

National Action Plan on Business and Human Rights

PAKISTAN



Ministry of Human Rights
Government of Pakistan

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Ministerial Forward

The Ministry of Human Rights, in collaboration with the United Nations Development Program, is pleased to release this National Action Plan on Business and Human Rights, aimed at ensuring observance of Pakistan's duty to protect against human rights abuses by third parties, including businesses, and creating an environment conducive to fostering corporate respect for human rights. Further, in preparing this National Action Plan, the State of Pakistan expresses its commitment to fully comply with its obligations vis-à-vis ensuring access to effective remedies in cases of human rights abuses that occur during business operations.

As a developing economy, we understand the need to ensure stability and security, good governance, and the rule of law within our territory to secure sustainable, long-term economic growth. Accordingly, in recognition of the governance gaps culminating from globalization, we believe in adopting a pragmatic mix of mandatory and voluntary measures to prevent, mitigate and remedy existing and potential adverse human rights impacts resulting from business activity.

Prior to undertaking preparation and finalization of this National Action Plan, the work carried out by the Government of Pakistan in protecting and promoting human rights, particularly of women, minorities, persons with disabilities and members of the transgender community, highlights its commitment to ensuring full compliance with international human rights standards. This work includes legislative initiatives, progress in implementation of existing laws, operationalization of laws, research and survey work undertaken, sensitization, awareness and education campaigns, and a range of conferences and workshops arranged.

There are already several companies implementing Corporate Social Responsibility initiatives in Pakistan. However, through the National Action Plan, we intend to move on from the significant limitations of this approach in addressing human rights impacts, and instead advance the Business and Human Rights paradigm as contained in the United Nations Guiding Principles on Business and Human Rights and the Protect, Respect and Remedy Framework.

One of the Government's key objectives has been institutional development and capacity building to enhance responses to human rights violations. The National Action Plan details how the State of Pakistan will ensure, through judicial, administrative, legislative, and other appropriate means, access to an effective remedy where human rights abuses occur. Consequently, this Action Plan is a logical corollary to the capacity building and reform efforts the Government has undertaken recently.

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Introduction

∇ What are the UN Guiding Principles?

In June 2011, the United Nations Human Rights Council (UNHRC) endorsed the UN Guiding Principles on Business and Human Rights (UNGPs) to address the adverse human rights impacts of business activity. The UNGPs are the culmination of six years of consultations amongst States, business enterprises and civil society organizations, led by the then Special Representative to the UN Secretary General, Professor John Ruggie. The UNGPs provide a global standard for addressing human rights issues and preventing human rights abuses associated with business activity. They do not create any new international obligations on the State but stand to substantiate the ones that have already been ratified.

The UNGPs are based on what has come to be known as the “Protect, Respect and Remedy Framework”, which rests on three pillars:

- Pillar I: the legal duty of States to protect individuals from business-related adverse human rights impacts
- Pillar II: the responsibility of business enterprises to respect human rights
- Pillar III: the need to ensure effective access to remedies for victims, by States and businesses

∇ Statement of Commitment to Implementing the UNGPs by the Government of Pakistan

The protection and promotion of human rights is a cornerstone of Pakistan’s domestic policy. Pakistan has ratified several key international human rights instruments, which have been transposed into the domestic regime through a wide variety of Federal and Provincial laws and policies. These include a range of obligations contained in seven of the nine core human rights treaties Pakistan is a State Party to, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), Convention on the Rights of Persons with Disabilities (CRPD), Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention against Torture (CAT). In addition to its international obligations, the State of Pakistan is fully committed to its Constitutional obligations vis-à-vis human rights, contained in Chapter I of the Constitution titled “Fundamental Rights”, as well as the Sustainable Development Goals (SDGs) which also reflect fundamental principles of human rights.

Pakistan faces several challenges with respect to financial transparency and corruption in public procurement contracts, gender-based discrimination and equal opportunity in the workplace, due diligence mechanisms, occupational health and safety, working conditions and wages, unregistered workers, trade unions, informal economy, and child and bonded labour. Accordingly, a National Baseline Assessment (NBA) was conducted to prepare a comprehensive and targeted National Action Plan (NAP) on Business and Human Rights (BHR), manifesting Pakistan's commitment towards overcoming these and other challenges, and in fulfilling its international and domestic obligations relating to the protection of human rights.

Through the NAP, Pakistan intends to implement the UNGPs and ensure that the fundamental rights of its citizens are protected against any adverse impacts resulting from business activity. In addition to the protection of human rights, the State of Pakistan also aims to strengthen its grievance redressal mechanisms to ensure that victims are provided adequate remedies where business activity interferes in the protection of or violates human rights. While the NAP relates primarily to the State's obligations regarding the protection of human rights, it also specifies its expectations from business enterprises. This is both in relation to the respect of human rights throughout business operations and the provision of adequate remedies in cases of adverse impacts. Full implementation of this NAP will, accordingly, require cooperation from the business community.

Annex I to this National Action Plan summarizes Pakistan's existing legal and policy framework relevant in the context of business.

Chapter 1: National Action Plan on Business and Human Rights

1.1 What is the NAP?

In relation to BHR, the UNHRC established in 2011 the UN Working Group on Business and Human Rights (UNWG), which works to “promote the effective and comprehensive dissemination and implementation of the Guiding Principles on Business and Human Rights”.¹ The UNWG has strongly urged States to adopt National Action Plans on BHR which form an effective platform for the implementation of the UNGPs.

National Action Plans are policy documents through which States articulate priorities and actions that they intend to adopt to support the implementation of international and domestic obligations with respect to specific policy areas. In relation to BHR, a NAP is defined as an “evolving policy strategy developed by a State to protect against adverse human rights impacts by business enterprises in conformity with the UN Guiding Principles on Business and Human Rights.”²

1.2 Five-Phased Development of the NAP

The formulation of the NAP is the result of a series of consultations with multiple stakeholders and an NBA on law and policy areas related to BHR in Pakistan.

Pakistan proceeded in accordance with the five phases of developing a NAP, provided in the ‘Guidance on National Action Plans on Business and Human Rights’ (hereafter, NAP Guidance Document), published by the UNWG.

(i) Initiation

As a first step in the NAP process, a formal commitment from the Government to engage in the NAP process was announced in November 2019 by the Joint Secretary, Ministry of Human Rights (MoHR) at the Annual Forum on Business and Human Rights in Geneva. This was followed by the MoHR hosting an inter-ministerial meeting with relevant stakeholders, informing them of the plan and bringing them on-board, including through subsequent consultations with respective Provincial Line Departments. The Secretary, MoHR also reiterated this commitment during the Asia Pacific Forum held in June 2020. In September 2020, the MoHR, in the presence of

¹ UN Office of the High Commissioner on Human Rights. ‘Working Group on the issue of human rights and transnational corporations and other business enterprises.’ Available at: <https://www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx> [Accessed on 22 July, 2019].

² Guidance on National Action Plans on Business and Human Rights, UN Working Group on Business and Human Rights, available at < https://www.ohchr.org/Documents/Issues/Business/UNWG_NAPGuidance.pdf>

Cabinet Ministers, and international and national stakeholders restated this commitment.

Relevant Government departments, civil society organizations and other stakeholders were identified and included in the process. A key step in this was the translation of the UNGPs in Urdu to facilitate awareness on the contents of the UNGPs. The UNGPs are presently being translated into various regional languages to ensure the widest possible outreach.

(ii) Assessment and Consultation

As part of the assessment and consultation process, an NBA was carried out utilizing the Danish Institute for Human Rights (DIHR) - International Corporate Accountability Roundtable (ICAR) Framework, which has been designed to adequately inform the formulation and prioritization of actions in the NAP. The template proposes a suggested methodology to evaluate the current level of implementation in relation to all three pillars. The template was contextualized to Pakistan's requirements, for example, the section on Guiding Principle 7 has not been included due to a lack of overseas companies working in conflict areas. In line with the DIHR template, each thematic area within the NBA was also aligned with the SDGs.

The NBA was conducted using a combination of quantitative and qualitative methods. It was the result of a comprehensive desk review relating to Pakistan's laws and policies on the enabling framework for BHR, as well as a survey of over 150 companies and consultations with close to 200 stakeholders.

The NBA proceeded as follows:

- Desk Review of laws, judicial precedent, Constitutional obligations, international laws and normative principles of thematic policy areas identified in the DIHR template
- Quantitative Survey of Business Policies related to Human Rights and Policy Formulation of approximately 150 companies
- Desk Review of publicly available statements, policies, and procedures of over 100 companies
- Review of reports on corporate behavior in relation to business implementation of the UNGPs
- In-depth review of judicial and non-judicial grievance mechanisms
- Review of reports on barriers to accessing judicial and non-judicial remedy mechanisms
- Country-wide consultations and focus group discussions with relevant stakeholders to identify priority areas to be included in the NAP. The consultations took place in Islamabad, Quetta, Lahore, Karachi, Gujranwala, Sialkot, Faisalabad, and Gilgit-Baltistan.

Through the NBA, it was demonstrated that while BHR in Pakistan is a relatively new concept, several companies already have in place Corporate Social Responsibility Initiatives and Company Codes of Conduct. Surveys conducted of approximately 150 companies, as part of the NBA, revealed that 61% of the companies in Pakistan have some form of internal human rights policies, which include the enforcement of the principle of non-discrimination, protection from sexual harassment etc. Additionally, 58.2% companies also stated that these human rights policies are communicated to company employees as well as third party stakeholders. However, the surveys also revealed that most companies only employ between 2% to 5% of ethnic and religious minorities and only 32.3% have a fixed quota for the employment of women.

(iii) Drafting

The process of drafting the NAP was in accordance with the NAP Guidance Document of the UNWG. Following preparation of the first draft, additional stakeholder consultations were conducted, focusing on provincial priority areas and implementation mechanisms. Relevant inputs from the consultations were subsequently incorporated into this iteration of the NAP.

(iv) Implementation

The NAP includes a timeline for implementation, relevant entities/stakeholders responsible for implementation and performance indicators for each proposed action. Qualitative and quantitative indicators are to be used for monitoring and evaluation of the outcomes vis-à-vis implementation of the NAP by the responsible institutions in the time frame provided.

(v) Update

This stage relates to the update and revision of the NAP. A multi-stakeholder monitoring group will be established, subject to budgetary rules of procedure, comprising representatives from the Government, corporations, civil society organizations and trade unions. The multi-stakeholder monitoring group will conduct an impact assessment, through consultations with different sectors, to identify subsequent needs/priorities that develop after implementation of the NAP. Further, the group will also undertake a comprehensive gap-analysis, reviewing the progress of the NAP within five years of its implementation, and providing recommendations for revision/amendment of the NAP.

1.3 NAP Priority Areas

In light of Pakistan's present legislative and policy framework, and based on the consultations and the focus group discussions with relevant stakeholders, several issues have emerged which require attention in terms of BHR impacts, and form the basis for nine major priority areas to be addressed. The priority areas identified are expanded upon in the following sections, specifying goals, activities, relevant entities, indicators for evaluation and the timeframe for each area. Additionally, in accordance

with devolution through the 18th Constitutional Amendment, there is a need for targeted actions at the Provincial levels. Consequently, where applicable, priority areas and proposed actions are disaggregated by the Federal and Provincial levels. A total of 73 actions are proposed at the Federal and Provincial levels. The priority areas are as follows:

- Financial Transparency, Corruption and Human Rights Standards in Public Procurement Contracts (*5 proposed actions at the Federal & Provincial levels*)
- Equal Opportunity, Gender-Based Discrimination & Inclusion of Vulnerable Groups and Marginalized Communities in the Workplace (*7 proposed actions at the Federal & Provincial levels and 21 proposed actions at the Provincial levels*)
- Due Diligence Mechanisms (*4 proposed actions at the Federal & Provincial levels*)
- Labour Standards (*7 proposed actions at the Provincial levels*)
- Informal Economy (*3 proposed actions at the Federal & Provincial levels and 8 proposed actions at the Provincial levels*)
- Child Labour (*3 proposed actions at the Federal & Provincial levels*)
- Forced or Bonded Labour (*4 proposed actions at the Federal & Provincial levels*)
- Occupational Health and Safety (*3 proposed actions at the Federal & Provincial levels*)
- Access to Remedy (*8 proposed actions at the Federal & Provincial levels*)

1.4 Cohesion between NAP, Government Policies, and International Commitments

The protection of human rights is a fundamental concern for the Government of Pakistan, enshrined in the Constitution, and evidenced in policies such as the National Action Plans on labour, child abuse, human trafficking, and migrant smuggling,³ COVID-19,⁴ etc. Reinvigoration of the economy and joining the league of upper middle-income countries by 2030 are also major priorities. The Vision 2025 encapsulates these goals in line with the SDGs for a robust strategy for growth and sustainable development. The SDGs seek to “advance the realization of human rights

³ Federal Investigation Agency. “National Action Plan to Combat Human Trafficking and Migrants Smuggling”, 2021-2025: http://www.fia.gov.pk/en/Immigration_Pub/NationalActionPlan202125.pdf

⁴ Ministry of National Health Services, Regulation & Coordination. “National Action Plan for Corona virus disease (COVID-19) Pakistan”, 2020: https://www.nih.org.pk/wp-content/uploads/2020/03/COVID-19-NAP-V2-13-March-2020.pdf?cfchljschltk=50815bee7408d5a4c6df3553ea26c646922bcf3b-1585013991-0-AbDFagbXNVLY77DWLFx4TgYmHv-RD_PwYz5nyJstu9PBVzrDwPUDwxLGYE5Z4_bbptK1KE_CMeAhoTPu-Xo3sFoQYxsZ_WtqijjdtPE252Z9JU04gJauw7BlwBe4BmApX7EfG7_BBryooPknZtEcrB-Zbe0L9k0NbmKACbnpQxnhTz4ZqFAF4wHmhDO7WH-LHYc0h9F-k5DxJF2TSLiBmteZW6jrxED5NJqh2YLMmwknX8KYLzPKLzOGgxo0XIHG62bkJ8uW3TBzKx9fi5p19NYkr_nKuvGbnmiBhMVrpMoOrH6aQokJEU_sl4DVL-5XdJNFgTJPnGqZ52y_gx_NixBdmuNvSzyLu_N2ThgqBO

for all”⁵ with most targets reflecting international human rights and labour standards.⁶ Pakistan is fully committed to the SDGs, which in addition to a wide variety of human rights standards also include crosscutting principles, such as participation, accountability, and non-discrimination.

Pakistan’s National Action Plan on Human Rights relates to the implementation of key human rights priorities and international instruments, as well as crosscutting interventions for the protection of human rights. The Action Plan calls for a rights-based approach to development planning, strengthening of the National Human Rights Institute (NHRI), and the implementation of international commitments through capacity building programs and the effective functioning of Treaty Implementation Cells (TICs).

The realization of the SDGs, as well as the Action Plan on Human Rights, rely greatly on the support of businesses which play an integral role in mainstreaming human rights into Pakistan’s economy. Through business respect for human rights, Pakistan will be better placed to fulfill its Vision 2025 and ensure the grass-root implementation of human rights enshrined in Pakistan’s Constitution and the international human rights framework to which Pakistan has acceded.

