



**UNREPRESENTED
NATIONS & PEOPLES
ORGANIZATION**

unpo.org

Policy Paper

Religious Persecution in Pakistan and the EU's Generalised Scheme of Preferences Plus (GSP+): Inspirations from U.S Policy

February 2020

About the UNPO

The Unrepresented Nations and Peoples Organization (UNPO) is an international membership-based organization established to empower the voices of unrepresented and marginalised peoples worldwide and to protect their fundamental human rights.

The peoples represented within the UNPO membership are all united by one shared condition: they are denied equal representation in the institutions of national or international governance. As a consequence, their opportunity to participate on the national or international stage is limited, and they struggle to fully realise their rights to civil and political participation and to control their economic, social and cultural development. In many cases, they are subject to the worst forms of violence and repression.

UNPO is a unique presence in the international arena in that it is built and primarily funded by its members. This gives it a strong connection to those suffering the consequences of the exclusion that the organization seeks to address. And it means that UNPO is able to address issues that often remain hidden because UNPO has the freedom to raise issues that others cannot due to political or funding constraints.

The organization consists of a General Assembly of members, which serves as a deliberative body for decision-making, solidarity and standard setting among unrepresented nations and peoples, and a number of Foundations established to provide secretariat services for the General Assembly and to improve the respect for the rights of unrepresented peoples everywhere through research, education and public campaigns.

Website: www.unpo.org

Twitter: @UNPOIntl

Tel: +32 (0)2 513 1459

Contacts for this Report

Lucia Parrucci

EU Representative

l.parrucci@unpo.org

Fernando Burgés

US Representative

f.burges@unpo.org

I. Introduction

In recent years, violations of freedom of religion in Pakistan have reached alarming levels. On November 2018, after repeated calls by the United States (US) Commission on International Religious Freedom (USCIRF), the US Secretary of State designated Pakistan as a Country of Particular Concern (CPC) under the International Religious Freedom Act (IRFA) of 1998, which constitutes a finding that Pakistan is a state guilty of particularly severe violations of religious freedom.

The current European Union (EU) approach to the issue contrasts sharply with the designation by the United States of America (USA). Despite widespread abuses against religious minorities, Pakistan continues to benefit from the EU's most favourable trading scheme, the Generalised Scheme of Preferences (GSP+). This allows nearly 78% of its exports to enter the EU at preferential rates, conditioned upon the effective implementation of 27 core international conventions on labour and human rights, environmental protection and good governance. By granting Pakistan GSP+ status, the EU is, in effect, certifying Pakistan's compliance with international human rights standards, including those related to religious freedom.

Continued evidence of systemic and widespread religious persecution in Pakistan, highlighted by the US CPC designation, puts at stake the credibility of the EU as champion of human rights worldwide and the GSP+ process as its key tool in promoting human rights internationally. In light of European Commission's latest biannual GSP+ assessment report (covering the period 2018 - 2019), this policy paper highlights the stark contrast between the EU and US policies over freedom of religion in Pakistan.

II. The Alarming State of Religious Freedom in Pakistan: An Overview

A year since the Pakistani general elections and the formation of the new government, the human rights situation in the country has only worsened. The elections were embroiled in

a myriad of controversies, including allegations of pre-poll rigging conducted by the military and intelligence services, some appalling acts of violence such as suicide bombings and targeted killings, and various discriminatory remarks made by political candidates towards religious minorities as a means of garnering more support from fundamentalist groups.

Suppression of critics of the establishment has intensified in what can be seen as a chilling crackdown on freedom of expression in the country. Widespread enforced disappearances, arbitrary detentions and extrajudicial killings continue to stain Pakistan's already grim human rights record. As of 2019, a total of 2178 cases of enforced disappearances remain unresolved, which includes people from the Baloch, Sindh and Pashtun ethnic minorities, political activists, journalists, members of religious minorities and human rights defenders.¹ There are regular reports of violence against women, child labour, child sexual abuse, crimes committed in the name of 'honour' despite the recent criminalisation of the practice and discrimination against disadvantaged groups.

In recent years, violations of freedom of religion and belief in the country, at the hands of both state and non-state actors, have been on the rise. Religious minorities, including Hindus, Christians, Sikhs, Sufi, Ahmadiyya, and Shia Muslims, have been subjected to attacks by extremist groups and discriminated against by society at large. Furthermore, with the entry of fundamentalist and extremist parties into national politics, public discourse has become increasingly marked by incendiary and hate-filled language directed against religious minorities.

Religious discrimination against minority groups is rooted in the very laws and policies of the state. While affirming that all citizens are equal under the law, the Constitution of Pakistan explicitly prohibits non-Muslim citizens from holding government office positions.² In addition, the second amendment to Pakistan's constitution declares

1 Pakistan: Enduring Enforced Disappearances, Amnesty International, 27 March 2019
<https://www.amnesty.org/en/latest/research/2019/03/pakistan-enduring-enforced-disappearances/>

2 Constitution of Pakistan, Article 41(2) (the President must be a Muslim), Article 91(3) (the Prime Minister must be Muslim), Article 203-E (the establishment of a Federal Shariat Court which has the power to declare

Ahmadiyya Muslims as non-Muslim and criminalises Ahmadis identifying themselves as Muslim or calling their places of worship mosques, sustaining a discriminatory legal system which has systematically eroded their right to practice their faith.

