

DEMOCRACY  
REPORTING  
INTERNATIONAL

# GSP+ in Pakistan

A Brief Introduction





## Foreword

Democracy Reporting International (DRI) has produced this booklet to enhance greater understanding of the implications of Pakistan's inclusion in the European Union's Generalised Scheme of Preferences Plus (GSP+). The trade preference scheme known as Special Arrangement for Sustainable Development and Good Governance offers greater benefits to Pakistan. However, the GSP+ is conditional to Pakistan's compliance to 27 international covenants, treaties and conventions and the European Union is mandated to review Pakistan's human rights progress every two years under GSP+.

DRI hopes this booklet will serve as a useful resource guide for all Pakistanis who are interested in learning more about GSP+, how the scheme can be used to promote human rights and what are the potential benefits of Pakistan's maintaining the status.



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# 1

## AN INTRODUCTION TO GSP+

The Generalised Scheme of Preferences (GSP) of the European Union (EU) allows developing countries to pay less or no duties on their exports to the EU. The described purpose of GSP programmes is to help vulnerable countries to reduce poverty, improve governance and foster a process of sustainable development. In addition to offering participant countries duty free access to the markets of the EU, GSP also provides them with the opportunity to engage international trade and earn additional revenues that can be used to reduce poverty and pursue sustainable development.

GSP+ is a component of the GSP scheme, offering additional trade incentives to developing countries already benefitting from GSP – but in return for the implementation of core international conventions. Revised in 2014, the new GSP+ scheme concentrates on fewer beneficiaries (13 countries) and is more results focused. The motivation behind the introduction of GSP+ is to use trade concessions to incentivise the signing and implementation of core conventions in the fields of human rights, labour rights, and environmental and good governance. The revised scheme incorporates stronger monitoring mechanisms and the inclusion of civil society in the monitoring process. The addition of non-state actors as observers in the new scheme renders the monitoring mechanisms more transparent and objective.

In January 2014, the EU granted GSP+ status to Pakistan. Two years since Pakistan's inclusion, Pakistan has prepared a report on its progress toward improved human and labour rights, sustainable development, and good governance. The report will be tabled in January 2016 and reviewed by the European Parliament in early 2016.

GSP+ uses trade concessions to incentivise the implementation of international conventions.

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Both the previous government headed by the Pakistan People's Party (PPP) and the incumbent government led by Pakistan Muslim League-Nawaz (PML-N) worked to secure Pakistan's GSP+ status. To many observers, the country's inclusion in GSP+ represents a milestone in EU-Pakistan relations, and, according to the government and the EU, the economic results are already manifested. According to the Ministry of Finance, Pakistan's exports to the EU witnessed a 21% increase (1.32 billion USD) in its first year under GSP+ status.<sup>1</sup> Yet, while GSP+ status has quickly yielded a significant impact on Pakistan's economy, its progress towards improving human rights standards has not kept pace.<sup>2</sup>

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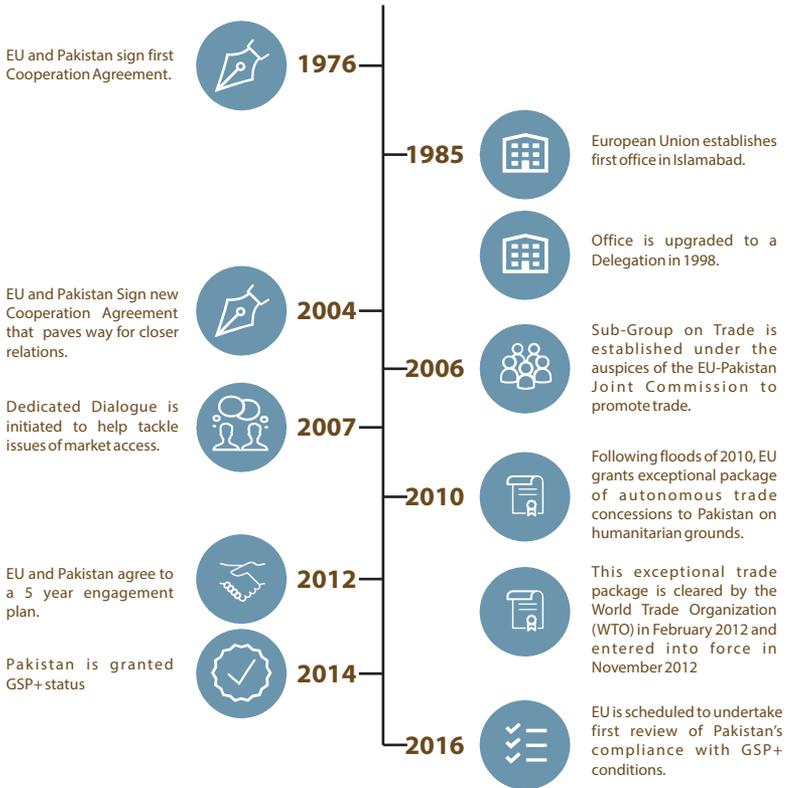
1 Pakistan Ministry of Finance, "Economic Survey Of Pakistan," 2014-2015.

