EUROPEAN
COMMISSION

HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 19.1.2018
SWD(2018) 29 final

JOINT STAFF WORKING DOCUMENT

The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Pakistan covering the period 2016 - 2017

Accompanying the document

Report from the Commission to the European Parliament and the Council

Report on the Generalised Scheme of Preferences during the period 2016 - 2017

{COM(2018) 36 final} - {SWD(2018) 23 final} - {SWD(2018) 24 final} -
{SWD(2018) 25 final} - {SWD(2018) 26 final} - {SWD(2018) 27 final} -
{SWD(2018) 28 final} - {SWD(2018) 30 final} - {SWD(2018) 31 final} -
{SWD(2018) 32 final}

Pakistan GSP+ Assessment

1. Country Overview

Pakistan has a population of more than 207 million (2017 census), is socially diverse and constitutionally complex. The application of the Constitution, the federal legislation as well as the jurisdiction of Supreme Court varies between different geographical units that form the federation. The ability of provincial governments and authorities to respect, protect and promote human rights is affected by this complexity. For example, the Supreme Court has no jurisdiction over the regions of Azad Jammu and Kashmir, Gilgit-Baltistan and the federally administered tribal areas (FATA), all *sui generis* entities which are not considered as provinces by the Constitution.

Pakistan continues to face political, economic and security challenges and has limited public financial resources. The country has furthermore faced a substantial energy crisis during the reporting period. Economic growth is slowly picking up and is expected to reach around 5% in 2017 and 5-6% in 2018. Pakistan is particularly vulnerable to natural disasters and has been a victim of several earthquakes and severe floods in the recent past.

Substantial power was devolved in 2010 to the provinces, which play a key role in protecting and promoting many of the rights enshrined in the international conventions under GSP+. Devolution to the provinces offers the possibility to better address needs and challenges at the grassroot level. At the same time it poses challenges of resources and capacities, as well as ensuring that all of Pakistan's citizens can equally enjoy the rights they are entitled to.

Pakistan conducted its 6th national census in 2017, revealing an estimated 58% growth in population since the last census in 1996. It should allow the Government to better target socio-economic policies for the different population groups. It will also have an impact on the share of each province in the federal budget and the allocation of seats in the national and provincial assemblies.

In 2013, Pakistan saw the first-ever transfer of power from one democratically elected Government to the next, but it remains a fragile democracy. Prime Minister Nawaz Sharif had to step down as the result of a Supreme Court ruling related to corruption charges revealed in the 'Panama Papers'. Shahid Khaqan Abbasi took office as Prime Minister in August 2017.

On the security front, the situation has improved at the surface with the heavy engagement of the army in several regions (FATA and Karachi), but remains a problematic as the root causes of terrorism have not been tackled. The ongoing national action plan against terrorism led to a two-year extension of the jurisdiction over civilians of the military courts in terrorism cases, while the situation with regard to the lifting of the moratorium on the death penalty is unchanged since 2015.

The substantial engagement of Pakistan in fighting terrorism has led to a considerable loss of lives and of budgetary resources that otherwise could have been used for socio-economic development. The fight against terrorism has also overshadowed other critical issues, among which the protection and promotion of human rights. Legislation to protect citizens from violence and ensure the security of state institutions must not compromise the respect for human rights, including freedom of expression and freedom of religion or belief.

Pakistan continues to host a large number of Afghan refugees who are increasingly encouraged to return to their country of origin by a series of push factors strengthened by the Government in 2016. Pakistan also represents a major country of origin and transit of

migrants to the EU. The EU and Pakistan have concluded a Readmission Agreement, in force since 2010.

A GSP+ monitoring mission to Pakistan, which also visited Karachi, took place from 30 October to 4 November 2016.

2. Compliance with GSP+ Obligations

2.1. UN Human Rights Conventions (conventions 1-7)

Status of ratification and reporting

Pakistan maintains ratification of all conventions. The latest national report on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) has been overdue since 1 March 2017 During the last two years, Pakistan has participated in the UN Treaty Body monitoring of CRC, CAT, CESCR and the CPPR. On 16 October 2017, the UN General Assembly elected Pakistan to serve on the Human Rights Council as of 1 January 2018.

Pakistan underwent its 3rd Universal Periodic Review on 13 November 2017, where 117 delegations took the floor raising concerns related to, *inter alia*, the death penalty, freedom of religion or belief, freedom of opinion and expression and issues of discrimination and violence against women and minorities. Pakistan received 289 recommendations to which it should respond by March 2018.

Status of implementation of the conventions

While constitutional and legal guarantees for the rights of Pakistani citizens are relatively comprehensive, and although the last two years have seen the adoption of a number of new laws, strategies and action plans, implementation remains an issue of concern. Often, for reasons of lack of political priority, weak capacity, resulting in legal safeguards not always being translated into tangible improvement on the ground.

At the same time, the obstacles faced by the Government and other actors in addressing shortcomings in human rights must be recognised. The overarching objective of the Government to improve the security situation often diverts attention from other policy areas and puts a considerable strain on budgetary resources crowding out the much needed spending on socio-economic development and notably on health and education. Meanwhile, many responsibilities for implementation of the conventions have been devolved to the provinces, where capacity and resources are often insufficient.

On the institutional side, the Government has made efforts to promote human rights. The National Action Plan on Human Rights, the first of its kind in Pakistan, was approved by the Prime Minister in the first half of 2016. The plan, while somewhat general, includes many important priorities and actions. However, due to lack of progress reporting to the public, it is unclear how many of these priorities and actions have been implemented so far. According to the Government, a National Task Force is working with the provinces to develop strategies and monitor the implementation of the action plan. The provinces are also developing their own human rights strategies to reflect their provincial priorities.

Following the granting of GSP+, the Government also established a system of Treaty Implementation Cells (TICs) at federal and provincial levels, tasked with coordinating the implementation of treaty obligations between different line ministries and departments and between the federal and provincial levels. While these TICs are still developing their

responsibilities and capacities, they provide a useful forum for discussion and coordination, which did not exist before and which has been highly relevant, not least in the context of the devolution of responsibilities to the provinces.

The National Commission on Human Rights (NCHR), which was constituted in 2015, has in the past two years gradually played a more active role and issued a number of important reports and observations, including on controversial topics. The Commission has also begun to deal with individual complaints. However, the NCHR's functional and budgetary autonomy, as required by the Paris Principles, has not yet fully materialized. The NCHR was not able to appear before some UN Treaty Body committees. The federal and provincial Commissions on the Status of Women have also played an important role in promoting human rights in Pakistan. The National Commission for Child Welfare and Development has been established. The Government also points to the human rights cells of the Supreme Court and the High Courts as avenues of redress for human rights violations.

Parliament, through the standing committees on human rights of the Senate and the National Assembly, has started to play a more active part in holding the Government accountable on human rights. The women's caucuses, established at federal and provincial parliaments, are becoming more active.

Monitoring of human rights in Pakistan remains a challenge due to lack of reliable, nation-wide data related to human rights. Some NGOs collect figures, but this information is somewhat sporadic and mainly based on media monitoring. The Government has indicated that it intends to improve data collection by establishing a Human Rights Management Information System, which will be anchored in a National Human Rights Institute that is planned to be established by the end of 2017. This institute would have training, research, and the collection and dissemination of statistics and information as its main functions, with a particular focus on the provincial level.

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

The Committee on the Elimination of Racial Discrimination considered the initial report of Pakistan on 25-26 May 2016. In its Concluding Observations the Committee welcomed a number of positive aspects, but also expressed serious concerns on a number of matters. Some of the most pertinent observations are outlined below.

The Committee welcomed the National Action Plan for Human Rights and the operationalisation of the National Commission on Human Rights as well as a number of recent laws on relevant topics, including Hindu marriage, domestic violence, acid crimes, and prevention of anti-women practices. The Committee also expressed appreciation of the system of quotas for minorities and women in federal and provincial assemblies as well as for minorities, women and persons with disabilities in public service. It also welcomed ratification by Pakistan in recent years of a number of international instruments, including the Convention on the Rights of Persons with Disabilities, the Optional Protocol to the CRC, CCPR, CAT and the Convention against Transnational Organised Crime.

However, the Committee expressed concern that the Pakistani Constitution and laws do not provide a definition of racial discrimination in conformity with the Convention, nor is there any specific legislation which prohibits acts of racial discrimination against individuals, declares illegal and prohibits racist organisations, and criminalises all acts of violence or incitement to such acts against persons or groups of persons on the grounds of race, colour, descent, ethnic or national origin. It also noted a persistent narrow interpretation of minorities, limited to religious minorities, and the absence of a legislative framework to recognise and

protect all minority groups, particularly ethnic minorities and groups that are minorities on multiple grounds. In this context, the absence of recognition of the de-facto existence of scheduled caste and discrimination against them was mentioned.