The abusive enforcement of the country's stringent blasphemy laws disproportionately targeting religious minorities has further aggravated the already dire situation of religious freedom in the country. Sections 295 and 298 of the Pakistan Penal Code, which is the main judicial law of the country, explicitly criminalise acts and speech that insult a religion, religious belief, or place of worship, acts that defile the Qur'an, and any derogatory remarks that *'directly or indirectly'* insult the Prophet Muhammad. The crimes carry severe sentences ranging from life imprisonment to a mandatory death sentence.

Although no person has ever been executed under the country's blasphemy laws, the accused are often killed by angry mobs or fall prey to pre-trial murders.³ Moreover, a moratorium on the death penalty was lifted in 2014, with approximately 519 sentences carried out between 2014 and 2018. This raises the real prospect that death sentences under the blasphemy laws could be carried out.

As of 2019, a total of 40 individuals are on death row or serving life sentences for blasphemy in Pakistan.⁴ While the majority of persons charged with blasphemy are predominantly Muslim, the laws are disproportionately invoked against non-Muslim minorities because they discriminate against every religion except Islam.⁵ The recent case of Asia Bibi, a Christian woman who remained on death row for more than eight years after being falsely accused of blasphemy, garnered global attention to the alarming state of religious minorities in the country.

Targeted killings and attacks against religious minorities conducted by extremist or terrorist groups remains an imminent concern. In February 2018, a teenager jumped out

any law repugnant if contrary to Islam).

³ Since 1990, 60 people accused of blasphemy have become victim to pre-trial murder.

⁴ United States Commission on International Religious Freedom, Annual Report, 2019, p. 75.

⁵ <https://www.uscirf.gov/sites/default/files/2019USCIRFAnnualReport.pdf>

⁵ Ibid.

of a window as an attempt to commit suicide during police interrogations over alleged blasphemy as a means to evade torture. Subsequently, nearly 800 Christians living in the teenager's neighbourhood had to flee the area out of fear of attacks by extremist groups.⁶

Terrorist groups such as the Pakistani Taliban (TTP) and Lashkar-e-Jhangvi (LeJ) have perpetually persecuted religious minorities in the country, particularly Hazara Shias, Christians, Ahmadiyya and Sufi Muslims. Since 2001, nearly 2700 Shias have been killed in terrorist attacks and around 140 have been detained and tortured by the country's security agencies.⁷ In April 2018, six Pakistani Christians were killed in attacks claimed by ISIS and dozens were forcibly disappeared at the hands of the security agencies.⁸

Attacks on places of worship of religious minorities, including Shia and Ahmadiyya mosques, Sufi shrines, Christian churches, and Hindu temples, are also on the rise. Discriminatory content inciting hate against non-Muslim religious minorities, including Shia and Ahmadiyya Muslims, in school curriculums underpins a system of religious discrimination at the societal level and remains a growing concern. More recently, the systematic forced conversions of young Christian and Hindu girls to Islam has also become a particularly alarming matter. According to various reports, nearly 1000 young women are forcibly converted to Islam each year and married to Muslim men, often abducted and raped in the process.⁹ The Sindh Child Marriage Restraint Act 2013 has not been enforced effectively and the state's response to forced marriages has been mixed. As a result, widespread impunity for the perpetrators of such acts coupled with economic austerity and a lack of protection for religious minorities has aggravated the plight of these women, leaving them increasingly vulnerable to such practices.

6 Ibid.

7 United States Commission on International Religious Freedom, Annual Report, 2019, p. 77.
<https://www.uscirf.gov/sites/default/files/2019USCIRFAnnualReport.pdf>

8 Ibid.

9 United States Commission on International Religious Freedom, Annual Report, 2019, p. 78.

III. The Recent Change in US Policy

Each year, based on the recommendations of the US Commission on International Religious Freedom (USCIRF), the US State Department designates a list of countries that it deems to be the worst violators of freedom of religion as **Countries of Particular Concern** (CPC) under the International Religious Freedom Act (IRFA). Once the Secretary of State designates a country as a CPC, Congress is notified and then the imposition of economic or non-economic sanctions are considered in order to curtail the particularly severe violations of religious freedom in the country.

In November 2018, after repeated calls by USCIRF over many years, the US State Department finally designated Pakistan as a CPC. Upon the designation, the US Ambassador for International Religious Freedom emphasised that the country had been added to this year's list mainly due to its draconian blasphemy laws, noting that half of the world's total number of people in prison for blasphemy are in Pakistani prisons.