<[http://www.finance.gov.pk/survey/chapters\\_15/Highlights.pdf](http://www.finance.gov.pk/survey/chapters_15/Highlights.pdf)>

2 European Union Delegation to Pakistan, "Joint Press Release: EU-Pakistan Joint Commission Held in Brussels," Brussels, 8 September 2015.

<[http://eeas.europa.eu/delegations/pakistan/documents/press\\_corner/20150908\\_02\\_en.pdf](http://eeas.europa.eu/delegations/pakistan/documents/press_corner/20150908_02_en.pdf)>

## Pakistan-EU Relations



## Conditions Attached to GSP+ Status

The preferential access to EU markets provided under the scheme is conditioned upon Pakistan's effective implementation of 27 international conventions covering human rights, civil and political rights, labour rights and environmental protections. Indeed, GSP+ was designed as an economic reward and incentive for developing countries that showed tangible commitment to the implementation of the requisite conventions.<sup>3</sup>

To maintain GSP+ status, Pakistan must commit to the ratification and implementation of 27 international conventions.

More specifically, by accepting GSP+ status, Pakistan has committed to 1) maintaining the ratification of 27 relevant conventions and ensuring their effective implementation, 2) accepting without reservation the reporting

requirements imposed by each convention and regularly monitoring and reviewing the implementing record of relevant monitoring bodies, and 3) participating in, and cooperating with, the European Commission's monitoring procedures.

Therefore, GSP+ status not only offers Pakistan an opportunity to improve its economic situation, but also creates a space for the realisation of enhanced human and labour rights protection in Pakistan. The acceptance of GSP+ and its associated conditions demonstrates Pakistan's willingness to both stabilise its vulnerable economy and enhance its human rights record.

<sup>3</sup> European Commission, "10 Countries to Benefit from EU Preferential Trade Scheme GSP+ as of 1 January 2014," Brussels, 30 December 2013, <<http://trade.ec.europa.eu/doclib/press/index.cfm?id=1006>>

# 2

## IMPACT OF GSP+ STATUS ON ECONOMY

### **GSP+: Trade and Investment Opportunities for Pakistan**

Through its GSP+ status, Pakistan is eligible to export around 78% of its products free of duty to the EU's 28 member countries.<sup>4</sup> This represents almost 20% of Pakistan's exports globally. In the past, Pakistan has struggled to compete in EU markets because its competitors, such as Bangladesh, Sri Lanka, Turkey and Morocco, had already secured duty-free access to these markets.

As a result of GSP+ status there is a large number of goods produced in Pakistan that stand to benefit. While clothes and textiles have already greatly benefitted, smaller sectors also have the potential to expand through GSP+. Research has indicated that GSP status has enabled developing and lower middle-income countries that possess few production facilities to diversify their trade industries as well as access and compete in markets in developed countries. Mauritius and Bangladesh represent positive examples of this success. Prior to its inclusion in a GSP scheme, for instance, Mauritius was dependent upon sugar for the bulk of its exports. After the country obtained GSP status, however, four other sectors (clothing, jewellery, seafood and preserved foods) grew significantly, accounting for 75% of Mauritius' exports.<sup>5</sup> Bangladesh similarly used its duty free access to build up a USD 14 billion market share in the clothing sector in the EU and, in the process, also developed a domestic yarn and fabrics production base that now meets 60% of the country's clothing sector requirements.<sup>6</sup>

With its newly acquired GSP+ status, Pakistan is now the third largest textiles and garment-exporting country in Asia that possesses duty-free access to EU markets. This status has provided Pakistan with a unique opportunity to strengthen its textile industry and consolidate a large market share. Out of all of the GSP+ beneficiaries, Pakistan has been identified as the country with the highest potential to benefit