The Committee also expressed concern that minorities often face violence and hate crimes, such as harassment, mob violence and killings of persons belonging to ethnic and religious minorities, particularly Hazaras, Christian Dalits, Hindu Dalits and Ahmadis. The Committee also noted the particular problems faced by minorities in relation to access to justice, blasphemy laws, violence against women, bonded labour, participation in public affairs and in their capacity as human rights defenders.

The protection of the rights of minorities is a priority in Pakistan's National Action Plan for Human Rights, including strengthening the independence and statutory status of the Commission on Minorities and developing a National Policy on Interfaith Harmony. All four provinces have developed plans to protect rights of minorities and protect their places of worship. Furthermore, a quota (5%) has been allocated for minorities in public employment.

International Covenant on Civil and Political Rights (CCPR)

The 2013 elections were followed for the first time in the history of Pakistan by a peaceful democratic transition from one civilian Government to the next. The much awaited electoral reform bill, including 32 of the 50 recommendations listed in the 2013 EU Electoral Observation Mission's report, was enacted on 2 October 2017.

The Human Rights Committee considered the initial report of Pakistan on 11-12 July 2017. The Committee welcomed the ratification of certain international human rights instruments and recent national legislation on, *inter alia*, amendments to the Criminal Law regarding rape and honor-killings and the establishment of the National Commission for Human Rights. The Committee however expressed concern on a number of issues relating to the obligations under the CCPR, a few of which are mentioned below. It requested, in accordance with its procedures, Pakistan to follow up, within one year, with information on the implementation of some of the Committee's recommendations.

The first recommendation for Pakistan to follow up on is to reinstate the moratorium and consider the abolition of the death penalty; or at least to ensure that death penalty is only provided for the "most serious crimes", that no one under the age of 18 or with serious psychological or intellectual disabilities is subjected to it and that execution protocols are followed. Pakistan is to further follow up on the recommendation to criminalise and put an end to the practice of enforced disappearances and secret detention, and to ensure the prompt investigation of cases of enforced disappearances and extrajudicial killings. Finally, Pakistan is requested to follow up on the recommendation to repeal all blasphemy laws or to amend them in compliance with the strict requirements of the Covenant; and to ensure the investigation and prosecution of those involved in incitement of or engagement in violent acts against others based on allegations of blasphemy.

Discussions have been ongoing to reform the status of the Federally Administered Tribal Areas (FATA) where, since the formation of Pakistan, the outdated Frontier Crimes Regulation has severely limited the democratic and human rights of citizens living in FATA. The Government has decided, in principle, to merge FATA with Khyber Pakhtunkhwa, which would be a first if not complete step towards full recognition of the rights of citizens living in FATA. The Human Rights Committee recommended in its report that Pakistan takes steps to ensure that the Constitution, federal laws and jurisdiction of the highest courts are applied in the entire territory of Pakistan, including FATA.

The right to a fair trial remains a major concern, stemming from weaknesses of the judicial system. A large back-log of cases resulting in defendants spending years in jail before their case is heard continues to be a problem. Poor defendants also continue to have inadequate access to legal representation, and allegations of corruption and intimidation of the courts, undermining the course of justice, also continue. Legislative reforms and strengthening of the justice system, including juvenile justice, are priorities in the National Action Plan for Human Rights. In 2017, the Government introduced a Juvenile Justice Bill in the Parliament, which would include age determination protocols. In February 2017, the National Assembly passed the Alternate Dispute Resolution Bill 2017 aimed at offering more speedy and less costly resolution fora for 23 types of civil and criminal cases. This is also seen as a way to minimise the role of arbitrary *jirgas* (tribal councils) and give opportunity for women to be heard in cases of violence or dispute.

Pakistan lifted the moratorium on the application of death penalty in March 2015. According to an NGO[1], 333 executions were carried out in 2015, 87 in 2016 and 44 in 2017. Pakistan's National Commission for Human Rights has recommended to review the category of 'most serious crimes' from an international law perspective and restrict the death penalty to the most serious crimes as a last resort in accordance with the CCPR. According to the Government, such a review process started in September 2017.

Concerns about miscarriage of justice in death penalty cases remain. In 2016, the Supreme Court in four separate cases acquitted five individuals, but two of these had already been executed and one had died in prison of natural causes. The two others were released after spending 24 and 11 years in prison respectively. There are still concerns about the possible execution of juveniles and mentally ill persons. In 2016, the Supreme Court stayed the execution of two mentally ill persons and one paraplegic. Their cases are awaiting review by a medical board.

In early 2017, the Pakistani Parliament adopted the 23rd constitutional amendment, which extends the jurisdiction for special military tribunals to civilians in terrorism-related cases until January 2019. The constitutional amendment introduced certain safeguards, including the right to be informed about the charges within 24 hours and the right to choose a defence lawyer, but observers find that these do not go far enough to assuage serious concerns about the right to a fair trial for the defendants. Proceedings still take place in secrecy, there are no reasoned judgements and the right of appeal is still restricted. The Human Rights Committee has recommended to review legislation relating to military courts with a view to abrogating their jurisdiction over civilians and the authority to impose the death penalty; and to reform the military courts by bringing their proceedings into full conformity with the Covenant.

Freedom of expression has come under further strain in the last two years. The Government and the security forces are increasingly applying pressure on the print and broadcast media to suppress any critical coverage, in particular of the armed forces, using intimidation tactics, discrete pressure and selectively applying a media code of conduct. In 2017, social media also came under pressure, with legal grounds offered by the new cybercrimes law enacted in August 2016. A campaign against 'blasphemy on social media' has been launched, in which the allegation of blasphemy is effectively used to suppress public opinion online. The Human Rights Committee recommended Pakistan in its report to ensure that criminal laws are never

[1] http://hrcp-web.org/hrcpweb/

improperly used against journalists or other dissenting voices and that all reported cases of harassment, disappearances and killings of human rights defenders are promptly and thoroughly investigated and prosecuted.

The registration process of international NGOs (INGOs) continues to be slow and non-transparent. INGOs and national NGOs are required to obtain a no-objection-certificate (NOC) for their activities, which is often difficult or not granted at all. Furthermore, they experience threats, intimidation and are sometimes banned by the authorities on 'security' grounds. Human rights defenders and civil society activists are particularly at risk, and there are reports of murders and arrests on dubious grounds in connection with the aforementioned campaign against blasphemy on social media.

Enforced disappearances and extra-judicial killings remain a grave concern and there has been an increase in the number of cases reported by human rights organisations in the past two years. According to the July 2017 report of the UN Working Group on Extrajudicial Killings, there are 723 outstanding cases at the end of the period under review (December 2016). The highest number of cases continues to take place in Balochistan, Khyber Pakhtunkhwa, FATA and Karachi. In early 2017 five critical bloggers disappeared for several weeks, and although they have re-appeared, the circumstances of their disappearance remain unknown. The Commission of Inquiry on Enforced Disappearances continues to work. According to the Government, the Commission has up to November 2016 disposed of 2,416 of the 3,692 cases received. 1,276 are still under investigation. However, to date no one has been prosecuted for any disappearance or extrajudicial killing. The National Commission on Human Rights has recommended to criminalise enforced disappearances and strengthen the role and resources of the Commission of Inquiry. In the second cycle of the Universal Periodic Review in 2012, Pakistan accepted the recommendation to criminalise enforced disappearances. The same recommendation was again made by the Human Rights Committee in 2017.

Religious minorities continue to face a difficult situation throughout the country, and are often subject to violence, intimidation, discrimination and even murder. Nevertheless, some action has been taken by the Government to curb hate speech, including by banning sermons by loudspeaker and prosecuting clerics for stoking animosity against minorities. Police has also more actively stepped in to protect religious minorities or their places of worship against mob violence or terrorist attacks. Protective legislation has also been adopted, most notably the Hindu Marriage Bill. According to the Government, a draft for a Christian Marriage and Divorce Act is being finalised. As mentioned under CERD, a National Policy Interfaith Harmony is being developed. The Human Rights Committee recommended in its report that Pakistan reviews school textbooks and curricula with a view to removing all religiously biased content, incorporates human rights education therein and continues to regulate *madrasas*; it also recommends to fully implement the judgement of the Supreme Court of 19 June 2014.

The blasphemy laws continue to result in the persecution of persons on religious grounds. A Government campaign against blasphemy on social media can be seen as contributing to fear among religious minorities and stirred strong religious sentiments resulting in several violent incidents. The Government has announced that it is considering introducing additional safeguards against misuse of the blasphemy laws.