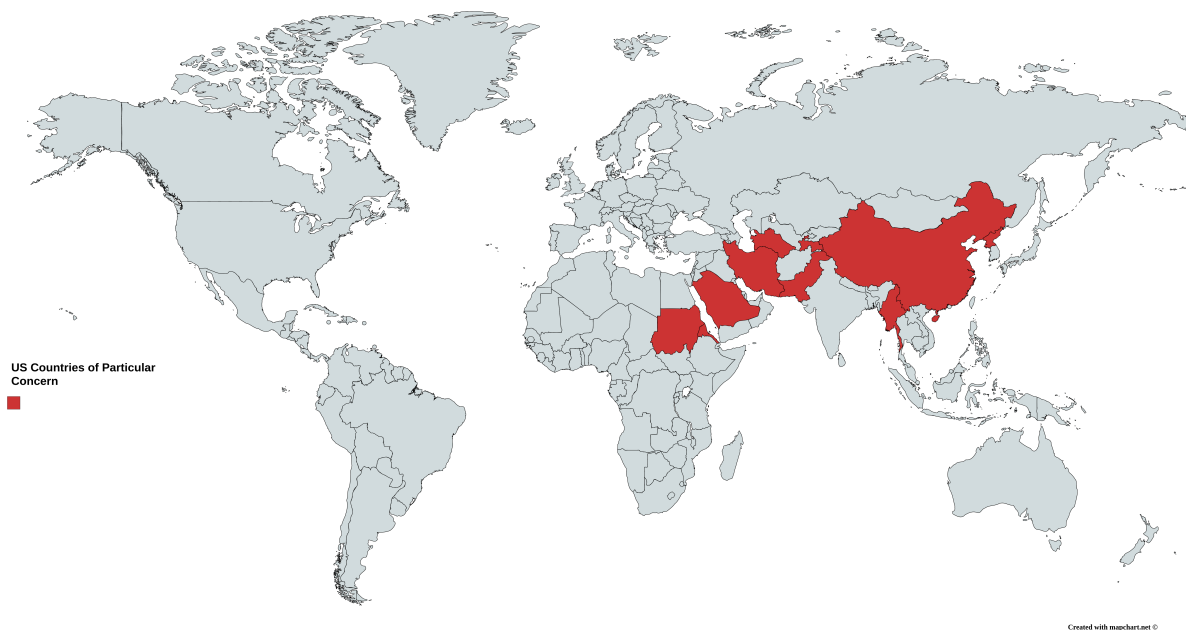
The Chairman of the International Commission of Religious Freedom expressed his gratitude to the State Department for finally adding Pakistan to the list of the world's worst violators of freedom of religion after years of documenting its systematic violations.¹⁰ US Congressman Chris Smith, a champion of human rights globally, also lauded the Trump administration for having the courage to hold Pakistan accountable for its persistent and systemic failures to protect the fundamental rights of religious minorities. In response, Pakistan's Ministry of Foreign Affairs called the "blacklisting" by the US a "unilateral and politically motivated" move and that Pakistan did not need to be told "how to protect the rights of its minorities".

Pakistan's designation as a CPC comes after sixteen consecutive years of pressure from the International Commission on Religious Freedom on the U.S Department of State. The current designation is highly significant, making Pakistan only one of only 10 countries in

¹⁰ United States International Commission On Religious Freedom, State Department Names the World's Worst Violators of Religious Freedom, December 12, 2018.

the world so designated by the US government alongside China, Eritrea, Iran, Myanmar, North Korea, Sudan, Saudi Arabia, Tajikistan and Turkmenistan.

Chart 1: US Countries of Particular Concern



While the CPC designation marks a significant shift in policy by the USA, the practical impacts beyond these two measures are likely to be somewhat limited. The US Department of State is likely to exercise its authority waiver over the imposition of sanctions permitted under the International Religious Freedom Act due to geopolitical considerations. Firstly, since 9/11 Pakistan has become a strategic ally of the United States in its operations in landlocked Afghanistan. Secondly, Islamabad has been playing an important role in the US-Taliban peace talks, which may potentially extricate the US from its longest-fought war. In a statement from August 2019, the State Department acknowledged that Pakistan's Prime Minister Imran Khan will be "incredibly crucial" to the Afghan peace process.¹¹

¹¹ State Department Press Briefing, Morgan Ortagus, Department Spokesperson, August 8, 2019.

Moreover, Pakistan continues to receive substantial aid from the USA and participates in the USA's Generalized Scheme of Preferences (GSP) regime, permitting tariff-free importation of approximately 3,511 goods from Pakistan into the USA. Its GSP status was renewed for three years in 2018, before the CPC designation was made. Alongside this, Pakistan does not yet have a bilateral free trade agreement with the United States, although discussions continue.

Nonetheless, alongside the designation as a CPC country, the US government has withheld nearly \$300 million in aid until Pakistan ensures that terrorist and extremist groups are no longer provided with safe haven in Pakistan. In 2019, the US also supported efforts, alongside the United Kingdom, France and Germany, that resulted in Pakistan being placed on the watch list of the Financial Action Task Force (FATF), a global terror financing and money laundering watchdog. The designation concluded that the country has structural deficiencies in preventing terror financing and money laundering.

During the FATF plenary in October 2019, the FATF again expressed serious concerns with the overall lack of progress by Pakistan to address its terrorism financing risks. If no significant and sustainable progress is achieved across the full range of its action plan by the next Plenary in February 2020, the FATF has announced that it will take action, which could include the FATF calling on its members and urging all jurisdictions to give special attention to business relations and transactions with Pakistan.