4 European Commission, "Trade: Pakistan,"

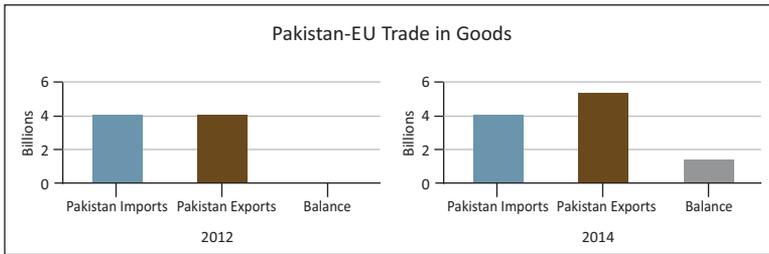
<<http://ec.europa.eu/trade/policy/countries-and-regions/countries/pakistan/>>

5 Trade Related Technical Assistance Programme, "Enhancing Pakistan's Trading Benefits from the Proposed EU GSP Plus scheme." <<http://trtapakistan.org/wp-content/uploads/2012/04/GSP.pdf>>

6 Trade Related Technical Assistance Programme, "Enhancing Pakistan's Trading Benefits."

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from the status, due to the large available opportunity for increased production and trade volume.<sup>7</sup> Yet, despite this potential, the high costs of doing business in the country, complex regulations and infrastructure bottlenecks have thus far proven detrimental to the country's trade and growth.<sup>8</sup>



Pakistan's qualification as a GSP+ beneficiary has helped to increase exports and provided the country with a greater potential to attract investment and generate employment. The status also offers Pakistan an opportunity to make progress on working conditions, labour rights and gender equity. Just as the government can play a key role in maintaining GSP+ status through the implementation of its human rights commitments, it can also help to advance the optimal economic utilisation of its GSP+ status by fostering an enhanced environment for business and its workforce through investment in vocational and skill development trainings.

As a result of the 0% preferential tariff rate it enjoys on more than 6,200 of the EU's tariff lines, Pakistan's economy reported a USD 1.08 billion increase in its exports to the EU between January and October 2014 when compared to the same period in 2013.<sup>9</sup> Likewise, an increase of 20% was reported in the EU's imports from Pakistan as a result of GSP+.<sup>10</sup>

7 Trade Related Technical Assistance Programme, "Enhancing Pakistan's Trading Benefits."

8 European Commission, "Trade: Pakistan."

9 "Exports to EU Increased by \$1bn Under GSP-Plus Status: Minister," Dawn, 9 February, 2015.

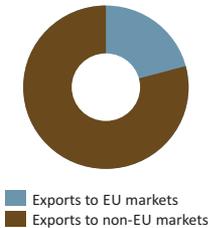
<<http://www.dawn.com/news/1162476>>

10 The Pakistan Business Council, "2015: Pakistan's EU GSP+ Status: First Year Performance & Future Potential." <[http://pbc.org.pk/wp-content/uploads/2015/06/Pakistans\\_EUGSP\\_Status\\_First\\_Year\\_PerformancenFuture\\_Potential.pdf](http://pbc.org.pk/wp-content/uploads/2015/06/Pakistans_EUGSP_Status_First_Year_PerformancenFuture_Potential.pdf)>

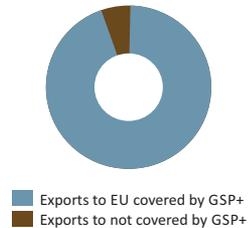
This is very significant when compared to the 7% average export growth rate that was reported between 2006 and 2013.

The EU has become one of Pakistan's largest trading partners. Between July 2014 and March 2015, 20% of Pakistan's total exports entered the European Union.<sup>11</sup> The top five EU countries that received imports from Pakistan were the United Kingdom, Germany, France, Spain and Italy. In 2014, Pakistan was able to export USD 8.1 billion worth of goods to the EU, of which 94% were covered by GSP+.<sup>12</sup> Pakistan's total exports in 2014 were valued at USD 24.7 billion, of which the European Union received a reported 29%, thereby constituting it as Pakistan's largest trading partner.<sup>13</sup>

