Consultative Committees (TCCs) are supposed to meet at least twice a year. Two national tripartite consultations were held in 2018 at the Federal level. In the provinces, the meetings of the tripartite consultative committees (TCCs) are being held regularly. Since 2014, in Punjab alone, nine meetings have been held – two per year and so far one in 2019.

### *Abolition of Forced Labour (Conventions 29 and 105)*

Forced labour manifests itself in particular in the form of **bonded labour** and remains a major issue in Pakistan, despite its prohibition by law. The issue is that of non-implementation and is rooted in either political unwillingness or inability to implement the law.

The Provincial Governments have enforced different laws to ensure proper investigations and prosecutions of child and forced labour incidences. Provincial labour inspectors, who are very few in number and have limited capacity, carry out the inspections. According to the ILO Office, there were 334 Inspectors in 2015/2016. Their number has increased to 430 in 2017 (including 18 women inspectors). Prior to 2018, there had not been a single female inspector in the country. In 2017, for instance, in Punjab, usually considered to be ahead of other provinces in terms of rights provisions, the total number of inspectors was 164, of whom only 70 inspectors were attributed to inspect factories (there are 18,500 registered enterprises in Punjab), 70 inspectors were attributed to Occupational Safety and Health (OSH), two technical inspectors, and 22 mine sector inspectors.

The Global Slavery Index 2018<sup>22</sup> reflects that Pakistan has over 3.18 million people living in modern slavery<sup>23</sup>, with the estimated proportion of people in modern slavery at 16.82 out of 1000 people. The Index ranks Pakistan at number 8 out of 167 countries and classifies Government's response ranking as 'C', which is amongst the worst countries.

One of the areas where incidence of forced labour is known to be high are the **brick kilns in Punjab**. Under the Punjab Restrictions on Employment of Children Act, 2016, the Provincial Government carried out 12,934 labour inspections in 2018 in which 1,865 children were found employed. First Information Reports (FIRs) were lodged against 176 employers and correspondingly 30 arrests were made. During the period January to March 2019, around 13,000 inspections were carried out in which 539 children were found to be employed. FIRs were lodged against 395 personnel out of which 193 were arrested. Data on prosecutions are not available.

In addition, under the Punjab Prohibition of Child Labour at Brick Kilns Act 2016, 5,262 labour inspections were carried out in 2018, during which 166 children were found to be employed. Sixteen brick kilns were sealed and FIRs were lodged against 153 employers, out of which 57 were arrested. During the period January to March 2019, 3206 inspections were carried out in which 167 children were found to be employed in brick kilns. FIRs were lodged against 147 personnel, of which 105 were arrested.

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<sup>22</sup> <https://www.globallslaveryindex.org/2018/data/country-data/pakistan/>

<sup>23</sup> Modern slavery refers to situations of exploitation that a person cannot leave because of threats, violence, and coercion, abuse of power or deception.

The investigation data reflect that despite action in 2018, the prevalence of forced/child labour in brick kilns remained high. One limitation is that the data pertaining to labour in the agriculture sector are not officially available. The District Vigilance Committees, which remove children from forced labour conditions and enrol them into schools, are functional in all 36 districts of the province.

In the Khyber Pakhtunkhwa (KPK) province, the KPK Government carried out 8367 labour inspections in 2018. Under the Prohibition of Employment of Children Act, 2015, the Khyber Pakhtunkhwa Government carried out 8,367 labour inspections in 2018 resulting in around 213 prosecutions out of which courts decided on 95 cases. During the period January to March 2019, 2,516 inspections were conducted of which 121 prosecutions were lodged while 27 cases have been decided by the courts.

The Khyber Pakhtunkhwa Labour Department deals with debt bondage in the formal sector<sup>24</sup>. The enforcement of this law is based entirely on a complaint system. In 2018, only one complaint was received. Another important feature of the law is the establishment of District Vigilance Committees (DVCs) under Deputy Commissioners. The establishment of these committees is subject to the formulation of rules under the law. Currently, draft rules are being finalised.

To address forced labour in Pakistan, stakeholders involved in raising awareness among remote rural communities need **increased capacity**. More industrial and economic zones need to be initiated in the country to address increasing bondage labour, as the higher number industrial zones can reduce the chances of the forced labour. So far, no concrete plan to address forced labour is in place. There is evidence of positive efforts in the cases of Punjab and Khyber Pakhtunkhwa (KPK), but the low number of inspectors makes progress unsustainable.