The Ahmadi community remains the target of violent persecution. Articles 298B and 298C of the Penal Code still provide that Ahmadis who call themselves Muslims or perform certain Islamic rites can be punished for blasphemy with up to three years prison. An increasing number of cases are also reportedly brought against Ahmadis for 'hate speech' under the anti-

terrorism laws. In late 2016, police raided the Ahmadi offices in Rabwah, arrested four people and closed the offices.

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

The Committee on Economic, Social and Cultural Rights considered the initial report of Pakistan on 12-13 June 2017. The Committee welcomed ratification of a number of international human rights instruments and the recent amendment of the Criminal Law, adopting Anti-Honor Killings legislation. The Committee however expressed concern about a number of issues relating to the obligations under the CESCR, and requested Pakistan to follow up, within 18 months, with information on the implementation of some of the Committee's recommendations. Concerns were expressed on the extreme levels of poverty of a very large percentage of the population, and occupational safety and health in certain sectors. The Committee highlighted its concerns regarding the right to education and poor school infrastructures, poor quality of education and high dropout rates. The Committee recommended that Pakistan takes measures to ensure that the National Commission for Human Rights is able to fulfil its mandate independently from the legislative and executive branches of the Government, and that it functions in accordance with the Paris Principles. The Committee further requested follow up on the recommendation to ensure the protection of human rights defenders from abductions, killings and intimidation and to investigate and prosecute all cases of harassment, disappearance and killings. The Committee requested Pakistan to follow up on their recommendation to ensure that all children have the right to education.

Pakistan continues to struggle to ensure the progressive realisation of the economic and social rights enshrined in the CESCR. The ability to succeed will to a large extent depend on generating economic growth and channelling the revenues from this growth into investments in the welfare of the people. The Committee recommended to progressively develop and apply appropriate indicators on the implementation of economic, social and cultural rights to facilitate the assessment of progress for various segments of the population.

Over the last two years, the present Government kept economic growth as a priority and has achieved some results, including through a reform programme supported by the IMF and an effort to improve energy supply. This has led to a stabilisation of the economy and an improvement in annual growth rates from 4% to an expected 5.5-6% for 2017-2018. However, despite a declared aim of increasing tax revenues, results have been marginal and largely dependent on regressive direct taxes. Only with efforts to broaden the tax base with a focus on income tax will it be possible to the secure the revenue necessary for real change.

Nearly up to 39% of the population of Pakistan is estimated to live in multidimensional poverty. With regard to the right to social security and an adequate standard of living, the Benazir Income Support Programme (BISP) provides unconditional cash transfers to families based on a 'poverty scorecard', while also offering certain services such as health insurance and vocational training. Employer financed old age pensions also continue to exist but these cover only employees in the formal sector, thus excluding the large majority of the workforce in the informal sector.

Basic social indicators remain poor. Human development indicators on life expectancy, infant mortality, maternal mortality, literacy, school enrolment and completion provide a problematic picture. Government spending on health has increased by 3% while spending on

education has increased by 23% during 2014-2016.[2] The provinces also continue to increase their spending allocations on education. However, this still falls short of the declared goal to spend 4% of GDP on education.

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

The last Concluding Observations regarding Pakistan from the Committee on the Elimination against Women date from March 2013. Pakistan's country report is due since 1 March 2017.

The Government continued to attribute high priority to the situation for women and girls has in the past two years. This has resulted in new legislation and policies to tackle persistent problems and in some instances this seems to have resulted in improvements on the ground. However, women and girls continue to be exposed to serious human rights violations, including murder, violence, rape, forced marriages and forced conversions and discrimination in practically all fields of life.

According to an NGO, more than 2,500 cases of serious violence against women were reported in the media in 2016. These ranged from murder, sexual violence, domestic violence, acid attacks and kidnappings to harassment.

The province of Punjab adopted a Protection of Women against Violence Act, criminalising all forms of violence against women, addressing weaknesses in the prosecution of offenders and providing assistance to victims. Sindh and Balochistan already have laws against domestic violence while Khyber Pakhtunkhwa is reportedly in the process of finalising similar legislation. However, a law at federal level on violence against women is still being considered. In 2016, the Parliament adopted an anti-rape law (criminal code amendment bill), which paves the way for use of DNA in rape cases. According to a study done by an NGO working against acid crimes, the number of acid attacks declined by 50% from 2012 to 2016. Still, media recorded a total of 67 victims of acid crimes during 2016.

So called 'honour killings' persist in Pakistan. Statistics for 2016 are not available, but in 2015 an NGO recorded 987 cases mentioned in the media. Following a spate of highly publicised cases in 2016, the Parliament adopted a law against honour killings, which removed the possibility for the family of the deceased to forgive the perpetrator.

Forced marriages and forced conversions are forbidden, but continue to take place. A local NGO has estimated the number of forced conversions, mostly of women and girls, often underage, to around 1000 per year. The Provincial Assembly of Sindh, where most of these cases occur, took an important step to address this problem by adopting the Protection of Minorities Act, which provides safeguards against such practices. However, following protests from conservative religious groups, the act has not yet been enacted. Another important development was the adoption, also by the Provincial Assembly of Sindh, of the Hindu Marriage Act, which for the first time provides legally recognizes marriages in the Hindu faith. In March 2017, the federal Parliament adopted what is seen as a landmark federal legislation on registration of Hindu marriages.

[2] Both figures are nominal. Source: PRSP Secretariat, Ministry of Finance Government of Pakistan: http://www.finance.gov.pk/poverty/PRSP_Expenditure_FY_2015-16.pdf ; http://www.finance.gov.pk/poverty/PRSP_Expenditure_2013_14_2014_15_provisional.pdf

The protection of the rights of women and the elimination of gender based violence is a priority in the National Action Plan for Human Rights. The Ministry for Human Rights has formulated National Policy Guidelines on Gender Based Violence. The Commission on the Status of Women has developed 'Standard Violence against Women' indicators which should contribute to the much needed data on human rights in Pakistan.

Literacy rates for women and school enrolment and completion rates for girls remain significantly below those of men and boys respectively. During 2016, an economic empowerment survey was conducted, which illustrates the large economic disparity between men and women throughout the country, with the Province of Punjab showing the lowest economic disparity followed by Sindh, Khyber Pakhtunkhwa and Balochistan. According to the Government, the Benazir Income Support Programme has played a strong role in the encouragement and empowerment of over 5.8 million women, especially in rural areas.

Women continue to be underrepresented, both among voters and elected representatives. The electoral reform package includes measures to encourage women's participation in elections. Among elected representatives, women continue to have a certain level of representation through a system of reserved seats. The Election Commission of Pakistan has declared elections of a provincial constituency null and void due to no women voting and it is hoped this will act as a deterrent. Electoral areas where women voter registration is less than 40% compared to men have been identified and are being monitored.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

The Committee against Torture considered the initial report of Pakistan on 18-19 April 2017. In its Concluding Observations, the Committee expressed serious concern about consistent reports that the police engages in the widespread practice of torture throughout Pakistan to obtain confessions from persons in custody. It further noted that while information had been provided that disciplinary measures have been taken against more than 7,500 police officers in Punjab, there was no information about criminal investigations against any of these officers.

It was also observed that procedures in place for investigation into allegations of torture were inadequate to ensure that criminal cases against police officers are effectively pursued; that oversight bodies foreseen by legislation are not operational or effective in practice; and that although medical doctors in many cases have documented evidence of torture, the authorities are reluctant to take action on the basis of this information. With regard to the latter, it can be noted that the last 2016 GSP Report referred to a study conducted on medical certificates issued by the Faisalabad District Standing Medical Board, which found conclusive signs of abuse in 1,424 out of 1,867 cases examined. All cases had been submitted to the Medical Board because of allegations of mistreatment. No action has so far been taken to conduct an official investigation into the findings.

The Committee expressed serious concern about reports that the military, intelligence and paramilitary forces have been implicated in a significant number of cases of extrajudicial executions involving torture and enforced disappearances. It also noted that certain legislation, including the Aid of Civil Power Regulation, amendments to the Army Act and provisions in the Anti-Terrorism Act have aided in creating *de facto* immunity for members of the security forces engaged in torture. In this connection it was also observed that the National Commission for Human Rights was prevented from investigating complaints involving the military or the intelligence agencies.

It was also noted that while the Constitution prohibits torture for the purpose of extracting information and that the infliction of 'hurt' is punishable under the Penal Code, current legislation fails to provide a definition of torture in accordance with the CAT, or to explicitly criminalise torture as required by the CAT. The Committee observed with concern that the bill against Torture, Custodial Death and Custodial Rape has been pending before Parliament for several years without adoption. One version of the bill was adopted by the Senate in 2015, but lapsed due to inaction by the National Assembly. No timeline on its adoption was provided.