Exports to EU and Non-EU Markets



Pakistan's Exports to EU Covered by GSP+



### Impact on Textile Exports

Pakistan's textile industry accounts for more than 54% of the country's total exports and employs around 40% of the country's industrial workers.<sup>14</sup> The exclusion of Pakistani textiles from EU tariffs has vastly increased the sector's competitiveness. Pakistan exported USD 5.9 billion worth of textile goods to the EU in 2014 (May 2014-May 2015), and the textile sector experienced 21% growth. Although GSP+ status seems to have affected the overall growth of exports, the data clearly indicates that the textile and garment industries have enjoyed the

11 Pakistan Ministry of Finance, "Economic Survey Of Pakistan," 143.

12 The Pakistan Business Council, "2015: Pakistan's EU GSP+ Status."

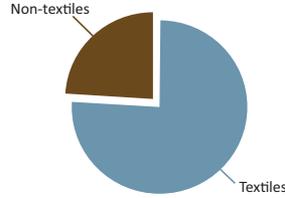
13 The Pakistan Business Council, "2015: Pakistan's EU GSP+ Status," 12.

14 Pakistan Ministry of Finance, "Economic Survey Of Pakistan," 143.

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overwhelming majority of the growth, accounting for USD 1.03 billion or 76% of the total growth of Pakistan exports to the EU in 2014.<sup>15</sup> All other items combined only accounted for USD 323 million of the total growth achieved in 2014.

Sectorial Growth of Pakistani Exports to EU in 2014



## Non-Textile Exports

While Pakistani textile products have greatly benefited from the country's GSP+ status, non-textile products exported to the EU in 2014 have proven largely unable to utilise the status to its full potential. In 2014, USD 1.8 billion in non-textile exports to the EU were covered under GSP+, of which leather was the largest. Non-textile sectors experienced 17% growth between May 2014 and May 2015, which was lower than the total annual average.<sup>16</sup> This slower rate of growth can in part be attributed to the fact that many of the industries outside of the textiles sector were unaware of their products' inclusion in the GSP+ system. Responding to concerns regarding over-reliance on a single sector, the EU has launched trade diversification programmes designed to reduce Pakistan's reliance on the textiles and clothing sector.<sup>17</sup>

## Future Economic Impact

Based on Pakistan's economic performance since its acquisition of GSP+ status in 2014, Pakistan's Business Council has estimated that the country may be able to increase the revenue it derives from exports from USD 8.1 billion in 2014 to USD 11.7 billion by the end of 2017.<sup>18</sup> The Council's research further indicates that without its GSP+ status, Pakistan would have taken three years to achieve the same levels of growth that it was able to reach during its first year of tariff concessions through GSP+.

15 The Pakistan Business Council, "2015: Pakistan's EU GSP+ Status."

16 The Pakistan Business Council, "2015: Pakistan's EU GSP+ Status."

17 European Commission, "Trade: Pakistan."

18 The Pakistan Business Council, "2015: Pakistan's EU GSP+ Status."

# 3

## IMPACT OF GSP+ STATUS ON PAKISTAN'S HUMAN RIGHTS RECORD

### GSP+ Compliance Requirements

Aside from the economic progress that Pakistan stands to gain from GSP+, the status also puts pressure on Pakistan to continue with the human rights progress that it has already achieved. Article 9 of the EU's regulations stipulates that a country may only benefit from the scheme if the monitoring bodies under the relevant international conventions do not identify a beneficiary's "serious failure" to effectively implement any of the requisite conventions. Furthermore, the beneficiary country must not have indicated any reservations to the international agreements that are contrary to the conventions' stated aims or purposes.<sup>19</sup>

### Required Human Rights Conventions for GSP+ Status

International Covenant on Civil and Political Rights (ICCPR)

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

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

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

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

Convention on the Rights of the Child (CRC)

Convention on the Prevention and Punishment of the Crime of Genocide

<sup>19</sup> Examining Pakistan's compliance with International Legal Obligations (RSIL-2014) <<http://rsilpak.org/wp-content/uploads/2014/08/GSP-Plus-Policy-Brief-Final-with-Annexure.pdf>> See also, "Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012," Official Journal of the European Union L 303/1, Nov. 2012, Article 9. <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:303:0001:0082:EN:PDF>>

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Even before Pakistan was granted GSP+ status, these conditions began to have an impact on the country. As part of its efforts to acquire GSP+ status, the government (then under the PPP) ratified both the International Convention on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT). The government, however, stipulated a number of reservations to their ratification of the conventions. When the European Union subsequently indicated that the maintenance of the reservations would render Pakistan ineligible for GSP+ status, the government chose to withdraw seven out of its nine previous reservations from ICCPR and six of nine reservations from CAT.<sup>20</sup>

It is evident that Pakistan has thus far reaped large financial benefits from its inclusion in the preferential trade scheme; these benefits can be capitalised on and multiplied in coming years if the country manages to maintain its GSP+ status. It is, therefore, crucial that Pakistan focus on the status' progressive human rights compliance criteria, which will require significant attention and efforts in order to be fulfilled.