The National Action Plan on Business and Human Rights will also align with Pakistan’s commitments relevant to the Universal Periodic Review (UPR), where it has supported recommendations on forced labour, the protection of vulnerable groups and bonded labour. It will also generate awareness and mobilize a national movement towards the protection of human rights in the business context. This will strengthen Pakistan’s position as a responsible trading partner in the region and will also support its fulfillment of reporting requirements before international human rights monitoring and other bodies.

Many businesses in Pakistan are already cognizant of their responsibility towards the protection and promotion of human rights. Multinational companies and State-owned companies have incorporated policies that reflect international human rights standards, which can be further strengthened through the NAP. The NAP also provides guidance to small and medium-sized businesses on their role in the protection of human rights. Further, it aims to create awareness on the importance of human rights due diligence in business practice/operations, which has emerged as a salient feature of the international human rights and sustainable development agenda.

⁵ UN Office of the High Commissioner on Human Rights. ‘Human Rights and the 2030 Agenda for Sustainable Development.’ Available at:

<https://www.ohchr.org/en/issues/SDGS/pages/the2030agenda.aspx>

⁶ For a full list of linkages between SDGs and human rights, please refer to the following summary table - UN Office of the High Commissioner on Human Rights. ‘Summary table on the linkages between the SDGs and relevant international human rights instruments.’ Available at:

https://www.ohchr.org/Documents/Issues/MDGs/Post2015/SDG_HR_Table.pdf

Pakistan's GSP+ Status, which was granted in exchange for improving compliance with 27 core international conventions pertaining to human rights, labour, corruption and the environment, is contingent upon the implementation of these conventions. It is incumbent upon all stakeholders, especially business enterprises and civil society, to participate in this process and ensure grass-roots level implementation of Pakistan's human rights policies in line with the international regime.

1.5 COVID-19 and the NAP

The COVID-19 pandemic has brought about an unprecedented crisis, which has exacerbated existing inequalities and endangered the protection of human rights. It has also brought to light the fundamental relationship between business activity and human rights, and increased awareness about the responsibility on business enterprises to take responsible actions to minimize the negative impacts of the epidemic on human rights, through dialogue and collaboration with other stakeholders.

The pandemic has, therefore, provided businesses with an opportunity to embed respect for human rights into their business values, playing an instrumental role in enhancing business resilience to future crises, and transforming businesses into truly sustainable entities. To build back from the epidemic in a more sustainable manner, businesses should assess the impacts of COVID-19 on stakeholders, including the impact on workers related to their immediate business and supply chains. Workers should be retained where possible, with businesses endeavoring to mitigate, as much as is possible, the negative impacts of unemployment through consultation and dialogue with unions and other worker bodies. There must also be an acknowledgment that socially vulnerable groups, children, elderly persons, women, persons with disabilities, transgender persons, are particularly vulnerable to the COVID-19 pandemic, and as such businesses should seek to mitigate the impacts upon them. Grievance mechanisms must also be strengthened to adequately handle complaints and problems raised by employees and other stakeholders, with a view to ensuring access to remedy.

Chapter 2: Protect, Respect, Remedy Framework

Pillar I: State Duty to Protect

The UNGPs require States to protect human rights in the context of business. These principles may be seen as a restatement of Pakistan's existing international obligations under the core UN human rights treaties and core International Labour Organization (ILO) Conventions. Pakistan is a State Party to seven of the core nine UN Human Rights Treaties, and is a State Party to the eight core ILO Conventions.

Pakistan's domestic legal framework provides various guarantees and includes protection of the rights of workers especially in relation to discrimination, minimum wage, forced labour and the elimination of child labour. There are several other laws that specifically deal with the human rights of citizens and their protection from environmental degradation, corrupt practices, unlawful land arrangements and tax evasion.

Additionally, Pakistan's Constitutional and legal framework encompasses core principles of remediation, such as the separation of the judiciary and effective access to justice. There is also an evolving role given to NHRIs in Pakistan that have special powers to help protect human rights and improve Pakistan's reporting standards internationally. In addition to the National Commission for Human Rights (NCHR), two other existing NHRIs are the National Commission on Child Welfare and Development (NCCWD) and the National Commission on the Status of Women (NCSW). Additionally, the process is underway for the establishment of Pakistan's fourth NHRI, i.e., the National Commission on Minorities (NCM). The State of Pakistan is committed to introducing robust implementation mechanisms and legislative amendments to bridge existing gaps and provide effective remedies to those who are adversely affected by business activity. In this regard, Pakistan aims to develop and empower its NHRIs by clearly setting out five-year work plans for each NHRI.

Pillar II: State Duty to Protect

The UNGPs attach great significance to the responsibility of businesses in respecting human rights. This responsibility applies regardless of the size and impact of the business enterprise. Further, the responsibility to respect human rights under the UNGPs is not limited to internal business activity but extends to actions involving third parties as well.

Principles 11 to 24 of the UNGPs relate to the corporate responsibility to respect human rights. The foundational principles explain that businesses have a

responsibility to protect human rights, which must be in compliance with internationally recognized rights. The operational principles provide non-binding recommendations and guidelines for businesses to introduce human rights standards within their policies.

In Pakistan's context, business enterprises play a significant role in protecting human rights. The Pakistani economy is heavily reliant on its industrial and services sector, which together constitute over 81% of GDP.⁷ Due to this, businesses have the capacity to gravely affect human rights protection and thus must work with the State to ensure the protection and promotion of the fundamental rights enshrined in the Constitution.

In relation to the legal obligations upon business enterprises relating to human rights, there are several laws that regulate the rights of workers, provide for the protection of marginalised communities and safeguard equal opportunity and remuneration for different classes of workers. The State also has in place laws relating to corruption & bribery, protection of the environment, taxation, land arrangements, consumer protection and the right to information in the context of business activity.

Pillar III: Access to Remedy

In relation to the third pillar of the UNGPs, States are under an obligation to take appropriate steps to prevent any adverse human rights impacts resulting from business activity by providing victims with effective redressal mechanisms, which may be judicial or non-judicial.

In relation to judicial mechanisms, the Constitution of Pakistan safeguards the independence of the judiciary and the right to a fair trial and due process. A significant challenge, in this regard, is the cost of litigation and the slow dispensation of justice due to the backlog of cases in Courts. Therefore, access to justice is a serious concern for most litigants, especially those who fall in the lower income bracket. In this regard, the State of Pakistan has taken several steps, including the enactment of the Cost of Litigation Act of 2017, which discourages frivolous litigation under the Code of Civil Procedure 1908. The 2017 Act also discourages untimely and unnecessary adjournments in proceedings.

In addition to judicial mechanisms, quasi-judicial bodies exist to regulate competition in business, unfair labour practices and industrial disputes. These bodies include the Ombudsperson offices in all four provinces relating to sexual harassment at the workplace, taxation, insurance and to address any complaints faced by the public from Federal Government Departments including State Owned Entities. Additionally,

⁷ Pakistan Bureau of Statistics. 'Sectoral Shares in GDP (at constant basic prices).' Available at: <https://www.pbs.gov.pk/content/table-7-sectoral-shares-gdp-constant-basic-prices>

the National Industrial Relations Commission (NIRC) has been established with the jurisdiction to resolve industrial disputes and unfair labour practices. Moreover, the NCHR has been established as an independent State body with an extensive mandate to protect and promote human rights. The NCHR has also been granted a quasi-judicial competence to investigate violations of human rights abuses either through individual complaints or through a suo motu capacity.

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Chapter 3: Priorities, Measures, Outcomes and Assessment under the NAP

Prior to delving into the Priority Areas under the NAP, 5 general proposed actions, at the Federal and Provincial levels, under Guiding Principles No. 1-6, 9-10 and 25-26, are detailed below.

3.1 General Proposed Actions

(1) Review and update existing legislation to bring it in line with national commitments and priorities, as contained in the National Report dated 4 September 2017 submitted to the Working Group on the Universal Periodic Review. This can effectively be ensured through engagement with all relevant stakeholders and dissemination of information on the benefits of a BHR policy for different stakeholders, including businesses.

Relevant entities: Cabinet Secretariat; Ministry of Law and Justice; Ministry of Human Rights; Provincial Human Rights Departments; Provincial Social Welfare Departments; National Commission on Human Rights; National Commission on Child Welfare and Development; National Commission on the Status of Women; Ministry of Foreign Affairs; Ministry of industries and Production; Ministry of Commerce; Chambers of Commerce; Labour Unions; Ministry of Planning, Development and Reform; Ministry of Parliamentary Affairs; Ministry of Climate Change; Ministry of Interior; Ministry of Federal Education & Professional Training; Ministry of Inter-Provincial Coordination; Ministry of Religious Affairs and Interfaith Harmony; Parliamentary Functional Committee on Human Rights; National Assembly of Pakistan; Provincial Assemblies; Senate

Completion target: 5 years

Performance indicators: (i) Gap-analysis report; (ii) Number of laws updated; (iii) Development of information packets on BHR; (iv) Number of consultations conducted

Relevant SDG: Goal 16 – Peace, Justice and Strong Institutions; Goal 17 – Partnership for the Goals

(2) Issue BHR guidelines for business enterprises to follow and bring their BHR policies in line with State guidelines. The State will also develop guidelines for companies on non-financial reporting and disclosure of policies, particularly in relation to slavery, bonded labour and child labour.

Relevant entities: Ministry of Human Rights; Ministry of Law & Justice; Ministry of Interior; Ministry of Industries and Production; Ministry of Commerce; Provincial Human Rights Departments; Securities and Exchange Commission of Pakistan; State Bank of Pakistan; National Commission for Child Welfare and Development

Completion target: 2 years

Performance indicators: (i) Development of Guidelines; (ii) Number of businesses to which Guidelines are disseminated

Relevant SDG: Goal 8 – Decent Work and Economic Growth; Goal 16 – Peace, Justice and Strong Institutions; Goal 1 – No Poverty; Goal 7 – Affordable and Clean Energy

(3) With respect to overseas labour abuse, the State will strengthen regulations on the registration and oversight of recruitment agencies providing overseas employment opportunities and will also work with other Governments to ensure safe and just labour migration.

Relevant entities: Ministry of Human Rights; Ministry of Foreign Affairs; Provincial Labour Departments; Ministry of Interior; Provincial Human Rights Departments; Ministry of Overseas Pakistanis and Human Resource Development; Punjab Overseas Pakistanis Commission

Completion target: 3 years

Performance indicators: (i) MOUs signed with other Governments; (ii) Number of recruitment agencies registered; (iii) Policy on Safe and Just Labour Migration

Relevant SDG: Goal 17 – Partnerships for the Goals

(4) Engage with, and build capacity of, National Human Rights Institutions to ensure that effective implementation of the human rights framework in the context of business operations is achieved.

Relevant entities: Ministry of Human Rights; Provincial Human Rights Departments, National Commission for Human Rights; National Commission for Child Welfare and Development; National Commission on the Status of Women

Completion target: 2 years

Performance indicators: Number of trainings conducted with NHRIs in Pakistan

Relevant SDG: Goal 16 – Peace, Justice & Strong Institutions

(5) Clear the backlog of cases in Courts to expedite human rights cases related to business activity.

Relevant entities: Ministry of Human Rights; Ministry of Law & Justice; Supreme Court of Pakistan; Provincial High Courts; Law & Justice Commission of Pakistan; Human Rights Cell; Provincial Prosecution Departments; High Courts of Pakistan; Supreme Court of Pakistan; Federal and Provincial Judicial Academies

Completion target: 3 years

Performance indicators: Number of cases resolved/disposed off

Relevant SDG: Goal 16 – Peace, Justice and Strong Institutions

3.2 NAP Priority Areas

In addition to the eight general proposed actions above, the NAP contains targeted proposed actions for nine priority areas (introduced in **Chapter 1.3** above), in the context of human rights and business activity. These priority areas were identified through stakeholder consultations and a wide-ranging survey of company policies and laws, which revealed the major prevailing issues related to business impacts and the protection of human rights. These include violation of labour rights, occupational health and safety standards and objectionable financial practices, which deprive the Government of revenue to ensure the development of social services. Since businesses can have a positive impact on the community, a key area for intervention is that of equal opportunity, especially in relation to women, minorities, and the transgender community. Further, the incorporation of due diligence mechanisms is essential to the promotion and protection of human rights in the context of business enterprises.

The NAP also highlights several crosscutting themes, in line with the Government's overall priorities and international trends, especially in relation to women's rights, climate change and sustainability, the need for BHR curricula and the strengthening of NHRIs. Additionally, the NAP lays down the corresponding SDGs for every Action Point.

The following sections elaborate on the proposed actions for each of the priority areas at the Federal, and where applicable, Provincial levels:

3.2.1 Financial Transparency, Corruption and Human Rights Standards in Public Procurement Contracts

Public procurement in Pakistan is governed by various legislative instruments and the entire process is managed by the Public Procurement Authority. Implementation of human rights standards in the context of business operations can be encouraged in public procurement processes by requiring the promotion and protection of human rights as part of the bid. In addition to this, financial transparency of companies should also be considered as a condition for the approval of a bid. Lack of financial transparency especially in relation to corruption and bribery remain pervasive in Pakistan's business sector. These have a direct correlation with human rights as lack of financial transparency can contribute to money laundering, terror financing and tax evasion, which negatively impact social development programmes and human rights. Accordingly, five proposed actions, at both the Federal and Provincial levels, under Guiding Principles No. 1-6, 9, and 27-30 are detailed below.

(1) Pass the Whistle-blower Protection and Vigilance Commission Bill 2019 to ensure protection of whistle-blowers disclosing information related to financial discrepancies and corruption.

Relevant entities: Ministry of Law and Justice; Ministry of Human Rights; National Assembly; Senate

Completion target: 1.5 years

Performance indicators: Enactment of the Whistleblower Bill

Relevant SDG: Goal 8 – Decent Work and Economic Growth

(2) Develop and implement guidelines to ensure that in making procurement contracts, human rights standards are considered and priority is given to businesses that demonstrate respect for human rights.

Relevant entities: Ministry of Human Rights; Ministry of Commerce; Ministry of Industries and Development; Ministry of Planning and Development; Provincial Human Rights Departments; Public Procurement Regulatory Authority; Securities and Exchange Commission of Pakistan; Federal and Provincial Civil Services Academies & Commissions

Completion target: 1.5 years

Performance indicators: (i) Development of Guidelines; (ii) Number of meetings on developing Guidelines

Relevant SDG: Goal 8 – Decent Work and Economic Growth

(3) Develop a model Code of Conduct for businesses that are State owned, controlled or which work with the State.

Relevant entities: Ministry of Human Rights; Ministry of Law & Justice; Ministry of Commerce; Ministry of Industries and Production; Ministry of Planning and Development; Provincial Human Rights Departments; Securities and Exchange Commission of Pakistan; Provincial Labour Departments

Completion target: 1.5 years

Performance indicators: (i) Development of a Code of Conduct; (ii) Number of businesses to which the Code of Conduct is disseminated; (iii) Number of businesses that formally announce adoption of the Code

Relevant SDG: Goal 8 – Decent Work and Economic Growth

(4) Further strengthen judicial processes and create awareness on issues relating to Anti-Money Laundering/Counter Terror Financing (AML/CTF) to encourage financial transparency.