### *Minimum Age for Work and Worst Forms of Child Labour (Conventions 138 and 182)*

The high rate of child labour, especially in the agricultural sector, but also in brick kilns, gemstones, and stone crushing, is of concern. The number of domestic child workers is also alarming. To understand the magnitude of these problems, it is essential to have robust figures on the number of child workers per sector. Such data can also support the development of adequate measures at federal and provincial level to address this issue. To address this, there are **child labour surveys** planned and initiated throughout the country in cooperation with UNICEF. The results are expected to final by June 2020. There is further need to strengthen investigations and prosecutions of child trafficking and exploitation of children, including forced recruitment by armed groups.

Child labour continues to be a provincial subject, but any real progress will require active federal involvement in form of systematic federal strategy. Provinces have made moderate advancement in efforts to eliminate the worst forms of child labour and defining the minimum age for work. Provinces are also setting up their own Industrial Relations Institutes (the one in Punjab is already functioning), which will be mandated to train inspectors.

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<sup>24</sup> According to The Khyber Pakhtunkhwa Bonded Labour System (Abolition) Act, 2015, Section 3; bonded labour is absolutely prohibited in the province.

In Punjab, under the ‘Punjab Restriction on Employment of Children Act 2016’, the issue of age restriction has been resolved. The law provides for a blanket ban on child labour for persons below 15 years of age. It also bans employment of adolescents (15-18 years) of age in 38 hazardous occupations<sup>25</sup>.

Khyber Pakhtunkhwa defines 14 years as minimum age for engaging in 'light work'; for the worst forms of labour, the minimum age is 18.<sup>26</sup> Khyber Pakhtunkhwa Province also passed the Free Compulsory Primary and Secondary Education Act, making education free and compulsory for children ages 5 to 16. The Khyber Pakhtunkhwa province is devising a National Labour Policy and a separate Child Labour policy with the help of ILO which entails a comprehensive Labour Policy for the province (not yet publically available).

In Baluchistan, children having attained 14 years of age can engage in light work, whereas engagement in hazardous work is not allowed until 18 years of age under the Employment of Children Act 1991, which is applicable in Baluchistan. The Baluchistan Government is in the process of finalising a law titled 'Baluchistan Employment of Children (Probation and Regulation) Bill'. The law is under consultation with the Provincial Tripartite Consultation Committee (PTCC) and the provincial law department.

The province of Sindh has set up task forces constituting labour inspectors and officials of the Directorates of Labour at district level to monitor the situation of child labour. In 2017<sup>27</sup>, Sindh Province passed the Prohibition of Employment of Children Act, which establishes age 15 as the minimum age for employment and age 19 as the minimum age for employment in hazardous work. District Jamshoro has been declared as Child Labour Free District and a Task Force was set up by continuously monitoring the situation.

### *Elimination of Discrimination (Conventions 100 and 111)*

Equal value and remuneration and elimination of discrimination in respect of employment and occupation still pose a serious challenge in Pakistan. There is a considerable gender gap with regards to labour force participation. According to the latest Labour Force Survey the participant rate of women in labour market is less than 15% compared to 46% for men.<sup>28</sup> Majority of the female labour force remain engaged in unpaid domestic work and low paid work that can be seen as presence of gender discrimination. Furthermore there seems to be a significant discrimination in the level of positions held. Women have a limited presence in high level occupations. In 2015, the female

The **INSPIRED+ Pakistan** project aimed at enabling the full implementation of labour and human rights conventions under GSP+ focused on enhancing the socio-economic **rights of women working in agriculture in Punjab**. The project’s assessment revealed that most of the agro-women are caught in a web of chronic poverty, exploited in terms of un-employment, low wages, lack of economic agency, lack of knowledge about modern farming techniques, and facing harassment and marginalisation. Furthermore, their rights have been mostly overlooked in legal, policy and administrative framework. The project facilitated stakeholder dialogues and advocacy activities on the protection of working women’s rights.

<sup>25</sup> <http://extwprlegs1.fao.org/docs/pdf/pak164577.pdf>: schedule in Section 2(a) enlists 38 occupations as hazardous.

<sup>26</sup> [http://kp.gov.pk/uploads/2016/02/11\\_Prohibition\\_of\\_Employment\\_of\\_Children\\_Act,\\_2015\\_.pdf](http://kp.gov.pk/uploads/2016/02/11_Prohibition_of_Employment_of_Children_Act,_2015_.pdf)

<sup>27</sup> <http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.III%20of%202017.pdf>

employed labour force in senior positions like senior officials, managers and legislators were less than 1 %.<sup>29</sup> There is a significant **gender wage gap** of 60% and low participation of women in the labour market compared to men (24% vs. 76%).

A **Domestic Workers** Bill was adopted by the Senate in August 2017, but did not pass the National Assembly. On the other hand, provinces are working on legal framework for workers in informal economy, namely in Sindh and Punjab. In January 2019 the Punjab Assembly passed The Punjab Domestic Workers Act 2019, which intends to help enforce the rights of domestic workers.