As a result, it is possible to identify an increasingly robust stance towards human rights violations and religious extremism in Pakistan being taken by the USA as a result of the CPC designation. While cautious and limited in scope, this approach appears to be having tangible effects on trade with, and aid to, Pakistan.

IV. EU Policy Towards Pakistan and the GSP+ Trade Scheme

The GSP+ Trade Scheme

The promotion and protection of universal human rights is a core value of the European Union grounded in its institutions and external policy in accordance with the Treaty of the European Union. A main mechanism through which the EU promotes human rights in the developing world is through the Generalised Scheme of Preference (GSP), which is primarily a preferential trade system providing tariff reduction on various products, covering three separate trade regimes: the standard GSP, the Everything but Arms (EBA) arrangement, and the GSP+ trade scheme.

The standard GSP, which is similar in terms and scope to the version implemented by the USA, is offered to low and lower-middle income countries and entails a partial or full removal of customs duties on two thirds of tariff lines. The Everything but Arms arrangement is granted to the least developed countries, providing them with duty-free, quota-free access for all products except arms and ammunition.

On the other hand, the GSP+ is a unique trade programme that aims to help developing countries to alleviate poverty and improve their economies by granting preferential trade access to the EU market conditioned upon their ratification, compliance and effective implementation of 27 core international conventions covering fundamental human rights, labour rights, environmental protection, and good governance.

In practice, the GSP+ grants a full removal of tariffs on over 66% of tariff lines covering a wide range of products, including textiles and fisheries, for example. According to the European Commission, 74% of all EU imports under GSP+ come from Pakistan (€5.5 billion), 22% from the Philippines (€1.7 billion), and 1% from Armenia (€1.7 billion).¹²

In order to attain the GSP+ beneficiary status, a country has to meet the scheme's two core conditions: vulnerability and sustainable development. The vulnerability condition

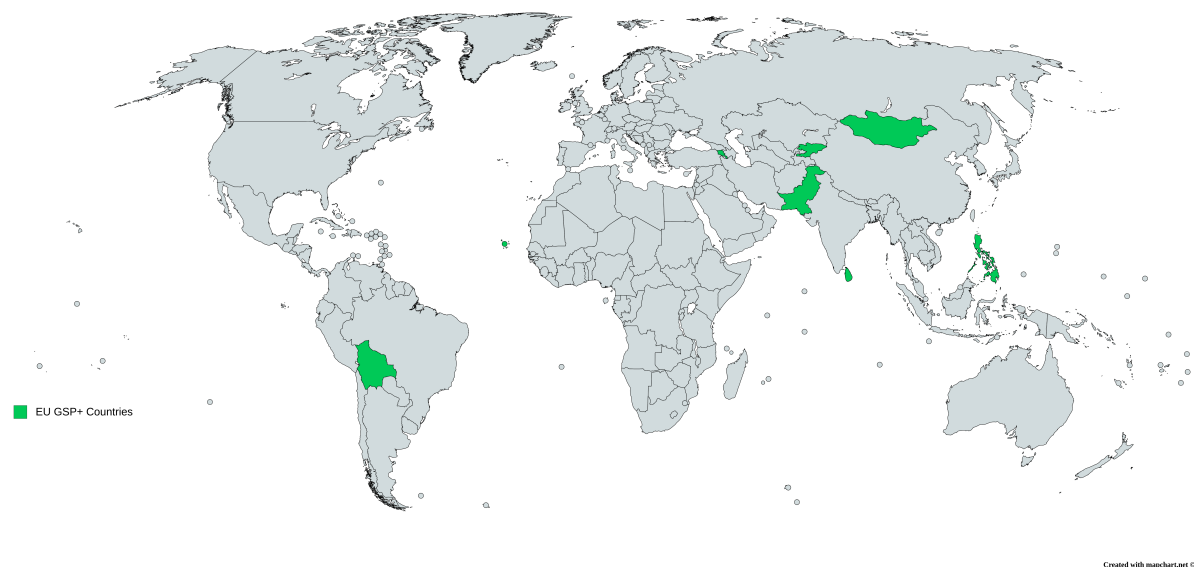
12 Second report on the effects of GSP and the special incentive arrangement for sustainable development and good governance (GSP+) covering 2016-2017.

further consists of the import share criterion and the diversification criterion. The import share criterion requires that the three-year average share of GSP-covered imports of the specific beneficiary country, relative to the GSP-covered imports of all GSP countries, must be lower than 6.5%, while the diversification criterion requires that the seven largest sections of the GSP-covered imports represent 75% of total GSP imports by that country over a three-year period.

On the other hand, the sustainable development condition relates more to the human rights obligations of the state. It stipulates that the potential beneficiary state must have ratified the 27 core GSP+ relevant international conventions on human and labour rights, environmental protection and good governance without any major reservations and that the recent concluding observations of the monitoring bodies of the conventions must not identify any serious failure to effectively implement them.