Relevant entities: Ministry of Human Rights; Provincial Human Rights Departments; Ministry of Law and Justice; Provincial Law Departments; Supreme Court of Pakistan; High Courts; Federal and Provincial Judicial Academies; Federal and Public Service Commissions; Anti Corruption and Economic Crime Wing (Federal Investigation Agency); National Accountability Bureau (NAB); Securities and Exchange Commission of Pakistan; State Bank of Pakistan; Anti Narcotics Force (ANF); Anti-Terror Courts

Completion target: 2 years

Performance indicators: Number of trainings on AML/CTF

Relevant SDG: Goal 16 - Peace, Justice and Strong Institutions

(5) Review and update the Public Procurement Regulatory Authority Rules in accordance with international best practices and incorporate human rights due diligence requirements within these Rules.

Relevant entities: Ministry of Law and Justice; Provincial Law Departments; Ministry of Human Rights; Provincial Human Rights Departments; Ministry of Commerce; Provincial Commerce Departments; Ministry of Industries and Production; Provincial Industries & Production Departments; Federal Cabinet; Provincial Governments; Public Procurement Regulatory Authority; NGOs & INGOs with relevant expertise on public procurement; legal experts

Completion target: 1.5 years

Performance indicators: Updated Rules

Relevant SDG: Goal 16 - Peace, Justice and Strong Institutions

Note: To ensure broader policy coherence and fulfillment of the State of Pakistan's international legal obligations (including under the Guiding Principles), the proposed actions require coordination and cooperation between the Federation and Provinces.

3.2.2 Equal Opportunity at the Workplace

3.2.2(a) Gender-Based Discrimination

Equality, as a fundamental right, is embedded in the Constitution of Pakistan, and must be reflected in business practices throughout the State. In addition to many recent legislative and policy efforts, various campaigns and training programs have been initiated by the State to take forward this mission. Pakistan also understands the role that equality and non-discrimination play in attaining the SDGs, and the importance of inclusion of all genders for the country's economic growth.

Pakistan, in line with its international obligations emanating from the ICCPR, ICESCR and CEDAW, as well as its Constitutional safeguards under Article 25, is fully committed to ensuring the equal participation of women without discrimination and equal protection of women before the law. Accordingly, seven proposed actions, at the Federal and Provincial levels, under Guiding Principles No. 1-5, 8, and 27-30 are detailed below.

(1) Adopt the Model Policy on Ending Violence against Women and Girls.

Relevant entities: Ministry of Human Rights; National Commission on the Status of Women; Punjab Commission on the Status of Women; Sindh Commission on the Status of Women; KP Commission on the Status of Women; National Commission on Human Rights; National Commission for Child Welfare and Development; Provincial Child Welfare Departments/Bureaus; Ministry of Law & Justice; Provincial Law

Departments; Ministry of Commerce; Provincial Human Rights Departments; Parliamentary Functional Committee on Human Rights; Ministry of Federal Education and Professional Training; Federal Cabinet; Pakistan Federation of United Trade Unions; National Assembly; Provincial Labour Departments; NGOs and CSOs

Completion target: 8 months

Performance Indicators: (i) Number of meetings held in relation to the adoption of the policy; and (ii) Formal adoption of the policy

Relevant SDG: Goal 5 – Gender Equality

(2) Adopt a Policy on Home Based Workers (HBW), including women, to push legislative action in informal work sectors and prepare for ratification of ILO Convention No. 177.

Relevant entities: Ministry of Human Rights; Provincial Human Rights Departments; National Commission on the Status of Women; Punjab Commission on the Status of Women; Sindh Commission on the Status of Women; KP Commission on the Status of Women; Provincial Child Welfare Departments/Bureaus; National Commission on Human Rights; National Commission for Child Welfare and Development; Ministry of Law & Justice; Provincial Law Departments; Ministry of Foreign Affairs; Ministry of Commerce; Ministry of Planning and Development; Provincial Human Rights Departments; Home-Based Women Workers Organizations/Unions; Provincial Labour & Human Resource Departments; CSOs & NGOs

Completion target: 1.5 years

Performance Indicators: (i) Adoption of a Policy on HBW; (ii) Ratification of ILO Convention No. 177.

Relevant SDG: Goal 8 – Decent Work and Economic Growth

(3) Create Women and Transgender Business Incubation Centres for Women and Transgender led businesses in each province and provide equal funding opportunities for small and medium businesses.

Relevant entities: Ministry of Finance, Revenue and Economic Affairs; Ministry of Human Rights; Provincial Human Rights Departments; National Commission on Human Rights; National Commission on the Status of Women; Ministry of Law & Justice; Provincial Law Departments; Ministry of Commerce; Provincial Commerce Departments; Ministry of Industries and Production; Provincial Industries and Production Departments; Ministry of Information Technology; NGOs and CSOs; Federal and Provincial Women Development Departments; Business Community

Completion target: 2.5 years

Performance Indicators: Creation of the Incubation Centres

Relevant SDG: Goal 5 – Gender Equality; Goal 8 – Decent Work and Economic Growth

(4) Ratify the ILO Convention on Violence and Harassment (C190).

Relevant entities: Federal Cabinet of Pakistan; Ministry of Foreign Affairs; Ministry of Law & Justice; Ministry of Parliamentary Affairs; Ministry of Human Rights; Federal and Provincial Ombudspersons on Harassment

Completion target: 3 years

Performance Indicators: (i) Study on the ratification of the ILO Convention; (ii) Number of domestic laws amended for compliance; (iii) Ratification of the ILO Convention

Relevant SDG: Goal 5 – Gender Equality

(5) In pursuance of the Labour Policy 2010, introducing a requirement for businesses to create an internal equal opportunity committee that receives and conducts inquiries into complaints regarding discriminatory practices in hiring and wage gaps.

Relevant entities: Ministry of Law & Justice; Ministry of Parliamentary Affairs; Ministry of Human Rights; Parliamentary Functional Committee on Human Rights; National Commission on Human Rights; National Commission on the Status of Women; National Assembly of Pakistan; Senate; Provincial Human Rights Departments; Provincial Labour Departments; Pakistan Federation of United Trade Unions; CSOs and NGOs; Business Community

Completion target: 3 years

Performance Indicators: (i) Notification of requirement regarding internal equal opportunity committee; (ii) Number of businesses that have established an internal equal opportunity committee

Relevant SDG: Goal 5 – Gender Equality; Goal 8 – Decent Work and Economic Growth

(6) Conduct a national study on the industry sectors where gender disparity exists to a great extent, following which a policy regarding potential mandatory reservation of quotas for women throughout different business sectors should be developed.

Relevant entities: Ministry of Human Rights; National Commission on the Status of Women; Provincial Commissions on the Status of Women; Ministry of Law & Justice; Ministry of Commerce; Ministry of Industries and Production; Provincial Human Rights Departments; Provincial Women Development Departments; CSOs and NGOs; Business Community

Completion target: 2.5 years

Performance Indicators: (i) Number of consultations for the study; (ii) Development of a baseline assessment to identify sectors of concern; (iii) Development of a policy based on the consultations and baseline assessment

Relevant SDG: Goal 5 – Gender Equality

(7) Encourage businesses to conduct a mandatory training for personnel in managerial positions on anti-discrimination and equality at the workplace with a focus on anti-harassment, equal opportunity, workplace security and maternity leave/pay.

Relevant entities: Ministry of Human Rights; National Commission on the Status of Women; Provincial Commissions on the Status of Women; Ministry of Law & Justice; Ministry of Commerce; Provincial Human Rights Departments; Provincial Women Welfare Departments; Federal and Provincial Ombudspersons against Harassment of Women at the Workplace; CSOs & NGOs; Business Community

Completion target: 2 years

Performance Indicators: (i) Development of training material; (ii) Number of trainings conducted

Relevant SDG: Goal 5 – Gender Equality; Goal 8 – Decent Work and Economic Growth

Note: To ensure broader policy coherence and fulfillment of the State of Pakistan's international legal obligations (including under the Guiding Principles), the proposed actions require coordination and cooperation between the Federation and Provinces.

Additionally, given below are:

- ∇ 2 proposed actions under Guiding Principles 1-3, and 8 for Punjab;
- ∇ 2 proposed actions under Guiding Principles 1-3, 8, 11, and 18 for Sindh;
- ∇ 3 proposed actions under Guiding Principles 1-3, 8, 11, 13-15 for Balochistan;
- ∇ 3 proposed actions under Guiding Principles 1-3, and 8 for Khyber Pakhtunkhwa;
- ∇ 1 proposed action under Guiding Principles 1-3, and 8 for Gilgit-Baltistan.

Punjab

(1) Formulation of Provincial Gender Policy

Relevant entities: Provincial Assembly; Women Development Department; Punjab Commission on the Status of Women; Population Welfare Department; Planning and Development Department; Law and Parliamentary Affairs Department; Information and Culture Department; CSOs and NGOs; Academia; Management and Provincial Development Department; Social Welfare Department; Ombudsperson

Completion target: 1.5 years

Performance Indicators: (i) Number of consultations conducted; (ii) Provincial Gender Policy

Relevant SDG: Goal 5 – Gender Equality; Goal 8 – Decent Work and Economic Growth; Goal 10 – Reduced Inequalities

(2) Identification of areas where additional funds require to be allocated to address gender inequality.

Relevant entities: Provincial Government; Provincial Assembly; Women Development Department; Finance Department; Law and Parliamentary Affairs Department; Punjab Commission on the Status of Women; CSOs and NGOs; Ombudsperson; Punjab Workers Welfare Board; Punjab Economic Research Institute; Social Welfare Department; Human Rights Department; Industries, Commerce and Investment Department; Local Government and Community Development Department; Planning and Development Department

Completion target: 1.5 years

Performance Indicators: (i) Number of consultations with women's advocacy groups, CSOs, NGOs and NHRIs for identification of areas that require budgetary allocation; (ii) Report on areas identified where funding is required

Relevant SDG: Goal 5 – Gender Equality; Goal 8 – Decent Work and Economic Growth; Goal 10 – Reduced Inequalities

Sindh

(1) Ensuring that an Inquiry Committee is established in every department to deal with harassment complaints.

Relevant entities: Provincial Assembly; Labour and Human Resources Department; Ombudsperson; Labour Unions; Women Development Department; Sindh Commission on the Status of Women; Human Rights Department; Industries and Commerce Department; Business Community; Ombudsperson

Completion target: 1.5 years

Performance Indicators: (i) Number of workshops, trainings, and seminars with relevant stakeholders; (ii) Number of departments that have established inquiry committees.

Relevant SDG: Goal 5 – Gender Equality

(2) Generate awareness on harassment at the workplace and gender-based discrimination.

Relevant entities: Women Development Department; Sindh Commission on the Status of Women; Media; Business Community; Ombudsperson; CSOs, NGOs and INGOs; Information, Science and Technology Department; Training, Management and Research Wing, SGA&CD Department; Sindh Public Service Commission; Sindh Judicial Academy; Law, Parliamentary Affairs and Human Rights Department; Industries and Commerce Department; Labour and Human Resources Department; Information Department

Completion target: 2 years

Performance Indicators: (i) Number of workshops, trainings, and seminars with relevant stakeholders; (ii) Number of consultations with relevant government/private entities and stakeholders; (iii) Development of toolkits for awareness-raising

Relevant SDG: Goal 5 – Gender Equality

Balochistan

(1) The introduction of a Policy on Safe Working Spaces for women.

Relevant entities: Provincial Government; Planning and Development Department; Social Welfare Department, Special Education, Literacy, Non-Formal Education and Human Rights Department; Women Development Department; Balochistan Commission on the Status of Women; Ombudsperson; Business Community; CSOs & NGOs; Labour and Manpower Department

Completion target: 2 years

Performance Indicators: (i) Consultations with relevant Government/private entities and relevant stakeholders; (ii) Number of businesses that have adopted a Policy on Safe Working Spaces

Relevant SDG: Goal 5 – Gender Equality; Goal 10 – Reduced Inequalities

(2) Mandatory incorporation of BHR principles into technical and vocational training

Relevant entities: Ministry of Social Welfare and Small Industries; Balochistan Technical, Education, Vocational Training Authority; Social Welfare, Special Education, Literacy, Non-Formal Education and Human Rights Department; Business Community; CSOs & NGOs; Balochistan Technical and Vocational Training Authority

Completion target: 3 years

Performance Indicators: (i) Number of consultations with relevant Government/private entities and stakeholders; (ii) Formulation of policy

Relevant SDG: Goal 10 – Reduced Inequalities

(3) Support in the value chain for women, the transgender community, and minority communities.

Relevant entities: Ministry of Social Welfare and Small Industries; Balochistan Technical Education, Vocational Training Authority; Social Welfare Department; Special Education, Literacy, Non-Formal Education and Human Rights Department; Population Welfare Department; NGOs & CSOs; Business Community; Representatives from the Transgender and Minority Communities; Religious Affairs and Interfaith Harmony Department; Planning and Development Department; Women Development Department

Completion target: 3 years

Performance Indicators: (i) Formulation of Policy to help businesses in supporting vulnerable communities through their business and supply chains; (ii) Number of consultations with stakeholders and the business community to create opportunities and understand challenges

Relevant SDG: Goal 5 – Gender Equality; Goal 10 – Reduced Inequalities

Khyber Pakhtunkhwa

(1) A baseline assessment should be conducted to analyze the current challenges faced by women and other vulnerable/marginalized groups in the workplace.

Relevant entities: Khyber Pakhtunkhwa Commission on the Status of Women; Labour Department; Auqaf, Hajj, Religious and Minority Affairs Department; Social Welfare Department; Planning and Development Department; Law, Parliamentary Affairs and Human Rights Department; CSOs & NGOs; Business Community

Completion target: 1.5 years

Performance Indicators: (i) Number of workshops, trainings and seminars with relevant stakeholders to undertake the baseline assessment; (ii) Publication of a baseline assessment

Relevant SDG: Goal 5 – Gender Equality; Goal 10 – Reduced Inequalities

(2) Provision of accessible and interest free loans for women.

Relevant entities: Provincial Government; Khyber Pakhtunkhwa Commission on the Status of Women; Social Welfare & Women Development Department; State Bank of Pakistan; Financial Institutions, including microfinance banks; CSOs & NGOs; Business Community; Planning and Development Department; Industries & Commerce Department; Labour Department

Completion target: 2 years

Performance Indicators: (i) Number of consultations with financial institutions (private & public); (ii) Establishing a policy framework in conjunction with women's advocacy groups; (iii) Implementation of policy

Relevant SDG: Goal 5 – Gender Equality; Goal 10 – Reduced Inequalities

(3) The simplification of Government procedures and processes, aiming to rectify hurdles faced by women.