## Conclusions and monitoring priorities

*Overall, further steps have been taken by the provinces to adopt legislation and to develop procedures and guidelines to implement the ILO fundamental conventions, which have resulted in some improvement in child labour. However, labour rights on collective bargain, wage discrimination, and forced and bonded labour in agriculture and mining remain a matter of concern. Implementation and enforcement of laws and regulations continues to be a problem, although some provinces have stepped up efforts to improve enforcement. Further efforts are needed to improve the labour inspection system and overall working conditions with enhanced number of labour inspectors in each province.*

*The Ministry of Overseas Pakistanis and Human Resource Development (MOP&HR) has completed the work on a National Labour Protection Framework, which would include child labour, but the Framework has not yet been formally adopted by the 4 provinces. Child labour surveys are ongoing in all four provinces and the Labour force survey has been unveiled by the Pakistan Bureau of Statistics in early 2019.*

*Overall, federal and provincial authorities must continue and further strengthen their efforts, with a particular focus on some of the most problematic issues, notably to ensure the right of trade unions to register and operate, to enhance the functioning of the labour inspection, to improve occupational health and safety of workers, to eradicate bonded labour, and to eliminate the worst forms of child labour.*

*Key areas which need to be prioritised are: (1) Carry out child labour surveys and include bonded labour in labour force surveys. Ensure proper investigations and prosecution of child and forced labour, trafficking and exploitation. (2) The labour inspection system is too weak to ensure its crucial function of proper enforcement and overseeing the application of labour laws and safety standards. The number of labour inspectors is too low and they lack technical and other capacity to perform their tasks. (3) Align labour legislation with the ILO Conventions 87 and 98 on Freedom of Association and Collective Bargaining. Ensure application of labour laws in Export Processing Zones and Special Economic Zones.*

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<sup>28</sup> <http://www.pbs.gov.pk/content/labour-force-survey-2017-18-annual-report>

<sup>29</sup> <https://library.fes.de/pdf-files/bueros/pakistan/13953.pdf>

### 4.3 UN Conventions on Environmental Protection and Climate Change

#### *Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)*

National legislation still falls under Category 2, which means that it is believed generally not to meet all of the requirements for the implementation of CITES. The implementing rules for the Pakistan Trade Control of Wild Fauna and Flora Act 2012 are enforced since 31 December 2018. Provincial Governments are fully functional to implement CITES in all four provinces. In December 2017, CITES Secretariat noted significant legislative progress on CITES, after designating Pakistan as a priority party in 2016.

Pakistan continued to actively pursue its drive against illegal trade of wildlife within the **South Asia Wildlife Enforcement Network (SAWEN)**. Pakistan regularly attends SAWEN trainings and meetings, the last one in February 2019 in Kathmandu being on wildlife crime detection.

The Wild Life Department of the Province issues a permit endorsed by the Foreign Office before any endangered or rare species is to be transported abroad. The Customs Office is responsible for conducting checks at the airport/other border areas. In October 2018, 7 falcons costing Rs. 3.5 million, were recovered at Islamabad airport. The WWF Pakistan developed a national plan of action and trained more than 500 officials of law enforcement agencies to monitor illegal wildlife trade, especially involving Indian Pangolin found in Sindh. In March 2018, WWF Pakistan and Pakistan Customs signed a Memorandum of Understanding (MoU) to work together through innovative means to curb illegal wildlife trade in Pakistan. The collaboration includes enhancing the capacities of Pakistan Customs and other concerned agencies to acquaint them with the key aspects of illegal wildlife trade in order to enhance vigilance against wildlife trafficking (smuggling of freshwater turtles, falcons and pangolins).

The mountain communities safeguarding the Markhor get 80% of the revenues generated through issuing permits to hunt Markhor and selling its trophies. They are involved in conservation activities, from watch and ward to monitoring of species. Communities are willing to continue this.<sup>30</sup>

#### *Basel Convention*

The Basel Convention Import Policy Order 2016, which bans import of hazardous wastes, has been issued.<sup>31</sup> However, its enforcement remains a matter of concern. Pakistan continues to receive **imported scrap** which is used in multiple manufacturing sectors and is hazardous in nature. The local plastic manufacturers, for instance, use imported plastic scraps and waste to produce finished plastic goods and articles. These scraps are not tested for contaminants before being cleared for manufacturing. This is a clear violation of the import policy order put in place by the Government.

Furthermore, this violates the Basel Convention, which draws out the scope of end-of-life plastic products containing contaminants and constituents that fall under hazard class 6 and 9

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<sup>30</sup> At the CITES COP 18 meeting (in August 2019 at Geneva), a proposal by Pakistan to discuss quotas for Markhor hunting trophies was withdrawn considering reduction in the value of trophies and that the communities may not safeguard Markhor anymore which may be prone to extinction.

