

**GSP+ monitoring process: EU urges government to ""ensure"" freedom of expression**

The Euro-pean Union (EU) has urged the Government to review death penalty, effectively address enforced disappearances as progress on legislation on different issues is poor, civil society space is shrinking and freedom of expression is under threat.

This was stated by the EU Managing Director, Lotte Knudsen, Director Jordi Curell and Director Ewa Synwiec in a letter to Attorney General of Pakistan and Secretary Commerce, Younus Dagha. The letter states that in the context of the European Union GSP+ (special incentive arrangement for Sustainable Development and Good Governance) monitoring process, a mission to Pakistan took place led by Trade Director Ewa Synowiec. It gave the Mission an opportunity to engage openly on new government's priorities and discuss how GSP+ could play a role in shaping the sustainable development of the country. "We appreciate the useful and constructive encounters with you and your colleagues. At the end of our visit we shared a number of key suggestions for strengthening the implementation of the Conventions covered by the GSP+ scheme," the letter added.

According to the EU, since Pakistan was granted GSP+ benefits, the country has done very well. Exports to the EU increased by over 50% since 2013 to €6.7 billion, "making the EU not only your largest export partner, but more than twice the size of your second largest market, the US. In 2017, 89% of all exports (€5.9 billion) from Pakistan arrived in the EU under GSP+, of which over €5 billion in the textiles sector. This makes Pakistan the main beneficiary under the GSP+, accounting for almost 75% of all GSP+ imports into the EU."

The provision of trade preferences under GSP+ is coupled with the obligation to effectively implement 27 core international conventions on Human and Labour Rights, Environmental Protection and Good Governance.

"Without prejudice to our assessment in the next biennial report, Pakistan is making progress notably on some legislative issues (adoption of laws on women and children rights on honour killings and on rape, on the protection of transgender persons, on enhancing protection of environment and good governance), while other legislative issues remain largely unsolved," the letter continues.

The devolution of responsibilities to the provinces poses specific implementation challenges, but the mission's visit to Punjab and the updates on the work undertaken by the Provincial government and its Treaty Implementation Cell did allow the mission to be informed on progress made and on remaining implementation gaps.

As noted in the EU's 2018 biennial report on GSP+ and in the letter of Commissioner Malmstrom of January 24, 2018, implementation and enforcement of legislation continue to lag behind. As a general observation, civil society space is shrinking and freedom of expression is under threat, as evidenced by the recent decision by Pakistan refusing the registration of 18 international NGOs and requesting them to leave the country. In addition, progress on labour issues seems lacking.

As part of our engagement and following the constructive meetings and dialogue, the mission handed over a number of suggestions for priority actions. A number of these actions should be achievable in a not too distant future. On other actions, the Government of Pakistan should take the necessary steps towards making progress. For all actions - as we discussed with you during our joint debriefing - we are confident that the identified priorities are by far and large shared by your Government, the letter states.

The letter has suggested that in view of drafting the next GSP+ report, covering the years 2018-2019, "your actions on as many of the suggestions as possible by June 2019 will be crucial to demonstrate that Pakistan has indeed made progress in effectively implementing the relevant conventions.

"We would be looking forward to concrete information on actions being taken, as well as supporting evidence in the form of relevant data and statistics. Progress on Pakistan's delivery in implementing the 27 core conventions is closely followed by all EU actors, including Member States, European Parliament and civil society," the letter stated.

GSP+ Mission 18-25 October has submitted the following suggestions for priority action (by June 1, 2019): (i) ensure freedom of expression- undertake proper investigation and prosecution of cases of intimidation, abduction and killing of human rights defenders, lawyers and journalists. Adopt and implement Journalists Welfare and Protection law (2017 Bill). engage in a review of the Electronic Crimes Act assuring compatibility with the International Covenant on Civil and Political Rights; (ii) effectively address enforced disappearances and secret detention-adopt and implement a law to criminalize enforced disappearances; consider establishing a "truth and reconciliation committee"; and, in addition, consider signing the Convention on Enforced Disappearances;(iii) secure an enabling environment for NGOs- revisit decisions rejecting the registration applications of several International Non-Governmental Organizations (INGOs). Revisit the INGO registration policy framework 2015 so that potential restrictions are: (i) prescribed by law; (ii) sufficiently precise for an individual or NGO to foresee a violation to the law; and (iii) demonstrate the necessity of placing such a restriction;(iv) adopt and implement a comprehensive anti-torture law (Torture and Custodial Death (Prevention and Punishment) Bill 2018,) bringing Pakistan into conformity with its international obligations notably CAT (Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment). Accept individual complaints procedure under Art. 22 of CAT; (v) restrict the application of the death penalty- revise the categories of "most serious crimes" for which the death penalty applies, bringing Pakistan in line with Article 6 of the International Covenant on Civil and Political Rights;(vi) enhance rights of women and children- adopt and implement the Domestic Violence Law;(viii) combat forced and child labour- complete child labour surveys to cover the whole country; and include bonded labour. Ensure proper investigations and prosecution of child and forced labour, trafficking and exploitation. Adopt and implement a comprehensive child labour law including child domestic workers; and the prohibition for persons underage to work in hazardous conditions, including in brick kilns;(viii) ensure freedom of association, collective bargaining and occupational safety and health - align labour legislation with ILO Conventions 87 and 98 on Freedom of Association and Collective Bargaining as requested in the 2017 ILO Committee of Expert's report. Ensure application of labour laws in Export Processing Zones and Special Economic Zones, in line with ILO Conventions; Adopt and implement legislation on health and safety at work ;(ix) strengthen cooperation with the United Nations- meet reporting obligations under the Conventions covered by GSP+: Reports are due under the Convention Concerning the Application of the Principles of the Right to Organize and to Bargain Collectively (C98), Equal Remuneration (C100) and on Discrimination in Employment and Occupation (C111)- (b) establishment of an Office of the High Commission of Human Rights with an appropriate mandate including the monitoring of human rights in Pakistan- (c ) Ministry of Foreign Affairs to invite Special Procedures (including on the right to freedom of peaceful assembly and association; and right to food);(x) enhance institutional capacity and policy development- a significantly increase capacity (staff and skills) of the labour inspectorates, in consultation with ILO; (b) strengthen independence of key institutions with adequate resources and statutory powers, such as the National Commission on Rights of the Child; the Commission on Minorities; the National Commission on the Status of Women; the Bureau of Statistics; and the National Human Rights Commission and (c) finalize the interfaith harmony policy.

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