Relevant entities: Provincial Government; Khyber Pakhtunkhwa Commission on the Status of Women; Social Welfare & Women Development Department; Law, Parliamentary Affairs & Human Rights Department; CSOs & NGOs; KP Public Service Commission; Administration Department

Completion target: 3 years

Performance Indicators: (i) High level coordination meetings between relevant Government entities and women's advocacy groups; (ii) Statement of intent by the Government to simplify processes; (iii) Number of processes/procedures simplified

Relevant SDG: Goal 5 – Gender Equality; Goal 10 – Reduced Inequalities

Gilgit-Baltistan

(1) Provision of accessible and interest free loans for women.

Relevant entities: Government of Gilgit-Baltistan; Finance Department; CSOs & NGOs; State Bank of Pakistan; Financial Institutions, including microfinance banks; Business Community; National Commission on the Status of Women; Planning and Development Department; Social Welfare and Human Rights Department; Industries, Mines & Minerals, Labour and Commerce Department

Completion target: 2 years

Performance Indicators: (i) Number of consultations with financial institutions (private & public); (ii) Establishing a policy framework in conjunction with women's advocacy groups; (iii) Implementation of policy

Relevant SDG: Goal 5 – Gender Equality; Goal 10 – Reduced Inequalities

3.2.2(b) Inclusion of Vulnerable Groups and Marginalized Communities in Workplace

This pertains to increasing access of vulnerable groups and marginalized communities to workplaces, and securing a safe and inclusive environment for them, which is also beneficial for long-term, sustainable growth. As this access is enhanced, concerns and perspectives of disadvantaged or marginalized groups can be better reflected in business decisions.

Accordingly, given below are:

- ∇ 3 proposed actions under Guiding Principles 1-3, and 8 for Punjab;
- ∇ 1 proposed action under Guiding Principles 1-3, and 8 for Sindh;
- ∇ 2 proposed actions under Guiding Principles 1-3, and 8 for Khyber Pakhtunkhwa;
- ∇ 3 proposed actions under Guiding Principles 1-3, and 8 for Balochistan;
- ∇ 1 proposed action under Guiding Principles 1-3, and 8 for Gilgit-Baltistan.

Punjab

(1) Review the existing legislation pertaining to child rights.

Relevant entities: Provincial Assembly; Child Protection and Welfare Bureau; Planning and Development Board; Office of the Chief Provincial Commissioner for Children; Punjab State Commission for Protection of Child Rights; CSOs & NGOs; Human Rights & Minorities Affairs Department; Law and Parliamentary Affairs Department; Literacy and Non Formal Basic Education Department; Labour and Human Resource Department

Completion target: 2 years

Performance Indicators: (i) Allocation of resources; (ii) Number of Workshops, trainings, and seminars with relevant stakeholders; (iii) Number of Legislative changes made

Relevant SDG: Goal 1 - No Poverty; Goal 4 - Quality Education; Goal 5 - Gender Equality

(2) The provincial Government should work with educational institutes and businesses to recognize special needs of persons with disabilities.

Relevant entities: Punjab Labour and Human Resource Department; Punjab Social Welfare and Bait-ul-Maal Department (Punjab Welfare Trust for the Disabled); Higher Education Department; Human Rights and Minorities Affairs Department; Law and Parliamentary Affairs Department; Literacy and Non-Formal Basic Education Department; Management and Professional Development Department; Planning and Development Department; School Education Department; Health Department; Business Community; Academia; NGOs & CSOs

Completion target: 2 years

Performance Indicators: Number of Consultations held between the Government and private/public educational institutions, as well as special interest advocacy groups.

Relevant SDG: Goal 1 - No Poverty; Goal 4 - Quality Education; Goal 10 - Reduced Inequalities

(3) Increase quotas for marginalized groups in public and private organizations.

Relevant entities: Provincial Government; Punjab Social Welfare and Bait-ul-Maal Department (Punjab Social Services Board, Punjab Welfare Trust for the Disabled); Special Education Department; Human Rights and Minorities Affairs Department; Planning and Development Department; Labour and Human Resource Department, Law and Parliamentary Affairs Department; Women Development Department; Punjab Human Rights Commission; Business Community; CSOs & NGOs; Punjab Economic Research Institute

Completion target: 1.5 years

Performance Indicators: (i) Consultations with relevant Government/private entities and stakeholders; (ii) Formulation of Policy on quotas for marginalized groups; (iii) Number of public & private organizations that have adopted the Policy

Relevant SDG: Goal 10 - Reduced Inequalities

Sindh

(1) The Government should work towards reduced levels of discrimination in business and workplace based on faith, ethnicity, and other factors through:

- Promotion of trade unions
- Strong and efficient complaint mechanisms
- Implementation of laws through penalty systems

Relevant entities: Provincial Government; Auqaf, Religious Affairs, Zakat & Ushr Department; Industries & Commerce Department; Labour and Human Resources Department; Law, Parliamentary Affairs & Human Rights Department; Planning and Development Department; Social Welfare Department; Department of Empowerment

of Persons with Disabilities; Home Department; CSOs & NGOs; Representatives from ethnic/religious minority groups; Business Community

Completion target: 2 years

Performance Indicators: (i) Allocation of resources; (ii) Number of workshops, trainings, and seminars with relevant stakeholders; (iii) Legislative amendments/notification of rules

Relevant SDG: Goal 10 - Reduced Inequalities

Khyber Pakhtunkhwa

(1) The provision of accessible and interest free loans for people belonging to vulnerable groups.

Relevant entities: Provincial Government; Administration Department; Auqaf, Hajj, Religious & Minority Affairs Department; Bureau of Statistics Department; Finance Department; Industries & Commerce Department; Information and Public Relations Department; Labour Department; KP Commission on the Status of Women; Law, Parliamentary Affairs and Human Rights Department; Planning and Development Department; Relief, Rehabilitation and Settlement Department; Social Welfare Department; Technical Education Department; State Bank; Financial Institutions

Completion target: 18 months

Performance Indicators: (i) Consultations with relevant Government/private entities and stakeholders; (ii) Development of a Baseline Assessment on Economic Hurdles faced by Vulnerable Groups in KP; (iii) Development of a Policy on the provision of accessible and interest free loans for people belonging to vulnerable groups

Relevant SDG: Goal 5 - Gender Equality; Goal 10 - Reduced Inequalities

(2) The simplification of Government procedures and processes, aiming to rectify hurdles faced by marginalized groups

Relevant entities: Provincial Government; KP Commission on the Status of Women; Auqaf, Hajj, Religious & Minority Affairs Department; Bureau of Statistics Department; Industries & Commerce Department; Information and Public Relations Department; Labour Department; Law, Parliamentary Affairs and Human Rights Department; Planning & Development Department; Social Welfare Department; KP Public Service Commission; Administration Department; CSOs & NGOs

Completion target: 18 months

Performance Indicators: (i) High level coordination meetings between relevant Government entities and representatives from marginalized groups/relevant NGOs/CSOs; (ii) Statement of intent by the Government to simplify processes; (iii) Number of processes/procedures simplified

Relevant SDG: Goal 5 - Gender Equality; Goal 10 - Reduced Inequalities

Balochistan

(1) Securing safe and inclusive spaces for vulnerable groups at the workplace.

Relevant entities: Provincial Government; Provincial Assembly; Education Department; Religious Affairs and Interfaith Harmony Department; Health Department; Industries & Commerce Department; Information Department; Labour and Manpower Department; Social Welfare, Special Education, Literacy/Non-Formal Education and Human Rights Department; Women Development Department; Balochistan Public Service Commission; Ombudsperson; Balochistan Commission on the Status of Women

Completion target: 3 years

Performance Indicators: (i) Consultations with relevant Government/private entities and stakeholders; (ii) Formulation of Policy in consultation with vulnerable groups; (iii) Number of organizations/workplaces that adopt the Policy

Relevant SDG: Goal 5 - Gender Equality; Goal 10 - Reduced Inequalities

(2) Employment quotas for vulnerable and marginalized groups.

Relevant entities: Provincial Government; Provincial Assembly; Education Department; Religious Affairs and Interfaith Harmony Department; Finance Department; Industries & Commerce Department; Labour and Manpower Department; Law and Parliamentary Affairs Department; Local Government and Rural Development Department; Planning and Development Department; Social Welfare, Special Education, Literacy/Non-Formal Education and Human Rights Department; Women Development Department

Completion target: 1.5 years

Performance Indicators: (i) Consultations with relevant Government/private entities and stakeholders; (ii) Provision of employment quotas for vulnerable and marginalized groups

Relevant SDG: Goal 1 - No Poverty; Goal 5 - Gender Equality; Goal 10 - Reduced Inequalities

(3) The simplification of Government procedures and processes, aiming to rectify hurdles faced by marginalized groups and provision of accessible and interest free loans for people belonging to vulnerable groups.

Relevant entities: Provincial Government; Balochistan Commission on the Status of Women; Religious Affairs and Interfaith Harmony Department; Industries & Commerce Department; Information Department; Labour and Manpower Department; Planning and Development Department; CSOs & NGOs; Relevant Financial Institutions

Completion target: 18 months

Performance Indicators: (i) Consultations with relevant Government/private entities and stakeholders; (ii) Development of a Baseline Assessment on Economic Hurdles

faced by Vulnerable Groups in Balochistan; (iii) Development of a Policy on the provision of accessible and interest free loans for people belonging to vulnerable groups; (iv) Statement of intent by the Government to simplify processes; (v) Number of processes simplified

Relevant SDG: Goal 5 - Gender Equality; Goal 10 - Reduced Inequalities

Gilgit-Baltistan

(1) Creation of an advisory cell for entrepreneurs from vulnerable groups

Relevant entities: Small and Medium Enterprises Development Authority; GB Chamber of Commerce & Industry; Business Community, in particular entrepreneurs belonging to Small and Medium Enterprises

Completion target: 6 months

Performance Indicators: (i) Workshops, trainings, seminars between relevant Government/private entities and stakeholders; (ii) Creation of the Advisory Cell for entrepreneurs from Vulnerable Groups

Relevant SDG: Goal 10 - Reduced Inequalities

3.2.3 Due Diligence Mechanisms

Human rights due diligence is an essential part of business activity under the UNGPs. The process of due diligence in relation to human rights requires businesses to embed responsible business conduct into policies and to cease, prevent and mitigate adverse human rights impacts. Many kinds of business activities may have adverse impacts on the rights of those individuals involved in such processes, or on communities affected by business decisions. Therefore, it is essential to adopt appropriate due diligence policies and mechanisms to identify, prevent, mitigate and remedy human rights risks, and commit to the implementation, monitoring, and evaluation of international and domestic human rights obligations. The adequacy of due diligence measures and mechanisms is to be gauged with reference to the size, scale and nature of the business, and the potential risks/adverse impacts stemming from its operations.

Accordingly, four proposed actions, at the Federal and Provincial levels, under Guiding Principles No. 1-3, 11-12, 14, 17 and 23 are detailed below.

(1) Developing and launching a partnership project with private sector enterprises on due diligence reporting.

Relevant entities: Federal & Provincial Governments; Ministry of Climate Change; Ministry of Commerce and Textile; Provincial Commerce Departments; Ministry of Communications; Provincial Communications Departments; Ministry of Energy; Provincial Energy Departments; Ministry of Federal Education and Professional Training; Ministry of Finance, Revenue and Economic Affairs; Ministry of Industries & Production; Ministry of Human Rights; Ministry of Law & Justice; Provincial Law Departments; Ministry of Inter-Provincial Coordination, Provincial Human Rights

Departments; Pakistan Environmental Protection Agency; Ministry of Health; Provincial Health Departments; Federal and Provincial Ombudspersons

Completion target: 2 years

Performance Indicators: (i) Number of collaborative efforts with businesses; (ii) Number of enterprises that adopt due diligence reporting

Relevant SDG: Goal 16 - Peace, Justice and Strong Institutions

(2) Enact voluntary standards for human rights due diligence and provide incentives to businesses that effectively carry out due diligence.

Relevant entities: Federal and Provincial Government; Ministry of Human Rights; Ministry of Law and Justice; Ministry of Industries and Production; Ministry of Commerce; Provincial Human Rights Departments; Provincial Law Departments; Provincial Commerce Departments; Provincial Industries and Commerce Departments; Trade Unions; CSOs & NGOs; Business Community

Completion target: 2 years

Performance Indicators: Enactment and dissemination of voluntary standards in line with international best practices

Relevant SDG: Goal 8 - Decent Work and Economic Growth

(3) Require human rights due diligence in large-scale projects where the business activity poses a significant risk on the rights of a community at large. This requirement should be made mandatory for the approval of licenses/permits for large-scale projects.

Relevant entities: Board of Investment; Pakistan Environmental Protection Agency; Ministry of Climate Change; Ministry of Energy; Ministry of Commerce; Provincial Commerce Departments; Ministry of Human Rights; Provincial Human Rights Departments; Ministry of Industries and Production; Provincial Industries & Production Departments; Ministry of Planning, Development and Reform; Provincial Planning & Development Departments; Provincial Women Development Departments; CSOs & NGOs

Completion target: 2 years

Performance Indicators: (i) Stakeholder consultations on developing a policy on human rights due diligence reporting in large-scale projects; (ii) Number of licenses/permits for large-scale projects issued after human rights due diligence reporting; (iii) Number of businesses that adopt the policy

Relevant SDG: Goal 8 - Decent Work and Economic Growth

(4) Require companies of all sizes to prepare an annual Human Rights Due Diligence Report and to disclose it publicly so that it is available for review. This will allow a collection of data on the actual and potential impacts of corporate activity on human

rights, which can lead to creating awareness and understanding about the impact of new projects on the fundamental rights of the parties/communities involved/affected.

Relevant entities: Federal and Provincial Governments; Ministry of Law and Justice; Provincial Law & Justice Departments; Ministry of Human Rights; Provincial Human rights Departments; Business Community; NGOs & CSOs; Trade Unions; Ministry of Commerce; Provincial Commerce Departments; Chambers of Commerce and Industry; Ministry of Industries & Production; Provincial Industries & Production Departments; Federal and Provincial Labour and Manpower Departments

Completion target: 3 years

Performance Indicators: (i) Number of companies that prepare a human rights due diligence report; (ii) Number of due diligence reports prepared

Relevant SDG: Goal 8 - Decent Work and Economic Growth

3.2.4 Labour Standards

Labour standards are a set of norms providing for the growth, benefits, protection, freedom, dignity, and equality of all workers. Labour standards play a supervisory role for employers, compelling them to follow the guidelines established by the State for worker's rights. Under the 18th Amendment to the Constitution, provinces are obliged to implement laws and policies pertaining to Labour Standards. Based on the consultations and dialogue with stakeholders, the key areas relating to labour, which require immediate attention, are Occupational Health and Safety and Informal Employment.