<sup>31</sup> <http://www.pkrevenue.com/customs/import-policy-order-2016-import-of-mobile-handset-subject-to-pta-approval/>



of the convention; those are to be sent back to the country where the plastic waste was imported from.

The formulation of the Hazardous Waste Management Policy is under process and consultations for the management of electronic waste generated during the dismantling of ships at Gaddani (Baluchistan) have been initiated. The Ministry of Climate Change held its first meeting with Gdani shipyard stakeholders in February 2018 which was followed up by the Environment Protection Agency (EPA) Baluchistan in May 2018.

### *Convention on Biological Diversity (CBD)*

A National Biodiversity Strategy and Action Plan (NBSAP) has been prepared in April 2018 in consultation with the Provinces and is currently being reviewed by the Prime Minister's Office. Its final approval is still in process and its draft is available online<sup>32</sup>. Land degradation and desertification remain serious issues in Pakistan and are the main cause of loss of biodiversity and agricultural productivity. Land use planning is almost non-existent in Pakistan and consequently the impact of land degradation and desertification on national economy are not well documented. Water erosion, wind erosion, depletion of soil fertility, water logging, salinity, deforestation, and overgrazing are major causes of land degradation. The Federal Government's 'Billion Tree Tsunami' project, initially launched in Khyber Pakhtunkhwa province, has been extended to the whole of Pakistan. Water shortages continue to be a serious area of concern. To address this, the Government plans to build small dams to act as reservoirs. In May 2019, the UNDP organised an awareness workshop on the **Himalayan subspecies of the Brown bears**, which are one of the oldest and most significant inhabitants of the Deosai plateau. The population of these bears, once known to be over 10,000 in number, has now plummeted to an estimated 54 bears residing in the plains. Deosai National Park (Pakistan) remains the only habitat for these wild mammals where the fast receding population of the Himalayan brown bears is found.

### *Stockholm Convention on Persistent Organic Pollutants*

Because of both increasing population and industrialization in the agro-economic sector, Pakistan has inevitably been confronted by complex environmental challenges. Owing in part to poor regulatory framework, pollution due to Persistent Organic Pollutants (POPs) has caused serious problems throughout the country. Resultantly, **extensive use of Persistent Organic Pollutants (POPs)** is causing vigorous deterioration of environment and human health. There is a dire need to conduct a national meta-analysis and devise a national strategy to address the extensive use of Persistent Organic Pollutants (POPs). The Ministry of Climate Change has implemented a project to review and update the National Implementation Plan of the Stockholm Convention which concluded in May 2019. As part of the project, an international consultant is delivering training to stakeholders on inventory of Persistent Organic Pollutants (POPs) and hold training workshops on new Persistent Organic Pollutants (POPs) in Pakistan.

### *Cartagena Protocol on Biosafety*

There are no significant updates related to the Cartagena Protocol over the reporting period<sup>33</sup>.

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<sup>32</sup> <https://www.cbd.int/doc/world/pk/pk-nbsap-v2-en.pdf>

<sup>33</sup> For details, please refer to the biennial report for 2016-2017, SWD(2018) 32 final of 19.1.2018



## *Conventions on Climate Change and the Protection of the Ozone Layer*

Pakistan is among the most vulnerable countries to climate change. Due to a rapidly growing population and an insufficient public infrastructure, the impact of a changing climate and extreme weather events is multiplied. Pakistan emits less than 1% of total annual global greenhouse gases. Its carbon intensity is almost 4 times the world average. The Global Climate Risk Index (2018) did not include Pakistan in its assessment although Pakistan was ranked 8 among the most adversely affected countries by climate change during 1998-2017<sup>34</sup>.

At the 34<sup>th</sup> meeting of the Least Developed Countries Expert Group held in Sierra Leone during 21-24 August 2018, Pakistan was among 26 developing countries that presented their project proposals on National Action Plans for funding under the Global Climate Fund support. The fund's Readiness and Preparatory Support Programme provides up to USD 3 million per country. The proposal was accepted, but the Ministry of Climate Change has not shared details.

Pakistan remains committed to reducing 20% of its 2030-projected Greenhouse gas (GHG) emissions, amounting to 1603 million tonnes of carbon dioxide equivalent, subject to the availability of international grants to meet the total abatement cost for the indicated 20% reduction, amounting to about USD 40 billion at current prices. Pakistan identified its adaptation actions and priorities in its Nationally Determined Contributions (NDCs).

Pakistan's NDCs stem from the country's strategic plan Vision 2025. The NDCs present the overall GHG emissions profile and future emission projections, by considering both the present and future socio-economic parameters, changes in the demographic dynamics and emerging energy needs. They also describe mitigation and adaptation measures already being implemented in Pakistan and discuss the challenges and difficulties being faced and those likely to be confronted in coming years. The Ministry of Climate Change is working on an Adaptation Plan to implement its goals set under the NDCs. As for mitigation measures, Prime Minister has set up a task force within the Ministry of Climate Change.