The Committee against Torture expressed deep concern about reports of deaths in custody as a result of torture and severe overcrowding and extremely poor conditions in places of detention. Jail reform is a priority in the National Action Plan for Human Rights and if implemented could offer better conditions in prisons and detention places. The Government is working with the UN Office on Drugs and Crime, and a Prisons Reform Programme has been developed to help reforming the legal and regulatory framework, improving management of prisons and reducing overcrowding through parole and probation. The provinces of Punjab, Sindh and Khyber Pakhtunkhwa have allocated budgetary resources for the repair of existing jails, including medical facilities, and for the conctruction of new ones.

Convention on the Rights of the Child (CRC)

The Committee on the Rights of the Child considered the initial report of Pakistan on 25-26 May 2016. In its Concluding Observations, the Committee recognised initiatives by the Government and the difficulties faced, but expressed serious concerns with regard to children's rights, a number of which are outlined below.

While reiterating positive legislative developments, in particular in areas of child labour and education, the Committee expressed concern about delays regarding the adoption of a number of bills. In this context, differences between provinces were noted, following devolution of power, but the Committee recalled the Government's responsibility for implementation of treaty obligations and encouraged stronger coordination mechanisms and allocation of adequate resources. The Committee also expressed concerns about legislation in some provinces that permits marriage of girls at the age of 16 and that includes a definition of a 'girl child' that covers girls only up to the age of 16 or puberty.

The Committee expressed serious concern about the prevalence of violence against children. It highlighted reports of torture and ill treatment of children by the police and security forces, honour killings, widespread use of corporal punishment, sexual abuse and exploitation of children and other harmful practices. It also highlighted the attacks on children by terrorists, quoted reports of alleged execution of juveniles. Moreover, it encouraged Pakistan to carry out a review of all cases involving claims of juvenility and to strengthen the juvenile justice system and the system of birth registration.

The Committee also expressed concern regarding discrimination against girls and children belonging to ethnic and religious minorities and lack of access for many children to adequate health services and education.

According to the Government, a process has been initiated to follow up on the Concluding Observations of the Committee, and a draft action plan on this subject is under discussion with the provinces. The Government has also highlighted a number of legislative and institutional initiatives taken to improve the rights of children. In this respect the protection of the rights of the child is a priority under the National Action Plan for Human Rights.

Recent laws directly aimed at addressing children's rights include the Punjab Child Marriage Restraint Act (2015) and the Criminal Law (Second Amendment) Act (2016) against sexual abuse exploitation, trafficking and child pornography. Other newer laws with a potentially positive effect on children's rights include the Domestic Violence (criminal law amendment) bill, the Hindu Marriage Bill and the law against honour killings. The law on forced conversions adopted by the Sindh Provincial Assembly, but blocked by the Government, would, if adopted unchanged, also provide important protection against forced conversion of minors. Furthermore, an important development is the adoption of the National Commission on the Rights of the Child Bill 2017. This law establishes an independent statutory body called the National Commission on the Rights of the Child to monitor children rights.

Sindh has enacted a Child Marriage Restraint Act setting the legal age of marriage of 18 years for both males and females. Punjab also has a Marriage Restraint Act setting the age of marriage of 18 years for males and 16 years for females. In Parliament a federal law is being debated where the proposed minimum age of marriage of 18 years for females is being opposed on the grounds that underage marriage of females is in accordance with religious edicts.

The Government has adopted an inclusive education system for children with disabilities to mainstream them into the formal education system. The Provinces are also taking initiatives, for example the 'Punjab Khidmat Card' in the province of Punjab. Sindh and Kyber Paktunkhwa are taking intiatives to establish rehabilitiation centers.

Future actions and priorities

A greater focus on human rights issues during the reporting period has been noted. The framework for human rights is being strengthened with a pro-active Ministry for Human Rights and engagement by Parliament, provinces, different coordination mechanisms (for example the TICs) and oversight bodies. A National Human Rights Institute is being established to focus on human rights research and training. The Law Reforms Committee continues to work on overhauling legislation (the anti-rape and anti-honour killing laws came as a result of its work) and according to the Government an overall framework for human rights is being developed as part of its participation in the Open Government Partnership. Important legislation pertaining to protecting and promoting human rights is in the legislative process such as the Bill Against Torture, Custodial Death and Custodial rape; the Juvenile Justice System Bill; the Child Marriage Restraint Act; the Christian Marriage and Divorce Act; the Transgender Persons Act and the Reproductive Healthcare Rights Bill. National policies on empowerment of women, on violence against women and on domestic workers are being established. A review of the 27 crimes that currently carry the death penalty has started, having regard to the principle of limitation of capital punishment to the "most serious crimes".

Conclusions

During the reporting period 2016-2017, improvements have been noted on the institutional side, with the establishment of TICs, an intensified debate about human rights, a more active role of the Parliament and the Ministry of Human Rights, the adoption of a National Action Plan on Human Rights and increasingly active and effective independent oversight bodies, such as the National Commission on Human Rights and the Commission on the Status of Women. The establishment of the National Commission on the Rights of the Child is also a

welcome development. There have also been important developments in legislation on the rights of women and children, most notably on violence against women, honour killings, rape and sexual abuse and exploitation of children. Efforts have also continued to curb hate speech. The new electoral reform bill represents an important step for democracy in Pakistan.

However, effective implementation continues to be a concern. There is a need for sustained strengthening of institutions and implementation of legislation, particularly the National Action Plan on Human Rights, across all territories of Pakistan. There is a lack of reliable data, monitoring and evaluation.

There are a number of areas where the situation remains unchanged or where there are worrying developments. Only limited action has been taken to address the longstanding issue of enforced disappearances and extrajudicial killings. Likewise, the Government has not taken effective action to address the widespread use of torture. The application of the death penalty and executions remain a grave concern, while a review of the crimes carrying the death penalty would be a welcome first step in the right direction.

While some actions have been taken regarding freedom of religion or belief, for example against hate speech, the blasphemy laws and related campaigns in social media, the difficult situation of religious and ethnic minorities continues to be a concern.

There are serious concerns about freedom of expression, freedom of association and assembly, the situation of human rights defenders and civil society activists, and the overall 'shrinking civil society space'.

The picture of Pakistan's performance on human rights druing the reporting period remains mixed. The lack of progress in certain areas can to some extent be explained by the many challenges faced by the Government, including the difficult security situation, and the lack of resources and capacity. Recent positive steps taken with regards to the establishment and increased independence of national oversight bodies, as well as the introduction of new legislation will still need time and dedicated effort to translate into a more effective implementation of Pakstian's human rights obligations.

Pakistan must therefore step up its efforts and take more proactive, sustained and forceful action 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 identified shortcomings and strengthening the overall implementation of the relevant treaty obligations.

2.2. ILO Labour Rights Conventions (conventions 8-15)

Status of ratification and reporting

Over the reporting period, Pakistan has maintained ratification of the eight ILO fundamental conventions relevant for GSP+ and has complied with all its reporting obligations.

Status of implementation of the conventions

The labour force in Pakistan is estimated at 61 million people out of whom 57 million are employed. The Government estimates that 73% of the workforce is employed in the informal sector, primarily in agriculture and homebased work. The Government carried out a new labour force survey in 2017, the results of which are not available yet.

The 18th constitutional amendment from 2010 devolved responsibility for labour rights from the federal to the provincial level. Capacity constraints at provincial level continue to constitute a challenge for the implementation of ILO conventions, with the picture differing from province to province.

Occupational Safety and Health continues to be an issue in Pakistan. Serious incidents, such as factory fires and building collapses, do occur. The working environments generally remains unhealthy and unsafe. Some sectors have particular problems, such as mining and the ship breaking industry.

The labour inspection system remains inadequate. The Government has developed a framework for revitalisation and restructuring of the inspection system and is working with ILO and donors to implement improvements, including through recruitment of inspectors, capacity building and digitisation. However, so far this has not translated into substantial improvements and further steps could include a new legislative framework, a separation of the inspection system from the provincial labour departments and establishing tripartite oversight mechanisms.

Pakistan has a system of labour courts, which adjudicate matters related to labour rights and labour disputes. However, the effectiveness of these courts is hampered by long delays in processing cases, complicated and costly procedures and allegations of collusion with employers. This is not fundamentally different from the problems facing the judiciary in general. Another problem that has been brought up is the lack of expertise of the judges in labour law. Observers have called for the appointment of special labour judges with the necessary expertise to serve exclusively in the labour courts.