The respective Provincial Governments of Punjab, Sindh, and Khyber Pakhtunkhwa each passed a Labour Policy in 2018 committing to the provision of decent work for workers, in accordance with several ILO Conventions, and focusing on Occupational Health and Safety for workers, and the eradication of child labour as well as forced labour. Pakistan has also ratified several ILO Conventions that require States to protect the rights of workers, eradicate child labour, forced labour or any forms of modern slavery. These conventions also require States to restrict working hours, prohibit all sorts of discrimination in employment and occupation, compensate workers incapacitated by occupational diseases, accidents or injuries and habilitation of disabled workers etc.⁸

Accordingly, given below are:

- ∇ 1 proposed action under Guiding Principles 1-3, 6, 8, 11 and 13-15 for Punjab;
- ∇ 2 proposed actions under Guiding Principles 1-3, 6, 8, 11, and 13-15 for Sindh;

⁸ C029 - Forced Labour Convention 1930, C0105 – Convention on the Abolition of Forced Labour 1957, C0138 – Convention on Minimum Wage 1973, C0182 - Worst Forms of Child Labour 1999, C100 - Equal Remuneration Convention 1951, C111 - Discrimination (Employment and Occupation) Convention 1958, C01 - Convention on the Hours of Work (Industry) 1921, C14 - Convention on Weekly Rest (Industry) 1923, C018 - Workmen's Compensation (Occupational Diseases) Convention 1925, C019 - Equality of Treatment (Accident Compensation) Convention 1925

- ∇ 1 proposed action under Guiding Principles 1-3, 6, 8, 11, and 13-15 for Khyber Pakhtunkhwa;
- ∇ 2 proposed actions under Guiding Principles 1-3, 6, 8, 11, 13-15 and 16 for Balochistan;
- ∇ 1 proposed action under Guiding Principles 1-3, 6, 8, 11, 13-15 and 16 for Gilgit-Baltistan.

Punjab

(1) Regular inspections of business enterprises to ensure adherence to minimum wage.

Relevant entities: Chief Minister's Inspection Team; Labour and Human Resources Department; Industries, Commerce and Investment Department; Home Department; Human rights and Minorities Affairs Department; Punjab Workers Welfare Board; Punjab Small Industries Corporation; Director of Industries Punjab, Law and Parliamentary Affairs Department; Punjab Rural Support Programme; Punjab Local Government Board; Punjab Local Government Commission; Mines and Minerals Department; Planning and Development Department; Social Welfare Department; Women Development Department; Bait-ul-Maal Department; Labour/Trade Unions; Business Community

Completion target: 1 year

Performance Indicators: (i) Consultation with relevant stakeholders, including Labour/Trade Unions, business interest groups and other stakeholders; (ii) Recruiting additional labour inspectors; (iii) Modifying the existing framework for labour inspections; (iv) Number of inspections carried out

Relevant SDG: Goal 1 - No Poverty; Goal 8 - Decent Work and Economic Growth

Sindh

(1) Improve funding and capacity of labour inspection

Relevant entities: Labour & Human Resources, School Education & Literacy & College Education Department; Benazir Bhutto Shaheed Human Resource Research and Development Board; Training, Management & Research Wing, SGA&CD Department; Social Welfare Department; Labour and Human Resources Department; Law, Parliamentary Affairs & Human Rights Department; Local Government, Rural Development & HTP Department; Planning and Development Department; Finance Department; Home Department; Industries & Commerce Department; Chief Minister's Secretariat; Trade/Labour Unions

Completion target: 2 years

Performance Indicators: (i) Establishment of effective complaint mechanisms for workers; (ii) Harmonization of processes between the federal Government and the provinces; (iii) Number of inspections carried out; (iv) Allocation of resources for labour inspection system; (v) Recruitment of additional labour inspectors

Relevant SDG: Goal 8 - Decent Work and Economic Growth

(2) Process of review of laws, standards, and policies

Relevant entities: Provincial Government; Provincial Assembly; Labour & Human Resources, School Education & Literacy & College Education Department; Health and Population Welfare Department; Women Development Department; Department of Empowerment of Persons with Disabilities; Social Welfare Department; Sindh Commission on the Status of Women; Sindh Human Rights Commission; Labour and Human Resources Department; Industries & Commerce Department; Public Health Engineering and Rural Development Department; Minorities Affairs Department; La, Parliamentary affairs and Human Rights Department; NGOs & CSOs; Trade/Labour Unions; Business Community; Information, Science and Technology Department; Local Government, Rural Development and HTP Department

Completion target: 2 years

Performance Indicators: (i) Gap Analysis of the Legal Framework governing Labour Issues; (ii) Proposal of Amendments; (iii) Passage of amendments/new laws

Relevant SDG: Goal 8 - Decent Work and Economic Growth

Khyber Pakhtunkhwa

(1) Labour registration and data management

Relevant entities: Provincial Government; Administration Department; Bureau of Statistics Department; Finance Department; Industries & Commerce Department; Information and Public Relations Department; Labour Department; Law, Parliamentary Affairs and Human Rights Department; Planning and Development Department; Population Welfare Department; Revenue Department; Social Welfare Department; Science & Technology and Information Technology Department; Business Community; CSOs & NGOs; Labour/Trade Unions; Labour Inspectors

Completion target: 2 years

Performance Indicators: (i) Number of persons registered; (ii) Establishment of data management system

Relevant SDG: Goal 8 - Decent Work and Economic Growth

Balochistan

(1) Formalized wage payment mechanisms

Relevant entities: Provincial Government; Provincial Assembly; Chief Minister's Inspection Team; Finance Department; Home & Tribal Affairs Department; Industries & Commerce Department; Information Department; Labour and Manpower Department; Law and Parliamentary Affairs Department; Local Government and Rural Development Department; Mines and Minerals Department; Planning and Development Department; Population Welfare Department; Science and Information Technology Department; Social Welfare, Special Education, Literacy/Non-Formal

Education and Human Rights Department; Women development department; Ombudsperson; Labour/Trade Unions; Business Community

Completion target: 2 years

Performance Indicators: (i) Number of Consultations with relevant stakeholders, including Labour/Trade Unions, business interest groups, as well as groups advocating for the uplift of minorities, women, and other vulnerable groups; (ii) Introduction of a wage payment mechanism; (iii) Number of persons covered under formalized wage payment mechanism

Relevant SDG: Goal 1 - No Poverty; Goal 8 - Decent Work and Economic Growth

(2) Life insurance and compulsory EOBI Registration

Relevant entities: Labour and Manpower Department; Mines & Minerals Department; Health Department; Law and Parliamentary Affairs Department; Information Department; EOBI; Business Community; Labour/Trade Unions; Industries and Commerce Department; Chief Minister's Inspection Team; Social Welfare, Special Education, Literacy/Non-Formal Education and Human Rights Department

Completion target: 2 years

Performance Indicators: (i) Number of Consultations with relevant stakeholders, including Labour/Trade Unions, EOBI staff, insurance companies, and businesses; (ii) Number of newly registered establishments/industries; (iii) Number of newly registered insured persons

Relevant SDG: Goal 1 - No Poverty; Goal 8 - Decent Work and Economic Growth

Gilgit-Baltistan

(1) Formalization of enterprises, and digitization of business data

Relevant entities: Ministry of Science and Technology; Industries, Mines & Minerals, Labour and Commerce Department; Information Department; Finance Department; Business Community; Labour/Trade Unions; Social Welfare and Human Rights Department; CSOs & NGOs

Completion target: 2 years

Performance Indicators: (i) Number of Meetings with relevant stakeholders; (ii) Policy on digitization; (iii) Number of businesses that have adopted the policy on digitization

Relevant SDG: Goal 8 - Decent Work and Economic Growth

3.2.5 Informal Economy

A high percentage of the workforce in Pakistan comprises workers employed informally. Consequently, there are problems with child labour, forced labour and abuse/exploitation of domestic workers. As per Target 8.7 of Sustainable

Development, Pakistan needs to eliminate forced labour, modern slavery, human trafficking, and child labour completely by 2025. Accordingly, three proposed actions, at the Federal and Provincial levels, under Guiding Principles 1-3 are detailed below.

(1) Take requisite steps to incorporate the terms of the ratified ILO conventions into the legal framework governing workers' rights in Pakistan.

Relevant entities: Federal Cabinet; National Assembly; Senate; Ministry of Human Rights; Ministry of Industries and Production; Ministry of Commerce; Provincial Human Rights Departments, Provincial Treaty Implementation Cells; Labour/Trade Unions; Business Community; Ministry of Overseas Pakistanis and Human Resource Development; Ministry of Planning, Development and Reform; Ministry of Law and Justice

Completion target: 2 years

Performance Indicators: (i) Number of High-Level Meetings and consultations with Stakeholders on the scope of the ILO Conventions; (ii) Passing related domestic law and policy

Relevant SDG: Goal 8 - Decent Work and Economic Growth

(2) Ratify ILO Convention on Domestic Workers (Co189).

Relevant entities: Federal Cabinet of Pakistan; Ministry of Foreign Affairs; Ministry of Law and Justice; Ministry of Parliamentary Affairs; Ministry of Human Rights; Ministry of Statistics; Ministry of Planning, Development and Reform

Completion target: 1.5 years

Performance Indicators: (i) Number of meetings and consultations on steps required prior to ratification; (ii) Ratification of the Convention

Relevant SDG: Goal 8 - Decent Work and Economic Growth

(3) Enactment of the Domestic Workers Bill and enact laws for the other provinces on the protection and regulation of domestic workers with special focus on under-age child workers and women.

Relevant entities: Ministry of Law and Justice; Ministry of Parliamentary Affairs; Provincial Human Rights Departments; Provincial Labour Departments; Ministry of Human Rights; Parliamentary Functional Committee on Human Rights; National Assembly of Pakistan; Provincial Assemblies; Senate; NGOs & CSOs

Completion target: 1.5 years

Performance Indicators: (i) Number of consultations on the bill; (ii) Enactment of the domestic workers bill

Relevant SDG: Goal 8 - Decent Work and Economic Growth

Additionally, given below are:

- ∇ 2 proposed actions under Guiding Principles 1-3, and 11 for Punjab;
- ∇ 2 proposed actions under Guiding Principles 1-3, 6, 8, 11, 13, 14 and 15 for Sindh;
- ∇ 2 proposed actions under Guiding Principles 1-3 and 11 for Khyber Pakhtunkhwa;
- ∇ 1 proposed action under Guiding Principles 1-3, 6, 8, 11 and 13-16 for Balochistan;
- ∇ 1 proposed action under Guiding Principles 1-3, and 8 for Gilgit Baltistan.

Punjab

(1) Provision of appointment letter or employment contracts.

Relevant entities: Provincial Government; Chief Minister’s Inspection Team, Human Rights and Minorities Affairs Department; Labour and Human Resource Department; Law and Parliamentary Affairs Department; Business Community; Trade/Labour Unions; Mines and Minerals Department; Industries, Commerce and Investment Department; Local Government and Community Development Department; Social Welfare Department; Women Development Department; Punjab Workers Welfare Board

Completion target: 3 years

Performance Indicators: (i) Collection of employment data; (ii) Number of employees issued appointment letters/contracts; (iii) Results of labour inspections/spot-checks

Relevant SDG: Goal 8 - Decent Work and Economic Growth; Goal 10 - Reduced Inequalities

(2) Ensuring compliance with the Punjab Domestic Workers Act

Relevant entities: Provincial Government; Chief Minister’s Inspection Team, Human Rights and Minorities Affairs Department; Labour and Human Resource Department; Law and Parliamentary Affairs Department; Business Community; Trade/Labour Unions; Local Government and Community Development Department; Social Welfare Department; Women Development Department; Punjab Workers Welfare Board; NGOs & CSOs

Completion target: 1.5 years

Performance Indicators: (i) Number of awareness campaigns; (ii) Number of registrations of domestic workers; (iii) Publication of progress report

Relevant SDG: Goal 8 - Decent Work and Economic Growth; Goal 10 - Reduced Inequalities

Sindh

(1) Labour registration (including women, transgender persons, children, minorities, persons with disabilities)

Relevant entities: Provincial Government; Chief Minister's Secretariat; Finance Department; Home Department; BISP; EOBI; NADRA; Labour/Trade Unions; Industries & Commerce Department; Labour and Human Resources Department; Law, Parliamentary Affairs and Human Rights Department; Local Government, Rural Development and HTP Department; Minorities Affairs Department; Population Welfare Department; Planning and Development Department; Social Welfare Department; Women Development Department; Labour & Human Resources, School Education & Literacy & College Education Department; NGOs & CSOs; Business Community

Completion target: 2 years

Performance Indicators: (i) Number of campaigns and registration drives with relevant stakeholders; (ii) Number of Registrations

Relevant SDG: Goal 8 - Decent Work and Economic Growth

(2) Awareness raising campaigns including mass media drives, capacity building workshops, industry specific campaigns

Relevant entities: Provincial Government; Finance Department; Information, Science and Technology Department; Industries & Commerce Department; Labour & Human Resources Department; Law, Parliamentary Affairs and Human Rights Department; Trade/Labour Unions; Media; Business Community; Women Development Department; Social Welfare Department; Department of Empowerment of Persons with Disabilities; Labour & Human Resources, School Education and Literacy and College Education Department; CSOs, INGOs and NGOs

Completion target: 2 years

Performance Indicators: (i) Number of trainings, seminars, and workshops; (ii) Number of industries targeted in campaigns

Relevant SDG: Goal 8 - Decent Work and Economic Growth

Khyber Pakhtunkhwa

(1) Enactment of laws and regulations on those engaged in the informal sector

Relevant entities: Provincial Assembly; Bureau of Statistics Department; Industries & Commerce Department; Labour Department; KP Commission on the Status of Women; Law, Parliamentary Affairs & Human Rights Department; Planning and Development Department; Social Welfare Department; Trade/Labour Unions; NGOs & CSOs

Completion target: 2 years

Performance Indicators: (i) Number of consultations with relevant stakeholders; (ii) Enactment of law on the rights of workers engaged in the informal sector

Relevant SDG: Goal 8 - Decent Work and Economic Growth

(2) Provision of appointment letter or employment contract.

Relevant entities: Provincial Government; Chief Minister’s Secretariat; Labour Department; Industries and Commerce Department; Law, Parliamentary Affairs and Human Rights Department; Trade/Labour Unions; Business Community; Mines and Minerals Department; Social Welfare Department; Women Development Department

Completion target: 1 year

Performance Indicators: (i) Collection of employment data; (ii) Number of employees issued appointment letters/contracts; (iii) Results of labour inspections/spot-checks

Relevant SDG: Goal 8 - Decent Work and Economic Growth

Balochistan

(1) Establishing labour databases, including for home-based workers

Relevant entities: Provincial Government; Chief Minister’s Inspection Team; Finance Department; Home & Tribal Affairs Department; Industries & Commerce Department; Information Department; Labour and Manpower Department; Law and Parliamentary Affairs Department; Local Government and Rural Development Department; Mines & Minerals Department; Planning and Development Department; Population Welfare Department; Social Welfare, Special Education, Literacy/Non-Formal Education and Human Rights Department; CSOs & NGOs; Trade/Labour Unions; Business Community; NADRA; BISP; Women Development Department; Ombudsperson

Completion target: 3 years

Performance Indicators: (i) Number of labour databases established; (ii) Number of workers registered in databases

Relevant SDG: Goal 8 – Decent Work and Economic Growth

Gilgit-Baltistan

(1) Impact Assessment of COVID-19 on the tourism industry

Relevant entities: Government of Gilgit Baltistan; Tourism Department; Finance Department; Planning and Development Department; Excise and Taxation Department; Social Welfare and Human Rights Department; Industries, Mines & Minerals, Labour and Commerce Department

Completion target: 1 year

Performance indicators: (i) Publication of Impact Assessment Report

Relevant SDG: Goal 8 – Decent Work and Economic Growth; Goal 10 – Reduced Inequalities; Goal 11 – Sustainable Cities and Communities

3.2.6 Child Labour

The State of Pakistan is committed to fulfill its obligation to eliminate child labour as per the Constitution, and the Convention on the Rights of the Child as well as other international and domestic legal instruments. Some initiatives taken by the Government in this regard include the Bait-ul-Maal Programs and the Saboon

Rehabilitation Centre, which work towards ensuring education for children. There are also laws that prohibit the employment of children and the National Commission for Child Welfare and Development focuses on eradicating child labour.