According to a preliminary projection, the GHG emissions levels for Pakistan are expected to increase many times in the coming decades. An important path to low carbon development is Carbon Capture and Storage (CCS), which focuses on securing and storing carbon dioxide emissions before these are released into the atmosphere.

The provincial Governments' Environmental Protection Agencies are working to create awareness on the benefits of tree plantation particularly with regard to addressing the climate induced disasters leading to droughts, floods and, more recently, intense heatwaves in the provinces of Sindh and Punjab in particular.

A 2018 World Bank report, 'Pakistan's Hotspots: The Impact of Temperature and Precipitation Changes on Living Standards', claims that by 2050 annual average temperatures are projected to increase by 2.5°C under the climate 'sensitive scenario' (which represents a future in which some collective action is taken to limit greenhouse gas emissions) and up to

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[https://www.germanwatch.org/sites/germanwatch.org/files/Global%20Climate%20Risk%20Index%202019\\_2.pdf](https://www.germanwatch.org/sites/germanwatch.org/files/Global%20Climate%20Risk%20Index%202019_2.pdf)

3.0°C under the carbon ‘intensive scenario’ (in which no serious action is taken). Approximately 49 million people, or 25 % of Pakistan’s total population, live in locations that will become ‘moderate hotspots’ by 2050 under the carbon intensive scenario. Containing the temperature is essential to prevent major areas of Pakistan from becoming uninhabitable in a future not too far away.

Pakistan agreed to the Kigali Amendment to the Montreal Protocol and benefits from a deferred schedule for phasing out hydrofluorocarbons (HFCs). Pakistan also agreed to make HFC reductions on a slower track, starting with a freeze in 2028. Pakistan has not yet ratified the Kigali Amendment, but has ratified all previous amendments and is in compliance with the phase out obligations for ozone depleting substances under the Montreal Protocol.

## **Conclusions and priorities**

*Pakistan has actively participated in regional initiatives such SAWEN (South Asia Wildlife Regional Initiative – a regional initiative for wildlife). There is a growing awareness of effective implementation of these conventions among civil society organisations. The Government of Pakistan (Ministry of Climate Change) and other departments including Forest departments, as well as Pakistan Customs, have improved their vigilance to combat illegal trafficking of wildlife exports.*

*With relation to climate change, Pakistan is committed to implement its Nationally Determined Contributions (NDC). Pakistan is a member of the Nationally Determined Contributions (NDC) Partnership, a coalition of governments and international institutions working together to ensure countries receive the tools and support they need to achieve ambitious climate and sustainable development targets.*

*Pakistan needs to improve on the regulatory mechanism to implement the conventions pertaining to environment. In this connection, a concrete wildlife protection programme is required to be developed for the Deosai region. Likewise, a Hazardous Waste Management Policy and the rules for trade control of Wild Fauna and Flora are required to be formulated on priority.*

## 4.4 UN Conventions on Good Governance

### *International Drug Control Conventions*

South Asia continues to face a multitude of drug control challenges that are exacerbated, in part, by its geographical location between the two main illicit opiate producing and trafficking regions of the world, namely the Golden Triangle in South-East Asia and the Golden Crescent in South-West Asia (covering Afghanistan, Iran and Pakistan). The International Narcotics Control Board (INCB) Report 2018<sup>35</sup> highlights that the route used by traffickers to smuggle opiates through South Asia is an alternative part of the so called ‘southern route’, which typically runs through Pakistan (or the Islamic Republic of Iran) and, via the Gulf countries, continues to East Africa and on to the destination countries<sup>36</sup>. The Counter Narcotics Police of Afghanistan continue to emphasize that precursors were mainly trafficked through Iran and Pakistan.

According to Pakistan’s Anti-Narcotics Force (ANF), which is a Government law enforcement body for anti-narcotics, Pakistan was more vulnerable to drug trafficking due to increased poppy cultivation in Afghanistan. Strict measures were taken by the ANF to neutralize drug trafficking peddlers around education institutions. So far, 137 cases were registered, 163 traffickers were arrested and 2,518 kg drugs were seized. In January 2019, Pakistan's ANF reported that during last year the number of reported cases was 1,184, which led to the arrest of 1,376 culprits and seizure of 100.26 t of drugs and precursor chemicals of approximate worth USD 1,195.72 million. The ANF plans to increase capacity of its force from 3,148 to 10,000 in phased program.