Since 2016, the EU funded project International Labour and Environmental Standards Application in Pakistan's SMEs (ILES) promotes sustainable and inclusive growth in Pakistan by supporting the economic integration of Pakistan into the regional economy by improving compliance with labour and environmental standards and increased competitiveness. The project will assist public sector institutions to improve the enforcement of existing legislation and compliance of international labour and environmental standards in Pakistan, as well as define new laws where necessary. In particular, it will assist SMEs in the textile and leather sector to institutionalize the implementation of and compliance with ILES legislation through their active engagement.

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

The rate of unionisation remains very low. Currently only 1% of workers are members of trade unions. Registration of new unions in Pakistani workplaces continues to be met with difficulties. The requirement that a trade union can only be registered if it represents more than 20% of the workforce has allegedly led to employers registering fake (pocket) unions. Moreover, the registration process is complicated and subject to wide discretion of the registrar, leading to allegations of collusion with employers to prevent registration. There have been some indications that the 20% threshold could be removed, but no action has yet been taken and no proposals have been adopted to streamline the registration process. Legal rules continue to exclude the formation of unions and the right to strike in health and education, banking and security, which are considered as 'essential' services.

A main challenge continues to be the generation of new employment opportunities for a rapidly growing population. In order to attract investment, the Government established a number of export processing zones (EPZs) and has recently, in connection with the implementation of the China Pakistan Economic Corridor, established new Special Economic Zones (SEZs). A main concern has been that labour laws were not applicable in the EPZs. According to the Government, labour laws will be fully applicable in the SEZs and that they are working to bring EPZs under this regime.

Sindh and Balochistan have included workers in the informal sector under the industrial relations act and the first union, the Sindh Agriculture and Fishing Workers Union has been formed. The province is reportedly undertaking awareness raising among informal sector workers of their rights. Khyber Pakhtunkhwa is considering a similar step. In Punjab, a home based workers union has been formed, but its ability to operate and bargain collectively is uncertain, given the absence of a legal framework provided by the industrial relations act.

Harassment and intimidation of trade union members continue to be an issue. This can take the form of threats of dismissal. In some instances workers have allegedly been forced to sign undated resignation letters. The widespread practice of not giving workers formal employment contracts, thus leaving them without protection or the ability to join a union, continues. The Government has not indicated how it intends to adress this issue, but a robust labour inspection system and appropriate sanctions for infractions would be necessary.

There are limitations on the right to strike, and authorities can unilaterally suspend actions after 30 days, or before it causes 'hardship' on the community. Illegal strikes are punishable with imprisonment of up to 10 years (or life) under the offense of 'civil commotion'. The police is sometimes called upon to break up strikes and has in a number of cases charged the striking workers under the Anti-Terrorism Act.

Tripartite structures have been strengthened in recent years. The National Industrial Relations Committee has been re-established and is taking a more active role. Recently established tripartite consultative committees at federal and provincial level have also met regularly in the last few years and discussed relevant labour market issues. Two national tripartite consultations were held in 2017, to discuss labour market legislation in a post devolution scenario and the provincial action plans for implementation of said legislation. The workers-employers' bilateral council has also continued to be active.

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. Bonded labour is most prevalent in the brick kiln production and the agricultural sector, but also in coal, glass and carpet industries. The problem continues to be

concentrated mostly in Sindh and Punjab. Bonded labourers often belong to religious minorities and lack basic education, making it more difficult for them to assert their rights. No reliable figures exist, but the 2016 Global Slavery Index estimates that around 2.2 million people in Pakistan live in modern slavery. Balochistan and Khyber Pakhtunkhwa have indicated that they intend to carry out bonded labour surveys. Sindh, as part of its planned survey on child labour, will assess bonded labour involving children.

Bonded labour was outlawed throughout Pakistan by the 1992 Federal Bonded Labour Abolition Act. Some effort has been made to improve legislation against forced labour and bonded labour. Nevertheless, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has highlighted certain circumstances in which Pakistani legislation allows for imprisonment involving compulsory labour in situations which are not permitted by the ILO fundamental conventions. Such circumstances include punishment for expressing political or religious views, or having participated in strikes.

In 2015, provincial bonded labour abolition acts were adopted in Khyber Pakhtunkhwa and Sindh. Punjab and Balochistan are working on their own bonded labour abolition acts. In 2016, Punjab also adopted the prohibition of child labour in the Brick Kilns Act, which includes some provisions aimed at addressing bonded labour in kilns. Authorities in Khyber Pakhtunkhwa, Sindh and Punjab are taking action in relation to bonded labour, including in brick kilns (see section on Conventions 138 and 182).

Enforcement continues to be a concern: very few, if any, cases are being prosecuted. Penalties are often inadequate to deter infractions and law enforcement lacks awareness of labour issues and the capacity to tackle them effectively. Moreover, corruption affects the capacity of local law enforcement officials to prevent investigations and prosecutions.

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

Child labour continues to be a major concern in Pakistan. A national child labour survey has not been carried out since 1996, so accurate figures are lacking. The ILO has estimated that 2.5 million children between the age of 10 and 14 are in employment, likely bringing the total number of child workers in Pakistan to a much higher figure. Punjab and Sindh are in the process of carrying out new child labour surveys, while Balochistan and Khyber Pakhtunkhwa have plans to do so. Punjab has already completed a survey of the brick kiln industry. Azad Jammu and Kashmir territory also have plans for a survey.

The majority of child labour in Pakistan takes place in the agricultural sector. However, problems are also significant in brick kilns and in certain industries, such as gemstones and stone crushing. There is also a growing issue with child domestic workers, where a number of cases of abuse of underage domestic workers have been reported in the media. The worst forms of child labour are reportedly also prevalent, including bonded child labour in brick kilns, carpet weaving and work in the mining industry. There are also reports of children being recruited by militant groups and for sexual exploitation.

Combatting child labour is a priority for Pakistan. In 2016, the Ministry of Overseas Pakistanis and Human Resource Development (MOP&HRD) developed a national strategy to eliminate child and bonded labour in collaboration with the provinces. Under this strategy, the provincial labour departments shall take steps on legislation, rules and regulations, enforcement of laws, policies and action plans. Proposed actions include capacity building of all stakeholders, enhanced data collection efforts, information and education campaigns and strengthened law enforcement efforts. On the legislative side, the federal law on employment of children (1991) has now been replaced in all provinces by provincial acts on the prohibition

or restriction of employment of children. Generally, these laws prohibit children under 14 to engage in any work and children under 18 to engage in hazardous occupations. While generally welcomed, some observers have concerns that the definition of hazardous occupations is not always comprehensive enough. They have also pointed out that there is a discrepancy between the 14 year age limit and the fact that the Constitution requires compulsory education until the age of 16.

Enforcement is still an issue, hampered by the weakness of the labour inspection system and the total absence of inspections in the informal sector where most children work. Nevertheless, provinces have reported that they have taken special steps to monitor child labour and that this has resulted in arrests and prosecutions.

Punjab has made special efforts to address child labour in brick kilns. With the adoption of the Prohibition of Child Labour in Brick Kiln Act in 2016, the presence of children in the value chain has been criminalised, the presence of children on the worksites has been prohibited, inspections in kilns have increased and additional measures have been taken, including the provision of Computerised National Identity Cards to workers and their families and financial incentives for school enrolment of children. According to the Government, 9,065 inspections took place in brick kilns and 778 cases were lodged, resulting in a significant reduction of child labour from 25% to 3%.

While the efforts in Punjab and elsewhere must be acknowledged, they are still not on par with the size of the problem. The targeted effort against child labour in brick kilns in Punjab has demonstrated that the problem can be addressed successfully. This effort must be sustained and followed in other parts of the country and in other sectors where child labour is prevalent, most notably in agriculture. At the same time, sanctions against infractions should be coupled with other measures to act as an effective long-term deterrent.

Elimination of Discrimination (Conventions 100 and 111)

Pakistan's Constitution prohibits discrimination on the basis of race, religion, caste, sex, residence and place of birth. There is also legislation in place, which, *inter alia*, provides for equal pay for men and women. Apart from the Protection against Harassment of Women at Workplace Act (which is being amended to include colleges and universities), no specific anti-discrimination laws exist, and some observers report about gaps in legal protection. MOP&HRD has drafted a model anti-discrimination law. Provinces have indicated that they are examining this law and are considering adopting corresponding legislation at the provincial level. Some provinces have also indicated that provincial legislation is already prohibiting all forms of discrimination.

Discrimination against women in the workplace continues to be a major concern. The wage gap is significant and some estimate that women receive on average less than 60% of the salary of men for equal work. The labour market participation of women (24%) is significantly lower than that of men (81%). The 2017 Labour Force Survey is expected to provide updated information on this gap. Women are also reportedly discriminated against when it comes to promotions, often face sexual harassment, and have difficulty receiving maternity benefits and lack basic facilities in the workplace.