Accordingly, three proposed actions, at the Federal and Provincial levels, under Guiding Principles 1 and 3 are detailed below.

(1) Amend the Employment of Children Act 1991, which defines a child as a person below 14 years of age. Provincial Legislation prohibiting employment of children also needs to be amended to bring its definition of a child in line with the internationally recognized age of 18.

Relevant entities: National Assembly; Senate; Provincial Assemblies; Ministry of Law and Justice; Provincial Law Departments; Ministry of Parliamentary Affairs; Provincial Parliamentary Affairs Departments; Ministry of Human Rights; Provincial Human Rights Departments; NGOs & CSOs; National Commission for Child Welfare and Development; Ministry of Inter-Provincial Coordination; Ministry of Interior

Completion target: 1.5 years

Performance Indicators: (i) Amendments to the law; (ii) Number of consultations with stakeholders in relation to the amendments

Relevant SDG: Goal 1 - No Poverty; Goal 8 - Decent Work and Economic Growth

(2) Amend the Children (Pledging of Labour) Act 1933 to raise the penalty payable if anyone pledges their child or if someone employs a child.

Relevant entities: National Assembly; Senate; Ministry of Law and Justice; Ministry of Parliamentary Affairs; Ministry of Human Rights; Parliamentary Functional Committee on Human Rights; CSOs & NGOs

Completion target: 1 year

Performance Indicators: Amendment of the Law

Relevant SDG: Goal 1 - No Poverty; Goal 4 - Quality Education; Goal 8 - Decent Work and Economic Growth

(3) Introduce awareness campaigns on children's right to education.

Relevant entities: Ministry of Human Rights; Provincial Human Rights Departments, Provincial Social Welfare Departments; Ministry of Federal Education and Professional Training; National Commission for Child Welfare and Development; Provincial Child Welfare Departments/Bureaus; National Commission on Human Rights; Media; CSOs & NGOs; Ministry of Information, Broadcasting, National History and Literary Heritage; Provincial Education Departments

Completion target: 1 year

Performance Indicators: (i) Consultations on awareness campaign; (ii) Development of awareness campaign; (iii) Number of awareness initiatives, advertisements/broadcasts, campaigns, workshops, and trainings

Relevant SDG: Goal 1 - No Poverty; Goal 4 - Quality Education; Goal 8 - Decent Work and Economic Growth

3.2.7 Forced or Bonded Labour

Bonded labour is most common in Pakistan in the agriculture sector, and brick-kiln and cottage industries. The Constitution of Pakistan and Pakistan's core criminal legislation, the Pakistan Penal Code, prohibit forced labour. The Prevention of Trafficking in Persons Act 2018 and the Bonded Labour (Abolition) Act 1992 also prohibit bonded labour. Additionally the Bonded Labour (Abolition) Act calls for the establishment of Vigilance Committees at the district level to monitor and report any instances of forced or bonded labour.

Four proposed actions, at the Federal and Provincial levels, under Guiding Principles 1, 3 and 8 are detailed below.

(1) Ratify ILO Convention on Forced Labour 1930 (No.29), wherein States are to take effective actions to eliminate forced labour and provide its victims with protection and access to effective remedies.

Relevant entities: Federal Cabinet; Ministry of Foreign Affairs; Ministry of Law and Justice; Ministry of Parliamentary Affairs; Ministry of Human Rights

Completion target: 2 years

Performance Indicators: Ratification of the Convention

Relevant SDG: Goal 8 - Decent Work and Economic Growth

(2) Amend the Bonded Labour (Abolition) Act 1992 to provide more stringent punishments against those violating the law and to incorporate provisions on Government aid and rehabilitation programs for victims of bonded and forced labour.

Relevant entities: Ministry of Law and Justice; Ministry of Parliamentary Affairs; Ministry of Human Rights; Parliamentary Functional Committee on Human Rights; National Assembly; Senate

Completion target: 1 year

Performance Indicators: Amendments to the law

Relevant SDG: Goal 8 - Decent Work and Economic Growth

(3) Amend Section 374 of the Pakistan Penal Code (in relation to unlawful compulsory labour) to increase the one year sentence to life imprisonment in accordance with international best practices.

Relevant entities: Ministry of Law and Justice; Ministry of Parliamentary Affairs; Ministry of Human Rights; Parliamentary Functional Committee on Human Rights; National Assembly; Senate; Ministry of Interior; Federal Judicial Academy

Completion target: 1 year

Performance Indicators: Amendment to the Pakistan Penal Code

Relevant SDG: Goal 8 - Decent Work and Economic Growth

(4) Introduce capacity building programmes for members of the District Vigilance Committees established under the Bonded Labour System (Abolition) Act 1992.

Relevant entities: Ministry of Human Rights; Provincial Human Rights Departments; Ministry of Industries & Production; Ministry of Planning, Development and Reform; CSOs & NGOs; Trade/Labour Unions

Completion target: 2 years

Performance Indicators: (i) Development of training material; (ii) Number of trainings conducted

Relevant SDG: Goal 16 - Peace, Justice and Strong Institutions

3.2.8 Occupational Health and Safety

Over the course of 2020 and 2021, COVID-19 has brought occupational health and safety to the forefront, resulting in ongoing national and local debates on the right to health. Both the State and businesses are focused on reopening operations while curtailing the spread of the virus.

Accordingly, three proposed actions, at the Federal and Provincial levels, under Guiding Principles 1-3, 8, 11 and 13-15 are detailed below.

(1) Upgrading occupational health and safety standards in Pakistan, in accordance with changing health hazards and working conditions. The Workmen's Compensation Act 1923 requires amendment, which would provide for compensation for a list of scheduled diseases. However, this list needs to be upgraded in line with international best practices. The Pakistan Penal Code should also be amended in this regard to provide a more comprehensive list of occupational hazards.

Relevant entities: Federal Government; Ministry of Human Rights; National Commission on Human Rights; Labour/Trade Unions; Business Community; CSOs, INGOs & NGOs; Ministry of Law and Justice, Ministry of Commerce; Ministry of Industries and Production; Ministry of National Health Services Regulation and Coordination; Ministry of Parliamentary Affairs; Provincial Human Rights Departments; National Assembly; Senate

Completion target: 2 years

Performance Indicators: (i) Gap Analysis Report on Pakistan’s legal framework for Occupational Health and Safety; (ii) Number of amendments to existing laws; (iii) Number of new laws and policies

Relevant SDG: Goal 3 - Good Health and Well-being; Goal 8: Decent Work and Economic Growth

(2) Ratify ILO Convention on Occupational Safety and Health (No. 155).

Relevant entities: Federal Cabinet of Pakistan; Ministry of Foreign Affairs; Ministry of Law and Justice; Ministry of Parliamentary Affairs; Ministry of Human Rights

Completion target: 1 year

Performance Indicators: Ratification of ILO Convention No. 155

Relevant SDG: Goal 3 - Good Health and Well-being

(3) The creation of rules and guidelines mandating minimum safety and health standards at the workplace, with adequate implementation of enforcement mechanisms.

Relevant entities: Ministry of Industries and Production; Provincial Labour and Manpower Department; Provincial Mines & Mineral Departments; Ministry of National Health Services, Regulations and Coordination; Provincial Health Departments; Chief Minister’s Inspection Teams; Ministry of Human Rights; Provincial Human Rights Departments; Ministry of Planning, Development and Reform; Provincial Planning and Development Departments; NGOs & CSOs; Trade/Labour Unions; Business Community

Completion target: 3 years

Performance Indicators: (i) Number of High-level Governmental inter-departmental meetings; (ii) Number of Consultations with relevant stakeholders; (iii) Development of rules and guidelines; (iv) Establishment of relevant enforcement mechanisms

Relevant SDG: Goal 3 - Good Health and Well-being; Goal 8: Decent Work and Economic Growth

3.2.9 Access to Remedy

The State of Pakistan commits to improve the effectiveness of its judicial and non-judicial grievance redressal mechanisms, and will support businesses in ensuring reduction in barriers to accessing internal remedies within an organization. With respect to non-judicial grievance mechanisms (State-based and non-State-based), the principles of transparency, impartiality and predictability shall be adhered to.

Accordingly, eight proposed actions, at the Federal and Provincial levels, under Guiding Principles No. 1-4, 8, 11, 13-15, 22, 24-28 and 30-31 are given below.

(1) Review the existing framework of Labour Courts and increase operative Courts in the State to provide for efficient handling of industrial disputes and the effective protection of labour rights.

Relevant entities: Federal and Provincial Governments; National Assembly; Senate; Provincial Assemblies; High Courts, Supreme Court of Pakistan, Law and Justice Commission of Pakistan; Ministry of Law and Justice; Provincial Law Departments; Ministry of Parliamentary Affairs; Provincial Parliamentary Affairs Departments; Trade/Labour Unions; legal experts

Completion target: 4 years

Performance indicators: (i) Study on the existing framework with focus on the gaps within the system; (ii) Budgetary allocations; (iii) Number of Consultations and High-Level Meetings

Relevant SDG: Goal 16 - Peace, Justice and Strong Institutions

(2) Review the mandate of Child Protection Courts and include supervision of training and rehabilitation of children who have been victims of child and bonded labour within it.

Relevant entities: High Courts; Supreme Court of Pakistan; Law and Justice Commission of Pakistan; Ministry of Human Rights; Provincial Human Rights Departments; Ministry of Law and Justice; Provincial Law Departments; Federal Public Service Commission; Provincial Service Commissions; Federal Judicial Academy; Provincial Judicial Academies; legal experts

Completion target: 1 year

Performance indicators: (i) A study on the Review; (ii) Development of Training and Rehabilitation programs; (iii) Provincial Coordination Mechanism

Relevant SDG: Goal 16 - Peace, Justice and Strong Institutions

(3) Establish practical guidelines and compile best practices for the Judiciary to ensure effective remediation of human rights abuses in the business sector.

Relevant entities: Ministry of Human Rights; Provincial Human Rights Departments; Ministry of Law and Justice; Provincial Law Departments; Federal and Provincial Judicial Academies; Provincial Human Rights Departments; Federal Public Service Commission; Provincial Service Commissions; legal experts

Completion target: 18 months

Performance indicators: (i) Development of guidelines and best practices; and (ii) Dissemination of Guidelines

Relevant SDG: Goal 16 - Peace, Justice and Strong Institutions

(4) Strengthen public grievance redressal mechanisms to improve the standard of ombudsperson offices and enhance capacity of the offices to deal with different complaints.

Relevant entities: Federal and Provincial Ombudsperson against Harassment of Women at the Workplace, Ministry of Human Rights, Provincial Human Rights Departments, National Commission of Human Rights; legal experts

Completion target: 18 months

Performance indicators: (i) Development of Capacity Building Initiatives; and (ii) Number of Capacity Building Trainings

Relevant SDG: Goal 16 - Peace, Justice and Strong Institutions

(5) Initiate training programs for National Human Rights Institutions to ensure that they effectively deal with complaints of human rights abuses in the business context.

Relevant entities: Ministry of Human Rights, Provincial Human Rights Departments, National Commission on Human Rights; INGOs and NGOs

Completion target: 1 year

Performance indicators: (i) Development of Capacity Building Initiatives; and (ii) Number of Capacity Building Trainings

Relevant SDG: Goal 16 - Peace, Justice and Strong Institutions; Goal 17 - Partnerships for the Goals

(6) The Provincial Governments must ensure that effective organizational grievance mechanisms are in place.

Relevant entities: Provincial Human Rights Departments, Fact finding Committees, Relevant Industries and Businesses

Completion target: 3 months

Performance indicators: (i) Governmental review of business activity and compliance; and (ii) Imposition of penalties or remedial processes for non-compliance

Relevant SDG: Goal 8 – Decent Work and Economic Growth; Goal 10 – Reduced Inequalities

(7) Creation of a reporting procedure in the event of a business-related human rights violation.

Relevant entities: Ministry of Human Rights and Provincial Departments, NHRIs and CSOs at a Provincial Level

Completion target: 1 year

Performance indicators: (i) Number of coordination meetings between government and relevant stakeholders in relation to framework creation; and (ii) Number of businesses and industry groups included in reporting process

Relevant SDG: Goal 8 – Decent Work and Economic Growth; Goal 10 – Reduced Inequalities

(8) Ensuring that an Inquiry Committee is established in every business enterprise to deal with harassment complaints.

Relevant entities: Provincial Human Rights Departments, Provincial Industries and Commerce Departments, Provincial Ombudspersons for Sexual Harassment

Completion target: 1 year

Performance indicators: (i) Number of surveys conducted; and (ii) Number of inquiry committees established

Relevant SDG: Goal 5 – Gender Equality

3.3 State Expectations from Business Enterprises

To facilitate and guide business enterprises in ensuring compliance with and supporting the effective implementation of the NAP priority areas and the UNGPs, the State of Pakistan establishes the following **14 expectations from business enterprises**:

- i. Integration of a comprehensive human rights commitment policy in the corporate sector. This must include protection for women, children, differently abled persons, religious/ethnic minorities, and transgender persons to ensure protection of vulnerable groups. This policy should be available online.
- ii. Businesses should be aware of international guidelines such as the OECD Due Diligence Guidance for Responsible Business Conduct, Women’s Empowerment Principles, International Labour Organisation’s Declaration of Fundamental Principles and Rights at Work, OECD Declaration for Multinational Enterprises, OECD-FAO Guidance for Responsible Agricultural Supply Chains, OECD Guidelines for Responsible Supply Chains in the Garment and Footwear Sector and other international guidelines relevant to their sectors.
- iii. Businesses should open themselves to certifications by the International Organisation for Standardization, particularly to ISO 26000, which regulates and provides guidance on Corporate Social Responsibility policies that directly impact human rights compliance.
- iv. Key performance indicators corresponding to the achievement of human rights goals should be developed to provide a standard of improvement within the business. The policy should routinely be reviewed and updated to reflect national legislative and policy changes.