Despite these measures, the UNODC reports highlighted that some of the heroin seized in Europe transited Pakistan, trafficked directly from that country by air or sea to Europe. Opiates are also being trafficked from Pakistan to the Islamic Republic of Iran for trafficking to European markets along the Balkan route. The vast majority of morphine and heroin seized in the Islamic Republic of Iran entered the country from Pakistan.<sup>37</sup> Pakistan seized 24.4 t of heroin in 2017 compared with 23.1 t in 2016, and it saw a reduction in opium seizures, from 64.6 t in 2016 to 40 t in 2017. Pakistan saw a substantial increase in seizures of cocaine, equalling 415 kg in 2017 compared with 231 kg in 2016.

The *EU Action against Drugs and Organised Crime (EU-ACT)*, a project for € 12 million, supports Pakistan and four other priority countries along the Heroin Route from Afghanistan in their counter narcotics policies and operations. In Pakistan, project activities commenced early in 2019, will boost the capacity of the Anti-Narcotics Force (ANF) and associated institutions to investigate and prosecute the smuggling of drugs more effectively, through streamlined internal processes, improved internal oversight and more effective data sharing between agencies at provincial, national, and international level.

<sup>35</sup> Report of the International Narcotics Control Board for 2018.

<sup>36</sup> Seizures made by countries along the Balkan route accounted for 47 per cent of global quantities of heroin and morphine seized outside Afghanistan in 2017. Other routes take heroin out of Afghanistan via Pakistan to South Asia or Africa (the southern route), or through Central Asia to markets in the Russian Federation (the northern route). However, those routes seem to be less important, and that importance is declining further, as in the case of the northern route (see World Drug Report 2019, UNODC).

<sup>37</sup> [https://wdr.unodc.org/wdr2019/prelaunch/WDR19\\_Booklet\\_2\\_DRUG\\_DEMAND.pdf](https://wdr.unodc.org/wdr2019/prelaunch/WDR19_Booklet_2_DRUG_DEMAND.pdf) ; page 47.

## *UN Convention against Corruption (UNCAC)*

Pakistan slightly improved its position in Transparency International's Corruption Perception Index 2018, ranking 117 out of 180 countries with score of 33 out of 100, up from ranking 116 out of 176 countries with a score of 32 in 2016.

The 2017 UNCAC review for Pakistan made several recommendations on criminalisation and law enforcement and international cooperation, including improvements in data collection; increasing the investigative, prosecutorial and enforcement capacities for corruption cases; and ensuring legislation is aligned with the Convention including laws on whistleblowers and witness protection. The review group also noted good practice in the enabling of the National Accountability Bureau (NAB)'s autonomous working; and identified technical assistance needs related to the Convention<sup>38</sup>.

The EU supports the Government of Pakistan in its anti money laundering and counter financing of terror efforts through a contribution agreement with United Nations Office on Drugs and Crime (UNODC) for *Pakistan's Action to Counter-Terrorism (PACT)*. Under this project, United Nations Office on Drugs and Crime (UNODC) has facilitated Combating Financing of Terrorism training to officers of the justice, law and order sector at inter-provincial level. Should the Government express an interest, the EU could mobilise Anti Money Laundering/Combating Financing of Terrorism technical assistance under a global programme.

The National Accountability Bureau (NAB) is the official Anti-Corruption Agency of Pakistan. The Federal Investigation Agency (FIA) and Anti-Corruption Establishments in the provinces also play a role in curtailing corruption. Institutionally, NAB has **strengthened over time**. A special helpline for complaints is now in place. Until December 2018, NAB had lodged 4,185 complaint investigations, of which 323 are pending while the rest have been finalised during the year. The Chairman has recently informed the press that NAB had recovered Rs. 326 billion in the recent past.

However, the National Accountability Bureau (NAB) is being widely criticised by the opposition for 'nabbing' the opposition parties only and going slow on cases against the Government. In fact, the majority of complaint investigations are towards opposition leaders. Very few cases of the ruling party Ministers and politicians have been pursued since the 2018 elections, which is considered to be a reflection of NAB's partiality. The leadership of the two main political parties as well as the second tier

(former Ministers) are in prison mostly for interrogations. The opposition leader in the National Assembly and former Chief Minister of the Punjab province has also been in custody for charges against corruption and is on bail now. The opposition parties have expressed intention to do away with the accountability laws once they come into power.

In 2019, NAB intends to continue with its anti-corruption drive by **strengthening awareness** with a strong focus on the youth of the country. It plans to establish an exclusive Anti-Corruption Academy for which financial allocation has been requested to the Federal Government. It also plans to form an anti-corruption forum in collaboration with countries in the region to enhance and strengthen anti-corruption activities across borders. In December 2018, the Supreme Court of Pakistan asked Parliament to amend the **accountability law** allowing voluntary return of plundered money or else the court would pass an appropriate order in this regard. The process to propose the amendment has already begun.