There are reports that provinces are taking some action, including by sensitising labour inspectors and actively enforcing anti-discrimination provisions, but the scope and intensity is unclear. There are also quotas for women in certain public positions, but they are sometimes unfilled, ostensibly due to a lack of qualified candidates. The low number of complaints, including to the Ombudsman, is sometimes pointed out, but this is more likely a reflection of a lack of empowerment, rather than an absence of problems. Some awareness-raising has been

done by the Ombudsman's secretariat to promote the effective use of online complaints systems. The Higher Education Commission is working to mainstream gender in business and media curricula of universities. Trainings have been carried out for journalists and media workers on gender sensitive reporting and issues of women in the workplace. Trainings have also been carried out on sexual harassment laws.

Ethnic and religious minorities are also disadvantaged in the workplace. They are often confined to low-wage menial labour and are disproportionally often victims of bonded labour. Some provinces have quotas for minorities in public employment, but it is unclear if these are filled and if they predominantly apply to lower wage jobs. Persons with disabilities also face difficulty in getting employed. The law provides for equal rights for persons with disabilities. Certain steps have been taken to promote access for this group to civil service exams and employment quotas at federal and provincial level are in place, which require public and private organisations to reserve at least 2% of jobs for qualified persons with disabilities. However, this requirement is often not implemented due to lack in effective enforcement.

Future actions and priorities

Despite some progress, Pakistan continues to be confronted with a number of pressing issues with regard to the protection of labour rights. Some provinces, namely Punjab, Sindh and Khyber Pakhtunkhwa, have been more active in terms of building a legislative framework and its implementation. Labour force and child labour surveys are underway, which are an important step for a reliable overview of the labour situation in the country. The number of labour inspectors has been stagnating countrywide and the whole labour inspection system is in need of reform, which is essential to improve the enforcement of labour rights and working conditions. The number of labour inspectors is planned to be increased further. The Ministry of Overseas Pakistanis and Human Resource Development (MOP&HRD) has indicated that it is working to develop a National Labour Protection Framework along with 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. The federal and provincial authorities are taking some initiatives to improve anti-discrimination legislation, but stronger action will be needed.

Conclusions

Overall, further steps have been taken by the provinces to adopt legislation and to develop procedures and guidelines to implement the ILO fundamental conventions, also in the context of devolution of labour rights from the federal to the provincial levels. While this process is still not complete, it has moved forward during the reporting period. However, implementation and enforcement of laws and regulations continue 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.

The work undertaken by the Ministry of Overseas Pakistanis and Human Resource Development to develop a national labour protection framework and by the federal and provincial authorities to strengthen the labour inspection system aim to improve compliance

with rights and standards. Labour force and child labour surveys are ongoing, thus improving data availability.

There have been some improvements in the area of tripartite dialogue, as the frequency of the meetings both at federal and provincial level increased. Efforts in this area should be intensified and could be expanded to more areas of labour market and social policies. The gradual opening for the formation of trade unions in the informal sector is also positive. The Government should address the persistent obstacles for the registration and functioning of trade unions, as the level of unionisation continues to be low.

Regarding child labour, some progress can be noted, in particular the effort made by Punjab to address child labour in brick kilns. However, efforts addressing child labour must be intensified and extended to other provinces and to other sectors. Some efforts to tackle bonded labour have been made, although the results are less evident. Only limited efforts were undertaken to improve gender discrimination in employment and to tackle discrimination against persons with disabilities and other vulnerable groups.

Overall, there has been some progress and commitment to improve the implementation of the ILO fundamental conventions. 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.

2.3. UN Conventions on Environmental Protection and Climate Change (conventions 16-23)

Status of ratification and reporting

Pakistan maintains ratification of all conventions. Pakistan is up to date with reporting requirements for all conventions, except under the UNFCCC.

Status of implementation of the conventions

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

All annual reports under CITES are submitted. Biennial reports on legislative, regulative and administrative measures to enforce the Convention were submitted until 2013-2014, while at the time of drafting this report, those for 2015-16 were in preparation.

National legislation still falls under category 2, which means that national legislation 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 being developed. Provincial Governments are fully functional to implement CITES in all four provinces.

Pakistan continued to actively pursue its drive against illegal trade of wildlife within the South Asia Wildlife Enforcement Network. For example, 150 desert lizards were seized by the authorities in Sindh, which had been intended to be sold to other countries in the region. Several attempts of turtle smuggling (including black pond turtles) were foiled. Almost 200 black pond turtles were repatriated to China by the Customs Authorities. The Government of Sindh has amended its Wildlife legislation which now includes all species of freshwater turtles as protected. Sindh has also banned turtle hunting and bear baiting which has contributed to preventing illegal trade in protected species.

However, there have been cases where endangered species have been put under additional threats. The most prominent example is related to the Houbara Bustard. In 2016, it was reported that due to foreign policy considerations and a decision by the Supreme Court, Punjab and Balochistan Provinces issued hunting permits for the Houbara Busard to royals from middle eastern countries. Nevertheless, the CITES Management Committee within the Ministry of Climate did not issue export certificates.

The Sindh Wildlife Department is also cooperating with World Wildlife Fund (WWF) on its enforcement efforts. A National Plan of Action has been developed and more than 200 representatives of law enforcement agencies have received training covering key aspects of illegal wildlife trade. Additionally, wildlife information desks are being set up in collaboration with the Civil Aviation Authority at airports and provincial wildlife departments to increase vigilance over wildlife traffickers at important exit points of the country.

Basel Convention

The National Report for 2015 was submitted in October 2016. Pakistan is developing a national hazardous waste management policy. The Basel Convention Import Policy Order 2016, which bans import of hazardous wastes, has been issued.[3] Procedures for the import of scrap/waste tires have been laid out in the policy. A project on environmentally sound management of waste from ship-breaking at Gaddani (the world's second largest shipbreaking yard) has been concluded and the Ministry of Climate Change is assessing how to develop a project based on the proposals of the report. Pakistan has not yet issued hazardous substances rules.

Convention on Biological Diversity

A National Biodiversity Strategy and Action Plan (NBSAP) has been prepared in consultation of the Provinces and is currently being reviewed by the Prime Minister's Office. The fifth Annual Report has been submitted.

Land degradation and desertification remain serious issues in Pakistan and is 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 Khyber Pakhtunkhwa Government presented its 'Billion Tree Tsunami' project at the pavilion of the International Union of the Conservation for Nature (IUCN) to be implemented

[3] http://www.pkrevenue.com/customs/import-policy-order-2016-import-of-mobile-handset-subject-to-pta-approval/

over four years. Already thousands of nurseries have been set up and around 100 million saplings have been planted across the province.

Stockholm Convention on Persistent Organic Pollutants

Pakistan submitted the required National Implementation Plan (NIP), but none of the required updates so far. An update of the NIP (together with an inventory of new POPs) is expected to be submitted by December 2017. The second national report is still pending, but the third report was submitted in January 2016.

Cartagena Protocol on Biosafety

The Ministry of Climate Change, with the help of the IUCN, has revised the National Biodiversity Strategy and Action Plan (NBSAP) of Pakistan, which is anticipated to be approved by December 2017. The NBSAP has a strategy to achieve the Aichi Biodiversity Targets by 2020.

A National Biosafety Centre was established at the Federal level. Biosafety Rules and Guidelines recommended setting up an Institutional Biosafety Committee (IBC), a Technical Advisory Committee and the National Biosafety Committee (NBC). All institutions, both public and private, involved in research and development of biotechnology are required to establish an IBC, which is responsible for giving clearance for initiating research according to the Biosafety Guidelines. More than 40 IBCs belonging to both private and public sector have been registered with the NBC. The Biosafety Guidelines provide procedures for the research and development on living and genetically modified organisms and their products, including their release and their products for field trials as well as for commercial purposes. The Government is planning to establish an efficient regulatory, administrative and monitoring framework for the implementation of the Cartagena Protocol; a ten year national biosafety framework for the implementation, coordination, and monitoring of the Protocol, including mechanisms to make science-based risk assessments and ensuring transparency in the development and use of living modified organisms.

Conventions on Climate Change

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 about 1% of global emissions. Its high carbon intensity is almost 4 times the world average. The Global Climate Risk Index (2017) ranks Pakistan as number 7 among the most adversely affected countries by climate change.