The scheme currently benefits just eight developing countries, including Armenia, Bolivia, Cape Verde, Kyrgyzstan, Mongolia, Pakistan, The Philippines, and Sri Lanka, where it effectively uses trade as an incentive to advance human rights in the developing world. Generally, the EU Commission has reflected stringency while granting the GSP+ scheme and evaluating the potential state's human rights performance against the scheme's criteria. In 2007, it rejected the GSP+ applications of both the Seychelles and Nigeria, evidently poor and vulnerable countries, for failing to meet the labour and human rights, and environmental conditions of the scheme. The countries were refused once again in 2008 for not ratifying all the relevant conventions conditional to obtain the trade scheme.

Chart 2: EU GSP+ Countries



Monitoring compliance of GSP+ beneficiaries with human rights

The GSP+ system is governed by the three main institutions of the European Union: the Commission, the Council, and the European Parliament. While the Commission manages and monitors the scheme, the decisions of granting or withdrawing access to it are taken together by the Council and the Parliament. The Commission, in coordination with the EU's External Action Service (EEAS), continuously monitors that the GSP+ beneficiary countries abide by their human rights obligations through consistent dialogue, monitoring visits, and a detailed report published every two years, which is then presented before the Council and Parliament.

The monitoring process involves two main mechanisms: the scorecard and an ongoing dialogue with the beneficiary authorities. The scorecard, which is a list of issues prepared by the Commission for each beneficiary state, serves to measure state compliance with the scheme's human rights criteria. Beneficiaries first receive individual scorecards

immediately after entry into the scheme. The following scorecards build on analysis highlighting shortcomings that should be addressed to effectively implement the relevant conventions, identifying further issues and recognising potential improvements in the state party's human rights performance.

On the basis of the scorecard, the European Commission and the European External Action Service then engage in dialogue with the GSP+ beneficiary countries at least once a year to discuss the identified issues and to be informed of the efforts made by the state party to effectively address the issues identified by the Commission.

The discussions include information from a variety of stakeholders, including the European Parliament, the Council, social partners, and the civil society of the respective country. The purpose of the scorecard is to monitor the performance of the GSP+ beneficiary country from one year to the next to ascertain whether it has demonstrated serious efforts toward addressing the identified problems.

Pakistan as a beneficiary of the GSP+ scheme

On 1st January 2014, after persistent lobbying of the United Kingdom for its former colony, the EU granted the GSP+ to Pakistan, conditioned upon the latter's ratification, without any serious reservations, of 27 core international covenants and their effective implementation. Ironically, shortly after it being granted its GSP+ status, Pakistan ended its moratorium on the death penalty.

In its first year under the GSP+, Pakistan's exports to the EU saw a 21% increase (1.32 billion USD).¹³ In the following years, more than 78% of Pakistan's exports entered the EU at preferential rates. As a result, the EU has emerged to become one of Pakistan's largest trading partners, with a tremendously positive impact on its economy.

In order to obtain the trade scheme in 2014, Islamabad ratified both the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT).

13 Pakistan Ministry of Finance, "Economic Survey of Pakistan," 2014 - 2015.
http://www.finance.gov.pk/survey/chapters_15/Highlights.pdf

However, it stipulated a number of overly broad reservations concerning certain core provisions of the covenants. One such reservation was made to Article 18 of the ICCPR which aims to protect and promote freedom of religion. The provision stipulates that everyone shall have the right to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice, and freedom to manifest his religion or belief in worship, observance, practice and teaching.¹⁴

Such a provision was in direct conflict with Pakistan's anti-Ahmadi and blasphemy laws that disproportionately targets the religious minorities of the country. However, as soon as the EU indicated that the reservations would make Pakistan ineligible for the trade scheme, the government quickly withdrew seven reservations made to the ICCPR, including the reservation made to Article 18, and six reservations made to the CAT.

Pakistan's compliance with the GSP+ human rights criteria

The 2018-2019 European Commission Staff Working Document monitoring Pakistan's compliance with the core UN human rights conventions conditional for the GSP+ scheme highlighted that key areas have deteriorated or not improved at all. The European Commission has noted that that human rights defenders, lawyers, and journalists continue to suffer intimidation, abduction, and killing. Moreover, the report expressed concern for the lack of accountability in cases of enforced disappearances and the shrinking space for civil society.

With regards to freedom of religion, the Commission found in its latest assessment that religious minorities in Pakistan continue to face attacks from extremist groups and society at large. Most notably, the misuse of the country's strict blasphemy laws which aggravates the difficult situation of religious and ethnic minorities. The European Commission noted that the procedure to file a case against blasphemy law was reviewed, but that the impact of the reform to address miscarriages of justice for those accused of blasphemy remains

¹⁴ UN General Assembly, International Covenant on Civil and Political Rights, Article 18, 16 December 1966, United Nations, Treaty Series, vol. 999.

to be demonstrated.

Despite consistent calls from the UN Human Rights Council for Pakistan to reform its blasphemy and anti-Ahmadi laws, there appears to be little to no sign of improvement.¹⁵ In addition, in its most recent Universal Periodic Review, the government of Pakistan refused to support any of the ten recommendations made regarding the protection of religious minorities in the country.¹⁶ During the EU-Pakistan strategic dialogue held earlier in 2019, however, the Pakistani state reaffirmed the importance of promoting interfaith harmony in the country, reflecting the inconsistency between Pakistan's continued hollow human rights commitment before the EU with its blatant failure to effectively implement its obligations.