<sup>38</sup>

<https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/ExecutiveSummaries/V1705613e.pdf>

The National Accountability (Amendment) Ordinance II was promulgated by the President, whereby Voluntary Return & Pleas Bargain under Section 25 (a) & (b) in the National Accountability (Amendment) Ordinance (NAO) 1999 was substituted by Voluntary Return with amended implications of conviction. Previously, the plea bargain clause enabled corrupt individuals to walk free after paying back part of the ill gotten money. Presently, the National Accountability (Amendment) Ordinance (NAO) 1999 is being reviewed by a committee comprising legislators from both houses of the Parliament.

In relation to prevention of **money laundering and terrorist financing**, Pakistan's authorities maintain that as far as the financial sector is concerned the relevant regulators have established an effective supervision regime of their regulated entities. However, several strategic deficiencies have been identified in the regime for the prevention of money laundering and terrorist financing, leading to Pakistan's inclusion in the document 'Improving Global Anti-money Laundering and Countering the Financing of Terrorism Compliance' of the Financial Action Task Force (FATF), and consequently, on the EU list of high risk third countries<sup>39</sup>. Pakistan has made a high-level political commitment in June 2018 to address these deficiencies by the implementation of an Action Plan. The last set of action plan items were set to expire by October 2019<sup>40</sup>, but the FATF plenary granted a period of extension until February 2020 for the implementation by Pakistan of their respective FATF Action Plan.

## Conclusions and priorities

*Pakistan continues to face drug control challenges. Plans to increase the country's Anti-Narcotics Force are welcome. However, further challenges remain in closing the routes for smuggling and enhancing cooperation within region.*

*Efforts are being made to strengthen the anti-corruption framework, including through enhancing its capacity. This should be strongly encouraged. As for the Accountability drive, the Government must give confidence and autonomy to the National Accountability Bureau, which should follow Accountability for All in its actions. At present, it is widely being criticised for showing partiality by mostly taking up cases against the opposition parties. This poses a great risk to the country's accountability drive.*

*Strategic deficiencies in the regime for the prevention of money laundering and terrorist financing led to Pakistan's inclusion in the 'grey list' of the FATF, and, the EU list of high-risk third countries<sup>41</sup>. Pakistan has made a high-level political commitment in June 2018 to address these deficiencies by the implementation of an Action Plan, the outcomes of which are yet to be determined.*

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<sup>39</sup> see Commission Delegated Regulation (EU) 2018/1467 of 27 July 2018 amending Delegated Regulation (EU) 2016/1675 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council, as regards adding Pakistan to the table in point I of the Annex

<sup>40</sup> <http://www.fatf-gafi.org/publications/high-risk-and-other-monitored-jurisdictions/documents/fatf-compliance-june-2019.html#Pakistan>

<sup>41</sup> see Commission Delegated Regulation (EU) 2018/1467 of 27 July 2018 amending Delegated Regulation (EU) 2016/1675 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council, as regards adding Pakistan to the table in point I of the Annex



# ANNEX

## 5. Pakistan – Treaty Ratification and Reporting

Convention	Status of ratification / reservations <sup>42</sup>	Compliance with reporting obligations to monitoring bodies
1. Convention on the Prevention and Punishment of the Crime of Genocide	Ratified: 12.10.1957 No reservations	<b>No reporting obligations</b>
2. International Convention on the Elimination of All Forms of Racial Discrimination	Ratified: 21.09.1966 No reservations	<b>Compliant with reporting obligations</b> Last report submitted on 02.11.2015. Next report due by 04.01.2020.
3. International Covenant on Civil and Political Rights	Ratified: 23.06.2010 Reservations made at ratification, of which two remain, on Articles 3 and 25 <sup>43</sup>	<b>Compliant with reporting obligations</b> Last report submitted on 19.10.2015. Next report due by 28.07.2020.
4. International Covenant on Economic, Social and Cultural Rights	Ratified: 17.04.2008 Reservation made <sup>44</sup>	<b>Compliant with reporting obligations</b> Last report submitted on 16.10.2015. Next report due by 30.06.2022.
5. Convention on the Elimination of All Forms of Discrimination against Women	Ratified: 12.03.1996 Accession subject to the provisions of the Pakistan constitution Reservation to Article 29	<b>Compliant with reporting obligations</b> Last report submitted on 23.10.2018.
6. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified: 23.06.2010 Reservations made at ratification, of which reservations to Article 8 two remain, on Articles 3 and 25 <sup>45</sup>	<b>Compliant with reporting obligations</b> Last report submitted on 04.01.2016. Next report due by 12.05.2021.
7. Convention on the Rights of the Child	Ratified: 12.11.1990 No reservations	<b>Compliant with reporting obligations</b> Last report submitted on 23.05.2014. Next report due by 11.06.2021.