Pakistan has made some progress in this field. It ratified the Paris Agreement in April 2016. The country submitted in 2015 what some think tanks consider a rather unambitious and non-committal climate action plan, in particular given the exposure to climate induced disasters in the last five years: droughts, floods and more recently, intense heatwaves. It does not specify an emissions reduction target or set of mitigation activities. Pakistan's INDCs (Intended Nationally Determined Contributions) stem from the country's strategic plan Vision 2025. The INDCs present the overall Greenhouse Gas (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 presentation of INDCs does not lessen the challenges that Pakistan faces until they are comprehensively implemented. The country is believed to be at the crossroads of economic development, offering a promising potential for mitigation and adaptation with a favourable opportunity to embark upon low emissions developmental pathways. Fundamental ingredients of development, such as energy needs, food and water consumption levels, infrastructure development, transportation and communication channels are expected to grow manifold in the coming years. Consequently, GHG emissions are likely to grow exponentially, unless cleaner and sustainable technologies can intercept the developmental trajectory and engineer the desired change.

Most actions are contingent upon the provision of international climate finance. Pakistan received about USD 5 million from the Adaptation Fund and funding of USD 38 million approved by the Green Climate Fund (GCF). The Pakistan Climate Change Act 2017 was passed by the Senate of Pakistan in March 2017. This law will establish a policy-making Climate Change Council, along with a Climate Change Authority to prepare and supervise the implementation of projects to help Pakistan adapt to climate impacts and monitor GHG emissions.

Pakistan only reluctantly agreed to the Kigali Amendment to the Montreal Protocol and benefits from a deferred schedule for phasing-out HFCs (hydrofluorocarbons).

Conclusions

Pakistan's efforts to implement the environmental conventions have improved. With legislative measures largely in place, Pakistan now looks towards strengthening institutions to achieve a sustained level of implementation of the conventions, especially those pertaining to environmental and climate change. There is a growing awareness with regard to effective implementation of these conventions among civil society organisations. The judiciary has been highly critical about the Houbara Bustard hunting. The collaboration between the Government, the IUCN and the WWF reflects a change in priorities with regard to biodiversity, an area which used to be largely neglected before 2014.

An integrated approach could help to advance on different dimensions of sustainable development. Decentralised renewable energy systems could help to ensure stable and pollution-free access to electricity.

Technology and capacity building are important to enable an accelerated market take-up of green solutions. Enhanced cooperation with the EU but also South-South cooperation and triangular cooperation should be sought. Pakistan received climate finance from the Adaptation Fund and the Green Climate Fund.

2.4. UN Conventions on Good Governance (Conventions 24-27)

Status of ratification and reporting

Pakistan maintains ratification of all conventions. Pakistan is up to date with reporting requirements for all conventions.

Status of implementation of the conventions

UN Conventions Fighting Illegal Drugs

Pakistan continues to be one of the world's top transit corridors for opiates and cannabis, which are trafficked through the porous border area with Afghanistan and Iran. The United Nations Office on Drugs and Crime (UNODC) estimates Pakistan is the destination and transit country for approximately 40% of the opiates produced in Afghanistan. Pakistan's main opium poppy growing areas remain in Khyber Pakhtunkhwa, FATA, and north-eastern Balochistan. Insecurity in these regions has prevented the conduct of reliable ground surveying, hampering efforts to determine precise cultivation levels. In 2015, the Anti-Narcotics Force (ANF) reported 977 hectares (ha) of poppy and eradicated 605 ha, leaving a balance of 372 ha that were not eradicated.

In 2016, Pakistan's law enforcement agencies made multiple noteworthy seizures and arrests. During 2015, the ANF registered 1,207 cases of drug charges with a 35% conviction rate. However, some of these cases are overturned on appeal, and many more are still pending final court decisions, adding to Pakistan’s vast pre-trial detention prisoner population. The vast majority of these cases involved low-level possession or small quantity courier trafficking. Suspects arrested by the ANF – mostly small-time traffickers – were tried in special narcotics courts that only hear cases put forth by the ANF, and the ANF employed its own prosecutor corps to prosecute the cases.

Pakistan's drug treatment capacities, with fewer than 100 clinics operating nationwide, remained insufficient to meet the growing demand. Very few public hospitals offer drug treatment services, though Khyber Pakhtunkhwa was the first province to take steps to integrate basic addiction counselling into its public health system. Lacking Government funding, over 90% of Pakistan's detoxification centres are operated by NGOs. As a result, cost remains the primary obstacle preventing widespread access to treatment, leaving 75% of people addicted to opiates without help. According to the recent UNODC estimates, fewer than 30,000 drug users received detoxification therapy annually. Due to a lack of institutional capacity to serve women, the majority of drug users receiving treatment are men.

The nexus of opium traffickers and other drug traffickers in Afghanistan, Iran and Pakistan has been highlighted in the UNODC annual report. The INCB report 2016 mentions cannabis as the most widely produced, trafficked and consumed drug in the world, and cannabis plant continues to be widely cultivated in Asia. The report places Pakistan among the three biggest cannabis producers.

UN Convention against Corruption (UNCAC)

The country review of Pakistan (2010-2015) of the United Nations Convention against Corruption (UNCAC) implementation review mechanism is not yet finalised.

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 but NAB is the exclusive agency for this purpose.

In 2017, the NAB intends to further strengthen its anti-corruption efforts by strengthening awareness with a strong focus on the youth of the country. The NAB plans to establish an exclusive Anti-Corruption Academy for capacity building of investigation officers through specialised trainings. 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.

The NAB has been widely criticised by the Supreme Court during hearings in corruption cases against the Prime Minister's family, invoked after the Panama leaks. In January 2017, the National Accountability (Amendment) Ordinance - II was promulgated by the President whereby Voluntary Return & Pleas Bargain under Section 25 (a) & (b) in 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 NAO 1999 is being reviewed by a committee comprising legislators from both houses of the Parliament.

Pakistan slightly improved its position in Transparency International's Corruption Perception Index, ranking 117 out of 167 countries with a score of 30 out of 100 in 2015 and ranking 116 out of 176 countries with a score of 32 in 2016.

Conclusions

Efforts are being made to strengthen the anti-corruption framework, including through review of legislation and awareness building. This is strongly encouraged.

Closer coordination of law enforcement agencies, more readily shared information, and more efficient use of limited resources would enable Pakistan to more effectively reduce drug trafficking. Increased public awareness about the drug trade and its negative societal influences would further facilitate concerted Government action across law enforcement agencies.

3. Trade and Economy

3.1. Trade Picture

Pakistan's economy is still quite dependent on agriculture, which accounts for around 25% of GDP and 45% of employment. Services and industry account for 55% and 9% of GDP respectively.[4] Pakistan's economy has shown signs of recovery after experiencing subdued growth rates of 3-4% over the period 2011-2015 due to an energy crisis, a volatile security environment, recurring natural disasters and challenges in economic governance. Growth is expected to further consolidate in the coming years.

From 2006 to 2016, EU imports from Pakistan almost doubled from EUR 3.3 to EUR 6.2 billion. The growth of imports has been particularly fast since the award of GSP+ to Pakistan in January 2014, with a 21% increase between 2014 and 2016 in terms of GSP+ imports into the EU.

[4] World Bank data

The EU is Pakistan's first export destination absorbing around 29% of Pakistan's total exports to the world, followed by the USA (16%), China (9%) and Afghanistan (8%). The EU is Pakistan's third largest source of imports, after China (23%) and the UAE (14%), accounting for around 10% of the total.

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.

3.2. GSP+ Statistics

Figures 1-3 below describe Pakistan's utilisation of GSP+ in the context of its overall imports to the EU. Pakistani GSP+ exports to the EU are dominated by textiles and clothing, which together accounted for 80% of the total.

Source for all statistics: Eurostat data as of September 2017.