## Human Rights Compliance Requirements

Under the GSP+ conditions, Pakistan must comply with seven human-rights-focused international conventions. The compliance conditions include 1) acceptance without reservations, 2) maintenance of ratification and 3) implementation of steps required to ensure the effective implementation of the conventions.

According to the Federal Ministry of Commerce, responsibility for Pakistan's compliance with six of the conventions falls under the responsibility of the Federal Ministry of Law and Justice, and

The EU's first biannual report on Pakistan's implementation progress is scheduled for January 2016.

<sup>20</sup> "Pakistan Decides to Withdraw Most of Reservations on ICCPR, UNCAT, The Nation, 23 June 2011. <<http://nation.com.pk/national/23-Jun-2011/Pakistan-decides-to-withdraw-most-of-reservations-on-ICCPR-UNCAT>>

Ministry of Human Rights. Compliance with the Convention on the Prevention and Punishment of the Crime of Genocide is in the purview of the Ministry of Foreign Affairs. The EU reviews a country's status of compliance with the 27 treaties every two years. Its first review of Pakistan is scheduled for January 2016.

For the review, the Pakistani government is required to submit a compliance report based on the EU's scorecard: a tool used to measure compliance performance. Verification of the compliance report will be conducted by the EU, which will consider the reports of UN treaty monitoring bodies, reports by the national and provincial human rights institutions, official reports and civil society reports.

### **Human Rights Treaties: Status of Compliance**

All of the international conventions relevant to GSP+ have already been ratified by Pakistan; however, Pakistan has stipulated certain reservations to the conventions, particularly in regards to human rights. Other states that are party to these conventions have noted significant concerns about Pakistan's reservations, and asked that they be removed.<sup>21</sup>

In addition to its reservations, Pakistan also lags behind in complying both with the content of the conventions and the associated reporting requirements of the UN treaty bodies.<sup>22</sup> The European Delegation has consequently expressed concerns about Pakistan's lack of compliance with the requisite human rights conventions as well as its delayed and, at times, absent reporting.<sup>23</sup>

21 In regards to the ICCPR, for instance, several signatories have raised objections to Pakistan's reservations, with Belgium stating, for example, that the reservations "may contribute to undermining the bases of international human rights treaties" See "Chapter 4: Human Rights, International Covenant on Civil and Political Rights," United Nations Treaty Collection. <[https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-4&chapter=4&lang=en#EndDec](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en#EndDec)

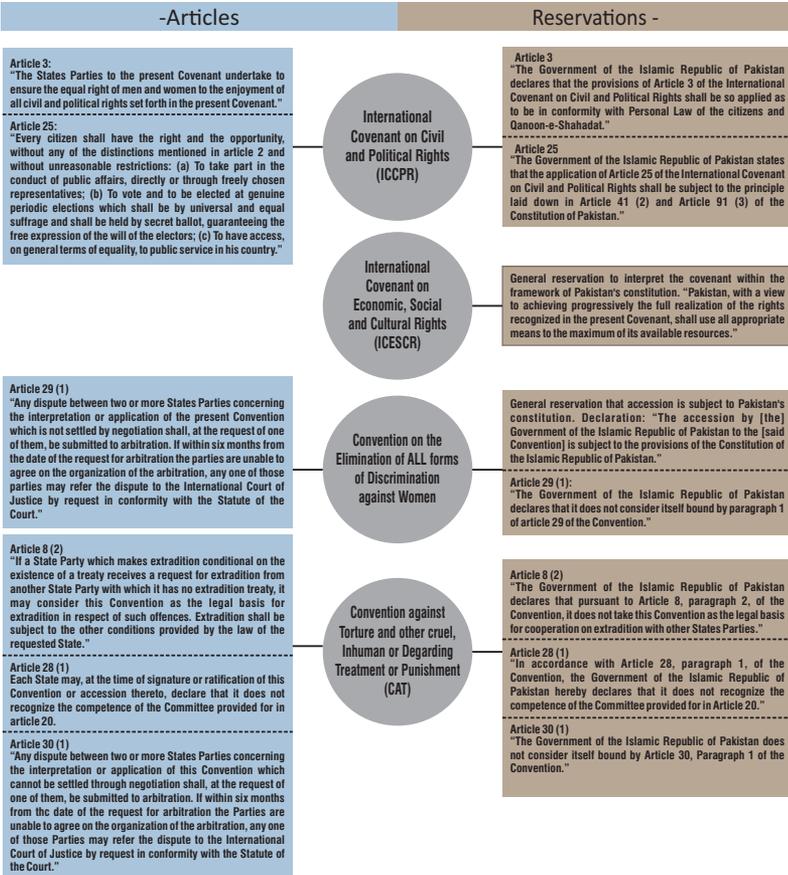
22 "Summary: 20 July 2015, Brussels - EU Council Conclusions on Pakistan."