- v. Businesses should ensure that human rights commitments which have been integrated into their policies are communicated to their employees as well, which can be done through mandatory human rights trainings at the start of employment and through regular trainings thereafter.
- vi. Businesses should ensure that employees are given formal contracts of employment, which lay down their rights and obligations.
- vii. Businesses should establish adequate human rights due diligence mechanisms to identify, prevent, and remedy human rights impacts. This due diligence mechanism should consider both internal risks that stem from business operations as well as external risks, which relate to other entities that the business may work with. This human rights due diligence should be carried out before any major commercial operation or business activity, and on a continuous basis to ensure that integrated findings from impact assessments shape future business decisions. Businesses should also ensure that the risks identified through due diligence are adequately reported and communicated to stakeholders.
- viii. Businesses should open themselves to voluntary human rights compliance by committing to international standards such as the EITI Standard and the IFC Performance Standards. Businesses are also encouraged to participate in initiatives such as the Global Network Initiative, the Fair Labour Association, and the Extractive Industries Transparency Initiative, which will allow them to better understand and implement international human rights standards within the business context.
- ix. Businesses are encouraged to consider and manage the human rights impacts of their operations by using the Human Rights Due Diligence and COVID-19 Rapid Self-Assessment tool developed by UNDP within the BHR framework.
- x. Businesses should evaluate their compliance with domestic laws, including specifically those relating to child and forced labour, and occupational health and safety. Workplace discrimination and harassment must also be prevented, monitored, and redressed. This can be done by complying with the Anti-Workplace Harassment Act through the establishment and operationalization of Inquiry Committees for investigating claims of harassment within the workplace.
- xi. Businesses are encouraged to develop, embed, and implement a corporate remedy strategy, which outlines the standard established by the business to provide for redressal of human rights complaints. Business enterprises are encouraged to provide publicly available information in relation to the redressal mechanisms (to relevant stakeholders) and how the same are used (through specific trainings to employees) to ensure that complainants understand avenues of redressal if their rights have been violated.
- xii. Businesses may take direction from international guidelines such as the one established by the Ethical Trading Initiative to ensure the development of adequate and effective remedies for violations of human rights.

- xiii. Remediation for human rights abuses in the supply and value chains of a business must also be available even when a business is not directly involved in a human rights violation but has the potential to adversely affect human rights.
- xiv. Businesses are encouraged to provide remedies to individuals who reside in the communities in which they operate. For this purpose, businesses should ensure that they have an open-door policy and are encouraged to enforce the right of access to information by providing publicly available information on how their human rights standards are maintained.

3.4 State Facilitation of Business Enterprises

For the purpose of facilitating business enterprises in establishing human rights commitments and the enforcement of the BHR agenda as established in the NAP, the State commits to **7 objectives** below:

- i. Conduct trainings on business and human rights with civil society organizations, employees, and the business community to disseminate information on the UNGPs and the role of different actors in promoting and protecting human rights.
- ii. Develop a Toolkit on Business and Human Rights to guide businesses in fulfilling their responsibility to protect human rights standards. This Toolkit will include trainings, informational videos, due diligence guidelines and policy commitments for differently sized businesses.
- iii. Develop sector specific due diligence checklists, which serve as the basis for human rights impact assessments within the business context.
- iv. Collaborate with business enterprises for the implementation of human rights policies. For instance, develop compliance systems with human rights due diligence practice to ensure clear lines of management accountability in business enterprises.
- v. Carry out capacity building exercises for the NCHR to ensure that they adequately and effectively deal with human rights enforcement issues in the business sector.
- vi. Provide non-fiscal incentives for corporate entities to participate in international initiatives to ensure that businesses partake in ethical conduct and practices.
- vii. Develop guidelines for businesses to become members of international initiatives such as the UN Global Compact etc.

Chapter 4: Monitoring, Evaluation, Review and Update

In order for the NAP to be effective, there must be oversight to ensure implementation of the commitments made by the Government. For this reason, the Action Points are accompanied with responsibilities and timelines as well as performance indicators.

For oversight of the Action Points, there needs to be collaboration amongst different government branches, led by the Ministry of Human Rights, to ensure coherent implementation. While there are distinct timelines for each Action Point, the total of 73 proposed actions (Federal and Provincial) for all Priority Areas should be implemented at the end of the five-year period.

The implementation of the NAP is mostly rooted in short-term goals with an emphasis on the activities that need to be conducted within a timeframe between three months to two and a half years. Long-term implementation relates to efforts that are continuous and which may require yearly reviews by the multi-stakeholder monitoring group. The long-term activities need to be conducted within a timeframe between three and five years and will also be subject to review by the multi-stakeholder monitoring group.

Short-term activities in relation to the implementation, monitoring and evaluation of the National Action Plan on Business and Human Rights include the following:

- i. Review and updating of current draft through further consultations with, and feedback from, stakeholders;
- ii. Publishing and launch event of the 1st NAP (2021-2026);
- iii. Development of media strategies to create awareness of the NAP and the UNGPs; and
- iv. Drafting of guidelines for implementation of the NAP with monitoring mechanisms in relation to each Action Point.

Some medium to long-term activities for the implementation, monitoring and evaluation of the NAP include:

- i. Dissemination of the NAP in English, Urdu, and regional languages;
- ii. Coordination with large-scale businesses, MNCs and State-Owned Enterprises to promote the implementation of the NAP;
- iii. Development of targeted BHR communications products, focusing on specific areas from the NAP and related guidelines / implementation mechanisms for different stakeholders;
- iv. Conducting trainings/workshops on BHR with various sectors/industries;
- v. Developing e-learning tools on BHR;
- vi. Promoting the implementation of the NAP and Guiding Principles amongst all business sectors;

- vii. Developing toolkits and checklists for businesses, and exploring the possibility and feasibility of incentive mechanisms for businesses complying with the NAP and the Guiding Principles, such as tax breaks, preferential treatment in state procurement, etc.; and
- viii. Creating questionnaires to review the commitment and compliance of businesses in relation to the NAP and the UNGPs.

4.1 Multi-Stakeholder Monitoring Group

For the monitoring, evaluation, review, and update of the NAP, it is essential for the multi-stakeholder monitoring group to oversee and critically evaluate the implementation of the NAP. To ensure a multi-sector approach to the implementation of the NAP, it is similarly important for the monitoring group to include stakeholders from different institutions/sectors. The group shall be chaired by a Representative from the Ministry of Human Rights, with members from Provincial Human Rights Departments, NHRIs, women's development groups, advocacy groups, CSOs, labour/trade unions, representatives of vulnerable groups, and corporations.

As mentioned in **Chapter 1.2**, the multi-stakeholder monitoring group will conduct an impact assessment, through consultations with different sectors, to identify subsequent needs/priorities that develop after implementation of the NAP. The monitoring group will also undertake a comprehensive gap-analysis, reviewing the progress of the NAP within five years of its implementation, and providing recommendations for revision/amendment of the NAP.

The sessions of the monitoring group shall be duly recorded, particularly to fulfill the group's responsibility vis-à-vis coordination with relevant agencies and collection of information to promote awareness on human rights issues in the context of business activity.

Annex I: The Road to the NAP on BHR

This Annex details the important actions already undertaken by the State of Pakistan, which form a robust foundation for the implementation of the National Action Plan on Business and Human Rights.

A. General Measures Relevant to Business and Human Rights

- The Ministry of Planning & Development mandated to ensure achievement of SDGs.
- Inclusion of marginalized communities and women in the formal economy through enactment of laws facilitating the employment of persons from the transgender community and women in different sectors. The Action Plan on Human Rights also prioritizes gender issues.
- The Securities and Exchange Commission of Pakistan (SECP) has provided guidelines on CSR, whereby public companies must report on how their activities protect and promote human rights.
- Increased awareness on the protection of the rights of employees and communities affected by business activity. Section 204 (2) of the Companies Act 2017 states that directors of a company are to act in good faith in promoting the objects of a company and must ensure that their actions are in the best interest of the company, its employees, shareholders, the community, and the environment. In relation to good governance, the Pakistan Institute of Corporate Governance has been established.
- There are several laws that relate to the protection of labour rights in line with international obligations and the ILO Conventions. Notably, the Industrial Relations Act 2012 calls for the creation of a National Industrial Relations Commission, which is mandated to deal with cases of unfair labour practices.
- The Public Sector Companies (Corporate Governance) Rules 2013 have been promulgated, which require that a Code of Conduct be created which articulates acceptable and unacceptable behaviour, and ensures that adequate systems are in place for the identification and redressal of grievances from unethical practices.
- Protection from environmental degradation is also a priority for Pakistan. Under the Guidelines for Infrastructure Project Financing, the State Bank has developed guidelines which provide that as a pre-requisite companies must draft a description of environmental impact assessments and must report on health and safety issues to provide information as to the compliance of the project with relevant laws.
- The Pakistan Environmental Protection Act 1997 also provides for environmental impact assessments and initial environmental examinations to ensure the protection of the environment in carrying out business activity.

B. Measures Relevant to NAP Priority Areas

(i) Financial Transparency, Corruption and Human Rights Standards in Public Procurement Contracts

- Corruption in the public sector has been criminalised under various legislative instruments such as the Pakistan Penal Code 1860 and the Prevention of Corruption Act 1947.
- The Local Government Acts and Ordinances, which apply at a Federal and Provincial levels, also provide guidance to public officials to ensure that their actions do not constitute corruption or misuse of authority.
- The Eradication of Corrupt Business Practices Ordinance 1998 has also been promulgated to enforce anti-corruption laws against companies. This law criminalises any act of corruption carried out during business activity.
- The National Accountability Bureau (NAB) has been established to ensure the enforcement of laws and to investigate and prosecute crimes of corruption. In recent years, the independence of NAB has been strengthened to ensure that all cases of corruption and financial misrepresentation are thoroughly investigated. In this regard, the Federal Investigation Agency, and the Federal Board of Revenue supplement the work of the NAB to ensure that criminal actions involving corruption are adequately addressed.
- The Provincial Anti-Corruption Establishments have also been set up to investigate offences of corruption by public servants.
- The Public Procurement Regulatory Authority has also been established at a Federal and Provincial level to assess procedures and take measures to improve governance, management, transparency, and accountability of all work related to public procurement. Should any changes require specific laws or rules, the Authority can recommend new laws and policies to the State to be enacted.
- Pursuant to Pakistan's grey-listing by FATF, several laws and guidelines relating to AML/CTF have been passed. The Financial Monitoring Unit has been set up to investigate cases of suspicious transactions. The regulations and policies promulgated by the State in this regard aim to enhance financial transparency of different business entities.

(ii) Equal Opportunity at the Workplace

a. Gender Based Discrimination

- The Protection against Harassment of Women at the Workplace Act 2010 was passed to ensure the safety of women at the workplace. The Act requires each organization to ensure the creation of an inquiry committee to investigate and decide upon cases of harassment at the workplace. The law gives a wide definition to harassment, which includes inappropriate advances, requests for sexual favours as well as sexually demeaning attitudes. The power to investigate and decide upon cases of harassment also rests with the Federal and Provincial Ombudspersons for Harassment.

- The Action Plan on Human Rights also sets out protection and empowerment of women as a priority area for intervention. Proposed actions include national policy guidelines on Gender Based Violence; review of all discriminatory legislation against women, establishment of new crisis centres for women and strengthening of existing centres at the district level.
- Pakistan Decent Work Country Program I and II (2010-2015, 2016-2020) are aimed at reducing discrimination faced by women at the workplace, with the objective of increased equality for men and women and facilitating access to equal work opportunities. It also requires business enterprises to comply with the principle of non-discrimination
- Transgender Persons (Protection of Rights) Act 2018 has been promulgated prohibiting discrimination against transgender persons. It explicitly prohibits unfair treatment in relation to employment, trade or occupation and the denial of or termination from employment or occupation based on gender. In this regard, a new welfare project for the transgender community has also been planned comprising skill-building and access to credit.
- The Ministry of Human Rights has launched a helpline aimed at offering legal advice and support regarding women's right to inheritance. The Ministry has also launched an awareness campaign on 'Rights of the Girl Child'.
- The National Commission on the Status of Women was created to promote and protect the economic, social, political, and legal rights of women.
- Domestic legislation has been promulgated within KP, Sindh and Punjab which ensure maternity benefits for women in employment.
- Benazir Income Support Programme was inaugurated to provide social assistance to women by giving interest free financial assistance to female beneficiaries under their *Waseela-e-Haq* (Micro-Finance) programme to start their own businesses. Additionally, the *Waseela-e-Sehat* programme subsidizes health care for beneficiaries and provides life insurance to close to one million women while the *Waseela-e-Rozgar* programme provides vocations and technical trainings.
- The Election Act 2017 was passed to improve women's participation in elections by requiring political parties to field women candidates on at least 5% of the general seats for the National and Provincial Assemblies. The Election Commission of Pakistan is empowered to nullify results in constituencies where women's turnout is equal to or less than 10% and to take necessary actions against any agreements that ban women from voting.

Punjab

- The Punjab Fair Representation of Women Act 2014 creates an obligation on public sector bodies to ensure a 33% quota for women in decision-making positions.

- The Punjab Maternity Benefit Ordinance states that women cannot be discriminated based on being expectant mothers. It establishes that employers must pay maternity benefits in such cases prior to and after the birth of the child.
- The Punjab Commission on the Status of Women was established by the Punjab Commission on the Status of Women Act, 2014 and enjoys a broad mandate, which includes the monitoring, implementation, and protection of laws to advance gender equality and to eliminate discriminatory practices against women. The Commission makes policy suggestions and undertakes research and is mandated to take up inquiries, and to deal with relevant complaints. The Commission has also introduced a project on generating data “to advance Women’s Social and Economic well-being in Punjab” which aims to encourage female participation in the economic sphere, free from discrimination.

Sindh

- The Sindh Maternity Benefit Act 2018 prohibits discrimination against women based on being expectant mothers. It establishes that employers must pay maternity benefits to women employees prior to and after the birth of their child.
- The Sindh Protection against Harassment of Women at the Workplace Act 2010 ensures that women are provided adequate protection against harassment at places of work. Every organization is under an obligation to create an inquiry committee to investigate and decide open cases of harassment at workplace in accordance with the provisions of the Act. A provincial ombudsperson has been authorized under the Act to investigate and decide upon cases of harassment.
- The Sindh Women Agriculture Workers Bill 2019 was promulgated to protect the social security rights of female labourers in Sindh.
- Sindh Commission on the Status of Women was established pursuant to the Sindh Commission on the Status of Women Act, 2015. However, the Commission was set up in 2017 after a two-year delay in drafting the Rules of the Commission. It is mandated to promote and respect compliance with social, economic, political, and legal rights of women to ensure the eradication of discriminatory practices against women.

Khyber Pakhtunkhwa

- The KP Maternity Benefits Act 2013 creates an obligation on all employers operating in the province that they must not knowingly employ new mothers at least till after 6 weeks of childbirth. Additionally, Section 7 states that employers cannot dismiss a woman without sufficient cause, only based on her pregnancy, and Section 5 makes provisions for maternity benefits to be paid for a period of 12 weeks. Such laws allow the protection of women, especially expectant mothers from discriminatory practices and regulate business activity to ensure that adverse impacts on the rights of women are curtailed.