<sup>42</sup> Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.

<sup>43</sup> Pakistan made nine reservations to the ICCPR at ratification. Leading up to joining the GSP+, most reservations were withdrawn, and the remaining reservations were made more specific. Currently, Pakistan has reservations to Articles 3 and 25.

<sup>44</sup> Reservation: 'with a view to achieving progressively the full realization of the rights recognized in the present Covenant, Pakistan shall use all appropriate means to the maximum of its resources.'

<sup>45</sup> Pakistan made nine reservations to the ICCPR at ratification. Leading up to joining the GSP+, most reservations were withdrawn, and the remaining reservations were made more specific. Currently, Pakistan has reservations to Articles 3 and 25.



8. Convention concerning Forced or Compulsory Labour, No. 29	Ratification: 1957	<b>Compliant with reporting obligations</b> Latest CEACR comments: Observation 2017. Latest report received in 2019. Next regular report due in 2022.
9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratification: 1951	<b>Compliant with reporting obligations</b> Latest CEACR comments: Observation, Direct Request 2018. Latest report received in 2018. Next report due in 2021.
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98	Ratification: 1952	<b>Compliant with reporting obligations</b> Latest CEACR comments: Observation 2018. Latest report (out of cycle) received in 2018. Next report due in 2021.
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratification: 2001	<b>Compliant with reporting obligations</b> Latest CEACR comments: Observation 2017; Direct Request 2017. Latest report received in 2018. Next report due in 2020.
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratification: 1960	<b>Compliant with reporting obligations</b> Latest CEACR comments: Observation 2017; Direct Request 2017. Latest report received in 2019. Next regular report due in 2022.
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratification: 1961	<b>Compliant with reporting obligations</b> Latest CEACR comments: Observation 2017; Direct Request 2017. Last report received 01.01.2018. Next report due in 2020.
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratification: 2006 Minimum age specified: 14 years	<b>Compliant with reporting obligations</b> Latest CEACR comments: Observation 2017; Direct Request 2017. Latest report received in 2019. Next regular report due in 2022.
15. Convention concerning Minimum Age for Admission to Employment, No. 182	Ratification: 2001	<b>Compliant with reporting obligations</b> Latest CEACR: Observation, Direct Request 2017. Latest report received in 2019. Next regular report due in 2022.

16. CITES	Accession: 20.04.1976 No reservations	<b>Compliant with reporting obligations</b> Last (2018) Annual Report submitted on 04.02.2019. Last (2015-2017) Implementation Report submitted on 04.02.2019. Annual Illegal Trade report submitted for 2017.
17. Montreal Protocol	Accession: 18.12.1992 No reservations	<b>Compliant with reporting obligations</b> Most recent data for 2016 was submitted. No more recent reporting data is available.
18. Basel Convention	Ratification: 26.07.1994 No reservations	<b>Compliant with reporting obligations</b> Last (2017) National Report submitted on 25.01.2019. No data on 2018 Annual National Report available.
19. Convention on Biological Diversity	Ratification: 26.07.1994 No reservations	<b>Lack of compliance with reporting obligations</b> Last (Fifth) National Report submitted on 31.03.2014. Latest (Sixth) National Report was due on 31.12.2018. National Biodiversity Strategy and Action Plan submitted on 13.04.2018.
20. UN Framework Convention on Climate Change	Ratification: 01.06.1994 No reservations	<b>Lack of compliance with reporting obligations</b> Latest (Second) National Communication submitted on 09.08.2019. All Biennial Update reports since 2014 due.
21. Cartagena Protocol on Biosafety	Ratification: 02.03.2009 No reservations	<b>Compliant with reporting obligations</b> Last (Third) National Report submitted on 07.09.2016. Next (Fourth) National report due on 01.09.2019.
22. Stockholm Convention	Ratification: 17.04.2008 No reservations	<b>Lack of compliance with reporting obligations</b> Last (Third) National Report submitted on 22.01.2016. Latest (Fourth) National Report was due on 31.08.2018.
23. Kyoto Protocol	Accession: 11.01.2005 No reservations	<b>No reporting obligations</b>
24. UN Single Convention on Narcotic Drugs	Ratification: 09.07.1965 No reservations	<b>Reviewing is fulfilled by the International Narcotics Control Board (INCB).</b> INCB mission took place 11-14 September 2012. See report of the INCB for 2018.
25. UN Convention on Psychotropic Substances	Accession: 09.06.1977 No reservations	
26. UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Ratification: 25.10.1991 No reservations	
27. UN Convention against Corruption	Ratification: 31.08.2007	<b>Reviewing is fulfilled by the UN Office on Drugs and Crime (UNODC).</b> Last (first review cycle) executive summary information was made publicly available on 04.08.2017.