<[http://eu-un.europa.eu/articles/en/article\\_16675\\_en.htm](http://eu-un.europa.eu/articles/en/article_16675_en.htm)>

23 European Union Delegation to Pakistan, "Joint Press Release."

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## Pakistan's Reservations to GSP+ Human Rights Conversations



Impact of GSP+ Status on Pakistan's Human Rights Record

### Human Rights Compliance Mechanisms

To better comply with the required conventions, Pakistan needs to both formulate new laws and policies to ensure effective implementation as well as establish institutional monitoring and reporting mechanisms. According to the GSP+ requirements, this must be done at both the national and provincial levels, for the devolution of a number of ministries (including the Ministry of Human Rights) took

place under the 18th Constitutional Amendment in 2010. Since Pakistan was granted GSP+ status, numerous policy and legislative initiatives have been taken (or are being taken), and national and provincial human rights institutions have been established (or are currently being established).

Under the orders of the Prime Minister, a national Treaty Implementation Cell (TIC) was established in 2014 to oversee the implementation of UN conventions on human rights. In appreciation of the decentralisation of a number of implementation responsibilities through the 18th Constitutional Amendment in 2010, TICs have since been established in four provinces (Balochistan, Khyber Pakhtunkhwa (KP), Punjab and Sindh) and in Gilgit Baltistan and the Azad Jammu and Kashmir territories. The decentralised TICs operate under the chief minister of the subnational assembly and report to him or her. These mechanisms work under the Federal Ministry of Commerce and are mandated with the collection and consolidation of the required data and information from various government departments for compliance with GSP+ requirements.

In August 2015, the TIC announced that the Ministry of Commerce will establish a GSP+ Support Mechanism Unit to assist constituent bodies in the implementation of the conventions. Nonetheless, further efforts must still be taken at the provincial levels, especially because of the expanded autonomy of provinces under the 18th Constitutional Amendment in 2010. To ensure the effectiveness of GSP+ Support Mechanism Units.

To align with international best practices, coordination between federal and provincial units could be enhanced. The monitoring and oversight work of these units could also incorporate feedback from independent and state human rights institutions – such as the National Commission for Human Rights (NCHR) and the Sindh Human Rights Commission (SHRC), as well as relevant stakeholders and beneficiaries, including civil society organisations.

# 4

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### ROLE OF STAKEHOLDERS IN MAINTAINING GSP+ STATUS

GSP+ status is an opportunity for Pakistan to not only improve its economic profile, but also to promote human rights. The EU has designed GSP+ in an effort to use this enhanced performance to provide a foundation for peace, stability and development. While the State is responsible for implementing GSP+ and complying with the conventions it ratified, each section of Pakistani society, however, must play its role and work together to achieve these results. Reflecting this shared responsibility, DRI held a series of multi-stakeholder events across the country in

GSP+ represents an opportunity to promote human rights in Pakistan and accomplish real progress.

2015, each of which was attended by members of the business community, government bodies, human rights institutions and civil society. At the same time, DRI also brought together high-level stakeholders for a national conference on 5 November 2015. During all of these events, participants worked together to reach a consensus about the roles that key stakeholder must perform so that Pakistan maintains its GSP+ status and progress towards deepened human rights is achieved. The section highlights the key recommendations and resolutions that emerged from these discussions.