- The KP Protection against Harassment of Women at Workplace Act 2018 ensures that women are provided adequate protection against harassment at places of work. Every organization is under an obligation to create an inquiry committee to investigate and decide open cases of harassment at workplace. A provincial ombudsperson has been authorized under the Act to investigate and decide upon cases of harassment.
- KP Commission on the Status of Women was established under the KP Commission on the Status of Women Act 2016 and is mandated to oversee implementation of laws and policies to ensure the protection of women rights and to encourage participation in economic activity without any distinction.

Balochistan

- The Balochistan Protection Against Harassment of Women at Workplace Act 2016 provides adequate protection to women against harassment at places of work. Every organization is under an obligation to create an inquiry committee to investigate and decide open cases of harassment at workplace in accordance with the provisions of the Act. A provincial ombudsperson has been authorized under the Act to investigate and decide upon cases of harassment.
- The West Pakistan Maternity Benefit Ordinance 1958 applies in Balochistan which states that women cannot be discriminated based on being expectant mothers. It establishes that employers must pay maternity benefits in such cases prior to and after the birth of the child.
- The Women Development Department, Balochistan was created in 2009 and its primary aim is the elimination of socio-economic discrimination against women. It is responsible for the implementation of the National Action Plan for Women and the implementation of CEDAW for Balochistan, which includes the creation of policies and regulatory practices that target business enterprises to curb discrimination against women at the workplace.

b. Inclusion of Vulnerable Groups and Marginalized Communities in Workplace

Punjab

- The Disabled Persons (Employment and Rehabilitation) Ordinance 1981 applies in Punjab and provides support to disabled persons to find employment and treated equally at places of work.
- The Punjab Minimum Wages Act 2019 prohibits employers to pay less than the minimum wage to any employee, thus any discrimination based on religion cannot be the basis of payment of less wages.
- Punjab Labor Policy 2018 contains a separate chapter focusing on vulnerable groups of workers.
- The Punjab Commission on status of women was established to empower women and promote gender equality.
- The Human Rights and Minorities Affairs Department was established in 2008 to uplift minority rights and promote human rights in Punjab. The Department deals

with human rights abuses and has established a Minority Advisory Council and a Provincial Task Force on human rights to promote economic, social, and religious welfare of minorities to ensure that discriminatory practices are curbed by way of suggestions for legislative change.

- The Provincial Council for Rehabilitation of Disabled Persons has the mandate to safeguard the rights of persons with disabilities. This includes the creation of policies which encourage anti-discriminatory laws in all spheres, including non-discrimination in employment.

Sindh

- Section 8 of the Sindh Differently Abled Persons (Employment, Rehabilitation and Welfare) Act 2014 stipulates that not less than 2% of the total number of persons employed must be differently abled.
- The Sindh Minimum Wages Act 2015 prohibits employers to pay less than the minimum wage to any employee, thus any discrimination based on religion cannot be the basis of payment of less wages.
- Sindh Labor Policy 2018 contains a separate chapter that covers the following vulnerable sections of the working class:
 - i. Mine Workers
 - ii. Women
 - iii. Child Labour
 - iv. Bonded Labour
 - v. Special Persons
- The Sindh Minorities' Affairs Department was established in 1995 and acts as a standalone department. It is mandated to ensure the protection of rights of minorities' by facilitating the formulation of relevant policies, and by reviewing the existing framework which regulates the protection of minority rights in Pakistan.

Khyber Pakhtunkhwa

- The KP Disabled Persons (Employment and Rehabilitation) Amendment Act, 2012 focuses on the regulation and introduction of laws and practices that curb anti-discrimination against differently abled persons in employment and emphasizes on the need to ensure equal opportunities for such individuals as well.
- The KP Minimum Wages Act 2013 states that any discrimination based on religion cannot be the basis of payment of less wages.
- The KP Labour Policy 2018 affirmed that persons with disabilities will be mainstreamed in all economic sectors, barriers for their participation in economic activities will be removed, their accessibility will be increased at all educational, vocational and workplace institutions and their achievements will be highlighted at all levels. The quota of persons with disabilities and facilitation in employment as protected under Disabled Persons (Employment & Rehabilitation) Ordinance,

1981 will strictly be observed in all the industrial and commercial establishments of the province.

- The policy also highlighted the difficulties faced by the transgender community in KP and committed to take steps through integration of policies and programs for promotion of transgender in skill development and job placement in industrial and commercial establishments. It was affirmed through this policy that transgenders will be mainstreamed in all economic sectors, barriers for their participation in economic activities will be removed and their accessibility will be increased to all educational, vocational and workplace institutions.
- The KP Directorate of Human Rights was established in 2014 by way of the Promotion, Protection and Enforcement of Human Rights Act. The Directorate deals with monitoring human rights in the province of KP and reviews existing law and its compliance with international instruments which Pakistan has ratified which includes a review of discriminatory practices to ensure that economic, social, political, and legal rights are available to all without any distinction.

Balochistan

- The Balochistan Assembly has introduced the Persons with Disabilities Act 2017 which requires the Government to ensure that differently abled persons are given equal opportunities to pursue their economic, social, and cultural rights. To extinguish discrimination against differently abled individuals, the Act mandates a 5 percent quota for employment of such individuals which applies to corporate entities as well.
- Social Welfare Department Balochistan Established in 1962, aims to provide a better social environment in Balochistan. It assists in the formulation and publication of programs for the protection of human rights in the province and aims to eliminate all forms of discrimination and inequality by harmonizing existing laws with international human rights instruments.

(iii) Due Diligence Mechanisms

While domestic law is silent on the requirement of human rights due diligence in business activity, there are certain checks and mechanisms in place covered under the wide spectrum of due diligence. Some of these are listed below:

- The State Bank has developed guidelines which provide that as a pre-requisite companies must draft a description of environment impact assessments and must report on health and safety issues to provide information as to the compliance of the project with relevant laws.
- In the sustainability reports of businesses within Pakistan, corporate social responsibility (CSR) is a major component. This mostly covers health, safety, environment policies, whereas, due diligence is a very specific concept that requires conduction of a procedural activity for the human rights impact and risk assessments.

- A few multinational companies operating in Pakistan like Jazz, Telenor, Coca Cola, do have elaborate due diligence policies in place to address human rights risk and impact assessments.
- Many companies especially State Owned, and Controlled Entities have taken initiatives of their own as part of their Corporate Social Responsibility programs including education, health, women empowerment, community building, and environment.

(iv) Labour Standards

Punjab

- The Punjab Government passed the Industrial Relations Act in 2010, which allows citizens to exercise their right of association by joining trade unions to bargain collectively through their representatives.
- The Punjab Bonded Labour System (Abolition) Act 2012 prohibits bonded labour and requires the provincial Government to set up vigilance committees at the district level comprised of elected representatives, district administration and the civil society. Moreover, the fines applicable under the Act have been increased.
- In 2016, the Punjab Government passed the Punjab Restriction on Employment of Children Act, which prohibits employing children in hazardous occupations. It also imposes a fine up to fifty thousand rupees and jail time of at least 7 days, which can be extended up to 6 months if the provisions of the Act are disregarded. The Act also contains punishments for those caught subjecting children to slavery, prostitution, or have them involved in illicit activities such as drug trafficking i.e. jail time of up to 7 years and no less than 3 years and a fine of no less than three thousand rupees and no more than one million rupees.
- The Punjab Prohibition of Child Labour at Brick Kilns Ordinance prohibits the employment of anyone younger than 15 years old at brick kilns.
- Elimination of child labour and bonded labour project has been initiated in Punjab to provide education to vulnerable children, rehabilitate bonded laborers working in brick kilns, promote integration and coordination of Government responses, strengthen legislation, increase the capacity of law enforcement and service providers, and increase the knowledge base on these issues. As of May 2017, the program provided cash assistance to families of 88,000 child laborers to support children to attend school rather than working in brick kilns.
- Through the Punjab Minimum Wages Act 2019, the provincial Government regulates minimum rates of wages for unskilled and different categories of skilled workers employed in industrial and commercial establishments. Moreover, the Provincial Government can also review minimum wage rates if there is any change in the economic conditions or cost of living in the country.
- The Minimum Wages for Unskilled Workers Ordinance 1969 is still operational in Punjab and it aims to fix the minimum rates of wages for unskilled workers employed in certain commercial and industrial establishments.

- The Punjab Provincial Employees Social Security (Amendment) Act 2013 increases the wage limit of workers and entitles the nearest kin of a secured employee to a death grant.
- The Factories Act 1934 applies in Punjab and it limits the duration of working hours of labourers to 9 hours for adults, and 7 hours a day for children, with no more than 42 hours in a week. It also gives workers the right to take a holiday for 14 consecutive days in a year. Section 49 of the Act also permits festival holidays for up to 13 days.
- The Punjab Shops and Establishments Ordinance allows workers to work for no more than 9 hours a day and 48 hours a week.

Sindh

- The Sindh Industrial Relations Act 2013 allows workers and employees to join trade unions so that they can bargain collectively through their chosen representatives.
- The Sindh Government passed the Sindh Bonded Labour System (Abolition) Act, 2015 which provides for abolition of bonded labour system with a view to prevent the economic and physical exploitation of the labour class in the Province of Sindh.
- The Sindh Prohibition of Employment of Children Act 2017 prohibits the employment of children and regulates employment of adolescents in certain occupations of work.
- The Sindh Payment of Wages Act 2015 aims to regulate the payment of wages of certain classes of persons employed in factories, industrial and commercial establishments.
- The Factories Act 1934 applies in Sindh and it limits the duration of working hours of labourers to 9 hours for adults, and 7 hours a day for children, with no more than 42 hours in a week. It also gives workers the right to take a holiday for 14 consecutive days in a year. Section 49 of the Act also permits festival holidays.
- The Sindh Shops and Commercial Establishment Act 2015 limits the duration of working hours to 9 hours a days and 48 hours a week.

KP

- The KP Industrial Relations Act 2013 allows workers and employees to join trade unions so that they can bargain collectively through their chosen representatives.
- The KP Bonded Labour System (Abolition) Act 2015 outlawed the usage of bonded labour in the province and increased the fines in case the provisions of this Act are disregarded.
- The KP Prohibition of Employment of Children Act 2015 is a specialized law which defines a child as anyone under the age of 15 years old, and states that a child above the age of 12 years old can engage in light work for a maximum of 2 hours per day alongside a family member to acquire skills. Moreover, it stipulates

that no adolescents (between 15 – 18 years old) can be engaged in hazardous work.

- Section 36 of the KP Shops and Establishments Act 2015 provides that every industrial and commercial establishment employing five or more women workers is to provide for them separate washrooms and a facility where women workers can bring and nurse their pre-school and infirm children.
- The KP Minimum Wages Act 2013 provides for regulation of minimum rates of wages and various allowances for different categories of workers employed in certain industrial and commercial undertakings.
- The Factories Act 1934 applies in KP and it limits the duration of working hours of labourers to 9 hours for adults, and 7 hours a day for children, with no more than 42 hours in a week. It also gives workers the right to take a holiday for 14 consecutive days in a year. Section 49 of the Act also permits festival holidays.
- Working hours for employees in KP are limited to 8 hours a day and 48 hours a week under the KP Shops and Establishments Act 2015.

Balochistan

- The Balochistan Industrial Relations Act 2013 allows workers and employees to join trade unions so that they can bargain collectively through their chosen representatives.
- The Balochistan Government relies on the Bonded Labour (Abolition) Act 1992, which prohibits the usage of bonded labour and ‘paishgi’ forms of employment and empowers Provincial Governments to ensure compliance. Section 15 of the Act also requires Provincial Governments to set up vigilance committees at the district level, comprised of elected representatives, district administration and the civil society.
- In 2016, the Balochistan Assembly passed the Balochistan Child Protection Act, which provides protection to children from all forms of mental or physical violence, injury, neglect or negligent treatment, maltreatment, or exploitation, including sexual abuse, passed the Balochistan Child Protection Act.
- The Factories Act 1934 applies in KP and it limits the duration of working hours of labourers to 9 hours for adults, and 7 hours a day for children, with no more than 42 hours in a week. It also gives workers the right to take a holiday for 14 consecutive days in a year. Section 49 of the Act also permits festival holidays.

(v) Informal Sector

Punjab

- The Punjab Domestic Workers Act 2019 passed by the Punjab Assembly is the first law in Pakistan that regulates domestic workers. Through this legislation, the Punjab Government protects the rights of domestic workers, regulates their terms of employment and working conditions of service, provides them social protection and ensures their welfare. It prescribes a minimum wage for domestic workers and

stipulates a maximum 8-hour work day as well as a weekly holiday. Employers are to provide workers with dignified working conditions and lodging.

- The Employees' Old Age Benefits Act 1976 contains provisions that allow workers to claim pension once they are of a certain age, after being employed for a period of time.
- The Provincial Employees Social Security Ordinance 1965 requires an employer to provide health care, including maternity care, to full-time domestic workers under Section 55A.
- The Minimum Wages Ordinance of 1961 includes domestic workers in its definition of workers.
- The Apprenticeship Act 2017 includes the informal sector in its definition of 'establishment'. It thereby regulates apprenticeships within the informal sector.

Sindh

- The Sindh Home Based Workers Act 2018 was enacted to regulate persons who work in the informal or unorganized sector carrying out remunerative work within their homes or outside the formal sector.
- The Sindh Employees Old-Age Benefits Act 2014 extends its benefits to any establishment that employs five or more people, so it is applicable to the informal sector.
- Section 59 of the Sindh Employees' Social Security Act 2016 states that employers are to provide health care and maternity care to full-time domestic workers.
- The Apprenticeship Act 2017 includes the informal sector in its definition of 'establishment'. It thereby regulates apprenticeships within the informal sector.

KP

- The Minimum Wages Ordinance 1961 is applicable to all industrial establishments' employees whether skilled, unskilled or apprentices and even domestic workers.
- The KP Labour Policy 2018 stated that there is a need for legislation catering to the informal sector and its workers.

Balochistan

- The Minimum Wages Ordinance of 1961 includes domestic workers in its definition of workers.
- The Provincial Employees Social Security Ordinance 1965 requires an employer to provide health care, including maternity care to full-time domestic workers under Section 55A.
- The Employees' Old Age Benefits Act 1976 contains provisions that allow workers to claim pension once they are of a certain age, after being employed for a period of time.

- The Apprenticeship Act 2017 includes the informal sector in its definition of ‘establishment’.

(vi) Occupational Health and Safety

There are several laws that have been enacted over the years that relate to different aspects of occupational health and safety. These laws provide for cleanliness, disposal of waste, ventilation and temperature, provision of breaks from work, fixed working hours, water and sanitation facilities, compulsory vaccination, lighting, dust and fume, precautions in cases of accidents, emergency management as well as periodic inspection of workplaces. However, most legislation relating to occupational health and safety is dated and needs to be amended in line with international and domestic advancements within the workplace.

Punjab introduced its Occupational Safety and Health Act in 2019, providing guidelines to employers for the protection and safety of workers’ mental and physical health at the workplace. The law also provides for training and awareness programmes on matters relating to health and safety, preventive measures, and the requirement of employers to report any accident at the workplace.

Sindh devised a Joint Action Plan for Promoting Workplace Safety and Health (2013-2016) to define parameters of safe and healthy workplaces.