Figure 1

Pakistan - Imports to the EU, 2014-2017

Figures in thousand EUR	2014	2015	2016	2017 (Q1-2)	Trend 2014-2016
Total imports to EU	5,390,009	5,953,902	6,197,304	3,292,927	15.0%
GSP+ eligible imports	4,775,255	5,450,261	5,775,157	3,053,459	20.9%
GSP+ preferential imports	4,557,142	5,235,525	5,521,262	2,939,886	21.2%
GSP+ utilisation rate	95.4%	96.1%	95.6%	96.3%	0.2%

Figure 2

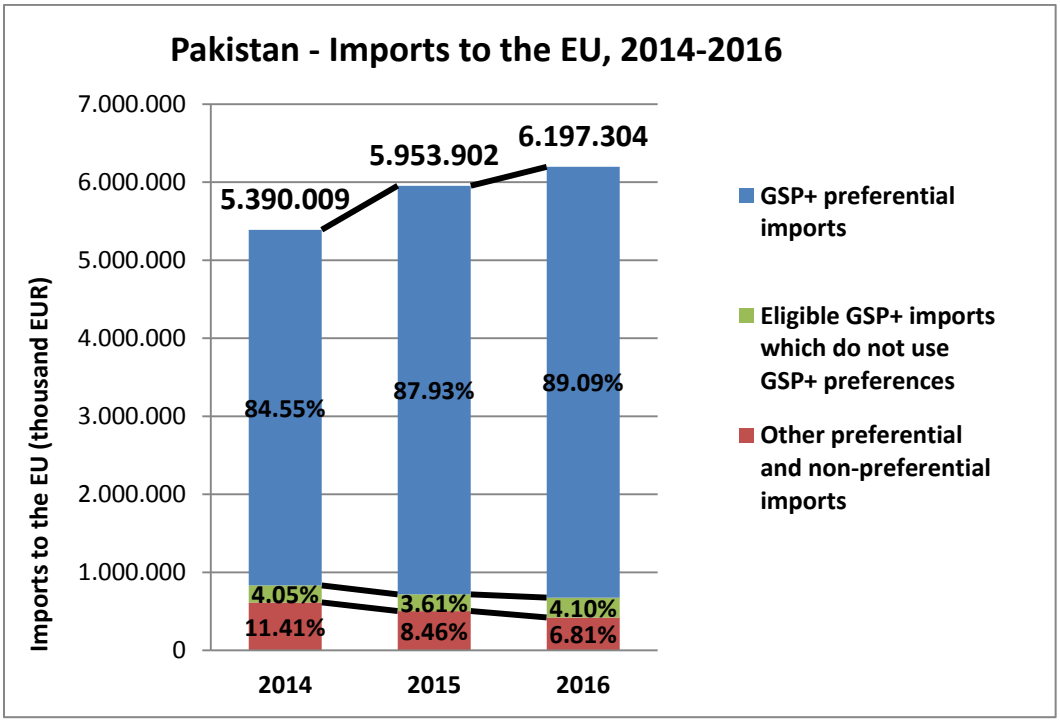
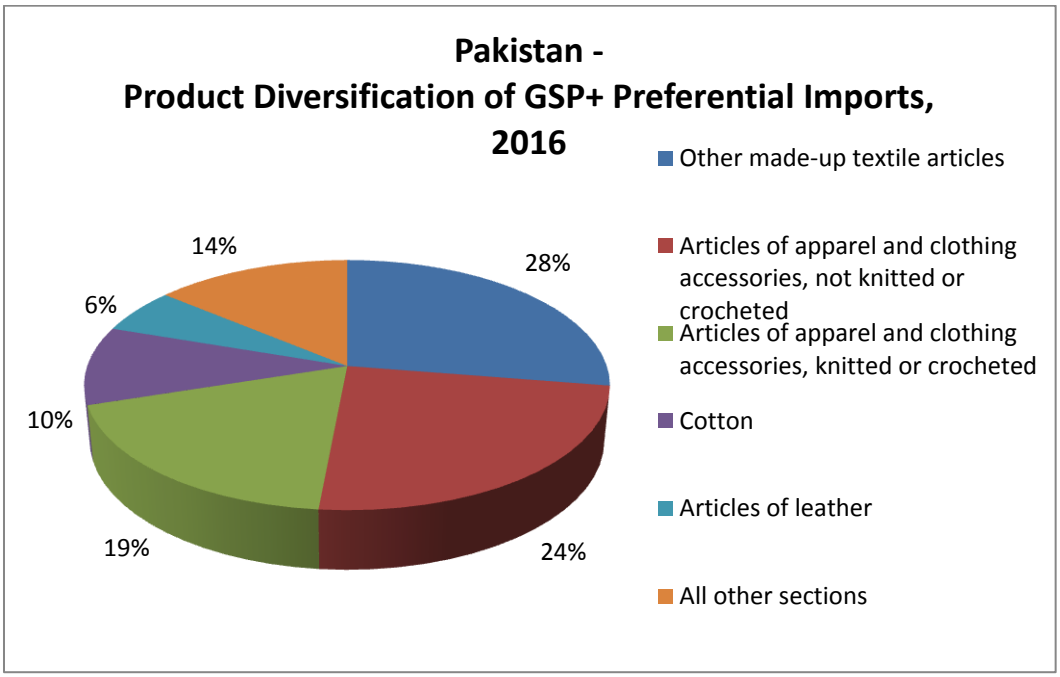


Figure 3


Pakistan -
Product Diversification of GSP+ Preferential Imports, 2016
28%
24%
19%
10%
6%
14%
Other made-up textile articles
Articles of apparel and clothing accessories, not knitted or crocheted
Articles of apparel and clothing accessories, knitted or crocheted
Cotton
Articles of leather
All other sections

ANNEX

Pakistan – Treaty Ratification and Reporting

Convention	Status of ratification / reservations[5]	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	**No reporting obligations**
2. International Convention on the Elimination of All Forms of Racial Discrimination	Ratified: 21.09.1966 No reservations	**Compliant with reporting obligations** Last report submitted on 02.11.2015.
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[6]	**Compliant with reporting obligations** Last report submitted on 19.10.2015.
4. International Covenant on Economic, Social and Cultural Rights	Ratified: 17.04.2008 Reservation made[7]	**Compliant with reporting obligations** Last report submitted on 16.10.2015.
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	**Lack of compliance with reporting obligations** Last report was due on 01.03.2017 (Fifth Report).
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[8]	**Compliant with reporting obligations** Last report submitted on 04.01.2016 (First Report). Next report due on 12.05.2021.
7. Convention on the Rights of the Child	Ratified: 12.11.1990 No reservations	**Compliant with reporting obligations** Last report submitted on 23.05.2014.

[5] Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.

[6] Pakistan made nine reservations to the CCPR 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.

[7] Reservation: "With a view to achieving progressively the full realisation of the rights recognised in the present Covenant, Pakistan shall use all appropriate means to the maximum of its resources."

[8] Pakistan made nine reservations to the CCPR 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	**Compliant with reporting obligations** Latest CEACR comments: Observation 2014; Direct Request 2014.
9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratification: 1951	**Compliant with reporting obligations** Latest CEACR comments: Observation 2016; Direct Request 2016.
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98	Ratification: 1952	**Compliant with reporting obligations** Latest CEACR comments: Observation 2016.
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratification: 2001	**Compliant with reporting obligations** Latest CEACR comments: Observation 2015; Direct Request 2015.
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratification: 1960	**Compliant with reporting obligations** Latest CEACR comments: Observation 2014; Direct Request 2014.
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratification: 1961	**Compliant with reporting obligations** Latest CEACR comments: Observation 2015; Direct Request 2015.
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratification: 2006 Minimum age specified: 14 years	**Compliant with reporting obligations** Latest CEACR comments: Observation 2014; Direct Request 2014.
15. Convention concerning Minimum Age for Admission to Employment, No. 182	Ratification: 2001	**Compliant with reporting obligations** Latest CEACR comments: Observation 2014; Direct Request 2014.
16. CITES	Accession: 20.04.1976 No reservations	**Compliant with reporting obligations** Last (2014 Annual) Report submitted on 02.05.2017. Biennial Reports submitted for 2015-2016 on 02.05.2017.
17. Montreal Protocol	Accession: 18.12.1992 No reservations	**Compliant with reporting obligations** Most recent data for 2016 was submitted.
18. Basel Convention	Ratification: 26.07.1994 No reservations	**Compliant with reporting obligations** Last report submitted on 30.12.2016 (2015 National Report).
19. Convention on Biological Diversity	Ratification: 26.07.1994 No reservations	**Compliant with reporting obligations** Latest (Fifth National) Report submitted on 31.03.2014. Sixth National Report is due on 31.12.2018.
20. UN Framework Convention on Climate Change	Ratification: 01.06.1994 No reservations	**Lack of compliance with reporting obligations** First National Communication submitted on

		15.11.2003. Subsequent National Communications, to be submitted every four years, are missing.
21. Cartagena Protocol on Biosafety	Ratification: 02.03.2009 No reservations	**Compliant with reporting obligations** Last report submitted on 07.09.2016 (ThirdNational Report).
22. Stockholm Convention	Ratification: 17.04.2008 No reservations	**Compliant with reporting obligations** Third Round (2014) National Report submitted on 22.01.2016.
23. Kyoto Protocol	Accession: 11.01.2005 No reservations	**No reporting obligations**
24. UN Single Convention on Narcotic Drugs	Ratification: 09.07.1965 No reservations	**Reviewing is fulfilled by the International Narcotics Control Board (INCB).**
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	**Reviewing is fulfilled by the UN Office on Drugs and Crime (UNODC).** For Pakistan's 1st review cycle, the executive summary information was made publicly available on 04.08.2017.