Policy makers, particularly those working as part of human rights related ministries or parliamentary committees, must review the existing laws and bring them in line with international treaties. They must also assess the performance of relevant state bodies, human rights institutions, as well as UN and GSP+ compliance mechanisms; and engage with civil society and the Pakistani public to acquire insights and recommendations for the improvement. Most importantly, the executive branch must apply these conventions and improve respect for human rights of citizens by the state administration.

Human rights institutions must effectively monitor the country's human rights situation, create awareness, formulate an inclusive process for the registration of complaints, and ensure access to justice. The human rights institutions can also play an effective role in bringing together stakeholders to formulate joint strategies for improving the protection of human rights and maintaining Pakistan's GSP+ status.

Constituting a major beneficiary of Pakistan's GSP+ status, the business sector should ensure compliance with labour standards at factories and job sites, as well as contribute to the improved protection of human rights in the country through corporate social responsibility.

Civil society must perform a critical role in monitoring human rights policies, laws and mechanisms. The outputs of this monitoring must then be compared with international standards to identify and highlight existing gaps and subsequently used to advocate for reform. Pakistan's GSP+ status has provided the country's civil society with a unique opportunity to coordinate with UN treaty bodies and European civil society, which would enable them to achieve more effective advocacy. Civil society can also educate communities on human rights and facilitate victims' access to justice.

## Pakistan Human Rights Bodies

<b>Parliament</b>	Parliamentary functions of oversight, legislation and representation are integral in the promotion and protection of human rights. Parliamentary committees on Law Justice and Human Rights are able to scrutinise policy and institutional implementation of human rights and legislate to protect fundamental rights as guaranteed by the constitution.
<b>Judiciary</b>	To provide speedy and inexpensive remedy in matters relating to infringements of Fundamental Rights enshrined in Chapter II of the Constitution, a Human Rights Cell has been established in the Court. Redressal mechanisms are also present at High courts and Session courts.
<b>National Commission for Human Rights (NCHR)</b>	The NCHR was established in May, 2015 to protect and promote fundamental rights enshrined in Pakistan's Constitution and help meet international obligations and commitments. NCHR investigates human rights violations, spreads human rights literacy, publishes research on international law, raises awareness about human rights protections and makes recommendations for implementation of treaty obligations.
<b>National Commission on the Status of Women</b>	National Commission on the Status of Women (NCSW) is a statutory body set up in July, 2000 to tackle discrimination against women. It examines Government policies and programmes on women's development and gender equality.
<b>Punjab Commission on the Status of Women</b>	The Punjab Commission on the Status of Women (PCSW) is an autonomous statutory body for the promotion of women's rights. PCSW was set up in February 2014 as an oversight body to ensure that national policies and programmes promote gender equality in Punjab.
<b>Punjab Child Protection Bureau</b>	Child Protection and Welfare Bureau (CPWB) was established in February 2005 as an autonomous body of the Government of Punjab with a mandate to protect and rehabilitate destitute and neglected children.
<b>Sindh Human Rights Commission</b>	Sindh Human Rights Commission was established in 2008 as a response to the rise in human rights violations. The Commission raises awareness of human rights issues, produces reports, acts on the behalf of individuals making complaints, and makes policy recommendations to the Government.
<b>KP Commission on the Status of Women</b>	The Commission was established in May, 2010 as a statutory monitoring body to combat discrimination and promote women's empowerment and equal opportunity among men and women.
<b>KP Child Protection and Welfare Commission</b>	The KP Child Protection and Welfare Commission was established in October 2010 to provide for the care, protection and welfare of children at risk in Khyber Pakhtunkhwa.
<b>KP Directorate for Human Rights</b>	KP Directorate for Human Rights was established in January 2014, to provide the people with liberty and easy access to register their complaints against any individual, institution or officials in Khyber Pakhtunkhwa.

# 6

## ABOUT DRI

Democracy Reporting International (DRI) is a non partisan, independent, not-for-profit organisation registered in Berlin, Germany. DRI promotes political participation of citizens, accountability of state bodies and the development of democratic institutions world-wide. DRI helps find local ways of promoting the universal right of citizens to participate in the political life of their country, as enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

For more information please see:  
[www.democracy-reporting.org/pakistan](http://www.democracy-reporting.org/pakistan)  
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