The European Parliament has also reflected the willingness to be more stringent towards Pakistan's increasing human rights violations. It has passed a number of resolutions calling for the European Commission and the European External Action Service to monitor Pakistan's compliance with its commitments under the GSP+ more strictly, particularly its violations of religious freedom and the use of the death penalty.¹⁷

In addition, during the last legislature (2014 to 2018) the European Commission was asked approximately 30 parliamentary questions on the monitoring of GSP+ beneficiaries, with the highest number of concerns being raised about Pakistan.¹⁸ The questions concerned widespread child labour, gender discrimination, and most importantly the widespread persecution of religious minorities, which are encouraged by the so-called 'blasphemy laws'. Subsequently, this has led to MEPs proposing the suspension of Pakistan from the GSP+ trade scheme on six separate occasions.

The European Commission is therefore fully aware of Pakistan's structural failure in

15 UN Human Rights Committee, Concluding observations on the initial report of Pakistan, 23 August 2017, CCPR/C/PAK/CO/1, p. 34.
16 UN Human Rights Council, Report of the Working Group on the Universal Periodic Review of Pakistan, A/HRC/37/13, February 2018.

17 European Parliament resolution of 27 November 2014 on Pakistan: blasphemy laws, 2014, 2969 (RSP), European Parliament resolution of 15 January 2015 on Pakistan, in particular the situation following the Peshawar school attack, 2015, 2515 (RSP), European Parliament resolution of 15 June 2017 on Pakistan, notably the situation of human rights defenders and the death penalty, 2017, 2723 (RSP).

18 European Parliamentary Research Service, European Implementation Assessment, The Generalized Scheme of Preferences Regulation No. 978, 2012.

fulfilling some of the key conditions to maintain its GSP+ status. Nevertheless, Brussels has continuously renewed the preferential scheme to Pakistan, even though its own assessment report highlights that "implementation remains a concern".

Inconsistencies in EU policy towards Pakistan and other GSP+ beneficiary States

Under article 15, paragraph 1, of Regulation No 978/2012, a country will be temporarily withdrawn from the GSP+ arrangement when it fails to respect its binding undertakings under the signed human rights and labour conventions. While the EU has continuously failed to effectively use this clause as a leverage to oblige Pakistan to fulfill the scheme's human rights criteria, it has not shown the same leniency towards other beneficiary states while monitoring their human rights compliance.

In 2010, Sri Lanka had its GSP+ status suspended by the European Union amidst reports indicating serious concerns over massive and systematic human rights violations committed during the final stages of the civil war in 2008 and 2009, reflecting shortcomings in implementation of key human rights conventions - namely the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture (CAT), and the Convention on the Rights of the Child (CRC). The scheme was later reapplied in 2016 after the new Sri Lankan government demonstrated significant improvement in the human rights situation in the country.

In the case of the standard GSP, two countries have been suspended from the scheme: Myanmar and Belarus. In 2005, following an investigation and a detailed report by the International Labor Organization (ILO) indicating serious labour rights violations, the Commission placed trade sanctions on Belarus for violating its obligations under the ILO Conventions on freedom of assembly and collective bargaining, which have been implemented since July 2007. In the case of Myanmar, the Commission investigated serious practices of forced labour by the military which governed the country at the time

and in 1997 the Council approved the Commission's decision that Myanmar's tariff preference must be withdrawn.¹⁹ Trade preferences were restored for Myanmar in 2013 following the economic and political reforms initiated in the country in 2011.

Similar to the case of Sri Lanka, Myanmar's restoration of EU trade preferences demonstrates that sanctions or withdrawal of preferences are often only placed temporarily until the state demonstrates serious effort to improve the human rights situation in the country. Therefore, they can be effectively used as leverage to push the state to improve the human rights situation as a means to regain the scheme.

Two other countries, El Salvador and Bolivia, have been investigated in the past by the Commission for failure to implement the conditional GSP conventions, but neither investigation ended with a suspension of preferences. Similarly, following reports of grave and systematic violations of human and labour rights, the European Commission for Trade launched a period of enhanced engagement with Bangladesh, Cambodia and Myanmar, adding to the systematic monitoring of GSP+ countries already in place.

The process eventually led to the launch of a procedure to temporarily withdraw tariff preferences for Cambodia. On the other hand, a complaint against alarming rates of child labour in Pakistan in 1997 did not lead to any investigation, let alone withdrawal of the trade scheme, reflecting a glaring inconsistency in the approach of the Commission towards Pakistan and other GSP beneficiary states.

With the exception of Pakistan, the EU has also maintained a strict prohibition of death penalty with all other GSP+ beneficiary states, often threatening to use economic sanctions or withdrawing trade preferences. The discrepancy is particularly striking in the case of Sri Lanka. Earlier in 2019, on the 22nd EU-Sri Lanka Joint Commission meeting, the EU indicated serious concerns regarding the implementation of the death penalty and its implications on the country's GSP+ status, which was regained in 2017 after a seven-year

¹⁹ Council Regulation, OJ 1997, L 85.

suspension. The Sri Lankan delegation was quick to point out that the EU did not link a potential GSP+ suspension to the death penalty for Pakistan, which re-introduced capital punishment the same year it was granted the trade scheme.²⁰ Moreover, the EU has also expressed serious concerns with regards to the Philippines' attempt to legalise the death penalty and threatened to impose economic sanctions on the country or potentially suspend the GSP+ if it fails to address these concerns surrounding capital punishment.²¹

Pakistan, however, the country with the highest number of people on death row in the world, has not been held to the same standard. It is essential to note that in Pakistan the death penalty is inextricably linked to an increase in religious persecutions at the hands of the state. For instance, the use of the death penalty in cases of alleged blasphemy continues to disproportionately target religious minorities in the country as seen in the famous case of Asia Bibi, a Christian woman falsely accused of blasphemy who remained on death row for eight years.²² Another impoverished Christian woman, Shagufta Kausar, was convicted of blasphemy for sending anti-Islamic texts in English – even though both she and her husband are illiterate and the SIM card produced at the trial proved to be fake.

Extremists have also used the provisions as a pretext and justification to routinely attack religious minorities. In October 2019, a false blasphemy charge against a Hindu school principal led to a mob attacking a Hindu school, three Hindu temples, and several Hindu homes in Ghotki in southern Sindh province. These blasphemy laws further prohibit Ahmadiyya Muslims from using Islamic terminology and symbols and from “preaching their faith or pos[ing] as Muslims.”

The leniency towards Pakistan's use of the death penalty is particularly striking considering the fact that the country lifted the moratorium on the death penalty the same

20 GSP+ talks: EU tells Lanka not to implement death penalty, The Sunday Times, February 2019.

21 Republic of the Philippines, Foreign Services Institute, Uriel N. Galace, Does the Philippines Need the EU's GSP+, March 2018.

22 European Commission, Press Release, Speech: Death Penalty in Pakistan and the case of Asia Bibi, Italian Presidency, On Behalf of EU High Representative/Vice-President Catherine Ashton, 23 October 2014.

year it was granted the GSP+ status. Such inconsistencies in the Commission's approach towards Pakistan and other GSP+ beneficiary states raise serious concerns about the EU's impartiality and credibility as an international promoter of human rights.

In consultations with the UNPO, officials from the European Commission have attempted to distinguish Pakistan from the other countries from which GSP+ or GSP status have been withdrawn. In doing so, they have implied the existence of an internal policy not to take action except for in situations of war, where the Geneva Conventions are placed at issue. This policy appears to directly contrast not only with the text of the regulation governing the GSP schemes, which makes no reference to the Geneva Conventions, but rather mandates ratification and compliance with the core human rights conventions to be granted GSP+ status (Article 9) and to keep it (Article 19). It also appears to directly contrast with the spirit and purpose of the GSP+ scheme as a whole, which is to "promote the objectives of those conventions" (see Recital 24 to the Regulation).

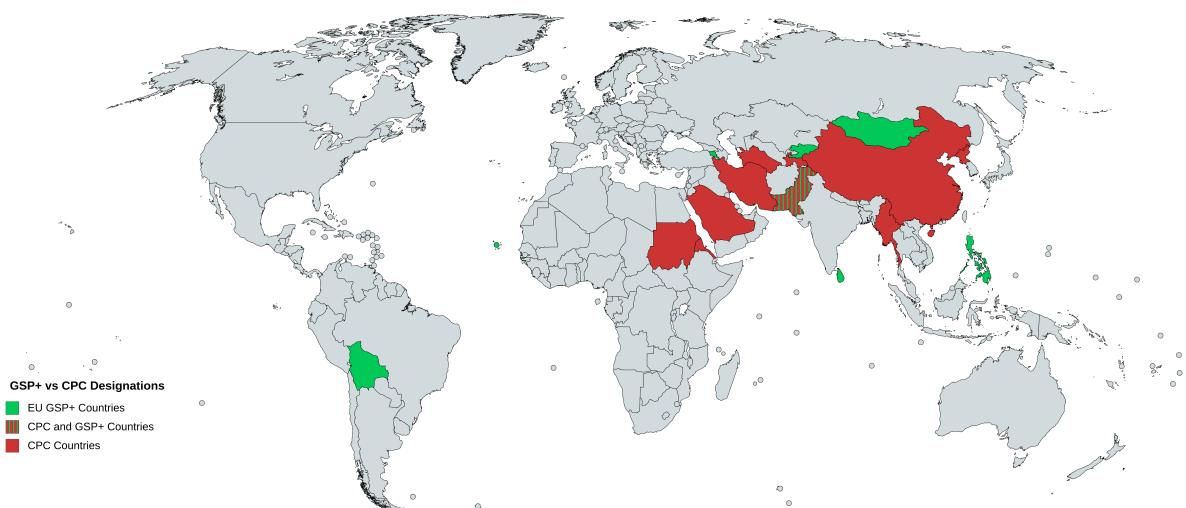
V. Contrasting US and EU policy

A closer look at EU and US foreign policy reveals the contrasting approach towards Pakistan's religious freedom violations. While the EU has continuously failed to recognise the severity of Pakistan's religious freedom violations, the US government has finally designated it as a Country of Particular Concern. Because of the disconnect between the EU and US positions, Pakistan finds itself today on a list of only 10 countries designated as the worst violators of international religious freedom in the world, while simultaneously finding itself on a list of just 8 other countries being granted the most favourable trade preferences by the European Union because of their commitment to human rights.

While the US move is unlikely to result in severe sanctions due to geopolitical considerations, it is nevertheless a step of the utmost importance in context of exerting serious diplomatic and international pressure on Pakistan to curtail its religious freedom

violations. The EU, on the other hand, is in a much stronger negotiating position with Pakistan due to Islamabad's economic dependence on the GSP+ trade scheme. Brussels could, therefore, use its own mechanism as a leverage to oblige Pakistan.

Chart 3: EU GSP+ and US CPC Countries



According to some EU Trade officials who have spoken with the UNPO, one of the main reasons behind this leniency is that the Commission does not want to lose leverage in Pakistan amidst serious concerns of China's growing influence over the country. Such an argument is hardly convincing since Pakistan has already granted China significant dominance in the region through the **China-Pakistan Economic Corridor (CPEC)**, a strategic economic and military corridor giving China heightened influence in the region.

The corridor forms part of China's One Belt – One Road Initiative, a multi-billion-dollar investment programme stretching across 70 countries, criticised by the EU in its recent

report for its onerous and discriminatory trade requirements for EU products.²³ In addition, earlier this year, Pakistan also signed a letter sent to the United Nations expressing support for China's human rights record despite continued reports of China detaining its Uyghur Muslim population in so-called "re-education" camps, often subjecting them to torture and degrading treatment.

VI. Conclusion

The EU's GSP+ programme is an immensely effective mechanism to improve human rights around the world. The leverage that it creates was shown in the process of granting GSP+ status to Pakistan, after it withdrew its reservations to some international human rights conventions. However, the EU is failing to effectively sustain the value of the GSP+ process post-ratification in Pakistan. Despite the alarming situation of religious minorities in the country, the EU has consistently opted to keep Pakistan's preferential status. Such a policy threatens not only the credibility of the EU's own instrument but also contradicts its core values.

Pakistan made some progress in the lead-up to it being granted GSP+ status, but since it obtained the preferential trade scheme, the country has been permitted to regress in terms of human rights protections (re-introducing the death penalty, for instance). Human rights violations appear rampant and widespread in Pakistan. Human rights activists and organisations have long reported on the forced disappearances, extra-judicial killings, arbitrary detentions, and torture of political and ethnic rights activists across Pakistan. Baloch rights groups allege that in the first six months of 2019 alone there were an estimated 371 enforced disappearances and at least 158 extra-judicial killings of activists in Balochistan by Pakistani security forces. At least 100 Kashmiri civil rights activists have similarly been killed in Pakistan-administered Kashmir in the last two years, and since

23_European Commission and HR/VP contribution to the European Council, EU-China – A strategic outlook, 12 March 2019
<https://ec.europa.eu/commission/sites/beta-political/files/communication-eu-china-a-strategic-outlook.pdf>

2010 there have been a reported 1,200 cases of enforced disappearances of human rights defenders, activists, and journalists in Sindh province.

Freedom of religion concerns are particularly troubling, as evidenced by Pakistan's designation as a Country of Particular Concern by the USA. It has not resolved the discrepancies between ratification and effective implementation of the human rights conventions required to keep its GSP+ status, particularly concerning freedom of religion, and the government's apathy toward large-scale anti-minority violence by radical militant organisations has allowed such groups to operate with impunity. Furthermore, state and non-state actors in Pakistan have similarly suppressed the basic civil rights of ethnic minorities.

With its inclusion in the FATF watchlist in June 2019, Pakistan has been found to be a significant barrier to the fight against religious extremism. It is essential to note that terror financing is inextricably linked to the widespread religious persecutions in Pakistan at the hands of extremist groups such as the Tehreek-e-Taliban. A failure to prevent terror financing potentially results in increased religious persecution and targeted attacks by extremist groups against religious minorities, particularly Christians, Shias, and Ahmadis. Therefore, the impact of the FATF listing on the GSP+ assessment should not be overlooked.

In light of this, the EU's continued refusal to recognise Pakistan's clear violations of international religious freedom and its continued rewarding of Pakistan with its most preferential trade access is undermining both international efforts to hold Pakistan to account and its own scheme of human rights promotion.

VII. Recommendations

The UNPO urges the European Union and the United States of America to harmonise their approaches to international religious freedom violations in Pakistan, with the aim to ensure real change in the country. This should include:

- More aid and assistance being provided directly to religious and ethnic minorities in Pakistan;
- Initiating the temporary withdrawal procedure of the EU's GSP+ trade preferences to Pakistan pursuant to Article 19 of the GSP Regulation, during which the Commission investigates the evidences of serious and systematic violation of principles committed by the beneficiary country;
- Ensuring that the *Country of Particular Concern (CPC)* designation is mainstreamed across all US-Pakistan trade and aid programmes;
- More coordinated action at the international level to denounce and respond to Pakistan's support for violent extremism in line with efforts being undertaken currently through the FATF.