



Contribution to the Mid-Term Evaluation of the EU GSP

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FIDH

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By providing preferential access to the European Union (EU)'s market, the EU's GSP (Generalized System of Preferences) scheme aims to assist developing countries in their efforts to reduce poverty and to promote good governance and sustainable development. The scheme consists of a general arrangement and two special arrangements, the GSP+ and the EBA (Everything But Arms). Under the GSP+ arrangement, third countries may benefit from EU preferential tariffs if they have ratified core human rights conventions and if they commit to ensure the effective implementation of these instruments, which includes accepting the reporting requirements imposed by each convention.

In this document, FIDH and its member leagues from Cambodia, Bangladesh, Myanmar, Philippines and Pakistan present comments on the EBA and the GSP+, and provide information on country-specific cases.

General assessment and recommendations

With regard to the draft incentive report issued by the consultant and to the human rights aspects of the assessment, it must be pointed out that although global index indicators can provide a snapshot of the human rights situation in a country, they can be ill-suited to measure progress within specific areas of concerns. Available data present severe limitations to assess specific human rights issues (minorities, vulnerable people, access to remedies, for example). Global indexes may also fail to adequately reflect situation on the ground. For example, the most pressing issue in a specific country could be evictions and land confiscation affecting the poor, farmers, and indigenous people, without adequate compensation and with no access to judicial remedies. This could be referred to as a rule of law issue. However, we doubt that the World Bank index cited in the draft incentive report¹, which focuses on expropriation of assets of private business, the cost of crime and violence to business, or protection of intellectual property, would be relevant to the situation of the poor, farmers, and indigenous people.

¹ See incentive report p. 35. <http://www.gspevaluation.com/wp-content/uploads/2016/12/Draft-Inception-Report-GSP-Evaluation-09-01-2016-clean.pdf>

² European Parliament resolution of 5 July 2016 on implementation of the 2010 recommendations of Parliament on social and environmental standards, human rights and corporate responsibility (2015/2038(INI))

To assess the impacts of policy tools and, qualitative analysis - not global indexes - should be preferred. It should be based on the testimonies of affected people as well as NGO and UN reports. The assessment should not be based exclusively on ILO reports, to avoid a primary focus on labour to evaluate a scheme whose objectives go far beyond ILO rules.

In addition, the incentive report should analyse a larger sample of cases. For example, we are surprised that the European Commission (EC) did not suggest to the consultant Cambodia as a case study. While Cambodia will celebrate on the 9th of May its 20 years of cooperation with the EU, the EU should revise its strategy and instruments. The affected population of Cambodia has denounced the negative impact of the GSP scheme for a decade, and there is an important lesson learned from this case (see below).

Finally, the main issue should be not only to ask whether the GSP has had impacts on human rights, but what recommendations could ensure that the scheme protects and promotes human rights more effectively. To that end, we urge the consultant to take into account the lessons learned from a global assessment of the GSP impacts on human rights. We demand the consultant:

1) Recognise the added value of the GSP+ eligibility criteria and recommend they be applied to the EBA and other trade schemes.

The GSP+ constitutes the most efficient instrument developed by the EU to achieve results regarding the development and consolidation of international human rights law.

The GSP+ arrangement has proven to be an effective incentive for candidate countries to ratify key international human rights conventions. In that regard the GSP+ scheme is 100% effective and efficient. The ratification requirement is also the most important added value of the whole GSP scheme in terms of human rights.

On the contrary, EBA or Free Trade Agreements do not offer this kind of incentive. Human rights violations are taken into account to trigger a suspension of the trade advantages. By providing sticks without using carrots, and given the EC's reluctance to impose sanctions, the EU is losing leverage and missing opportunities to ensure that trade benefits human rights. As a result, the consultant should recommend the addition of the ratification requirements to other trade instruments and schemes like the EBA and Free Trade Agreements.

2) Recommend the GSP+ monitoring mechanisms be applied to the EBA and other trade schemes.

The GSP regulation provides for an enhanced EU monitoring mechanism to assess the GSP+ beneficiaries' compliance with their commitments under the human rights treaties they ratified. Together with the European External Action Service ('EEAS'), the EC has set up a monitoring process consisting of an ongoing 'GSP+ dialogue' with the beneficiary authorities, which is translated into annual lists of issues ('scorecards'). The scorecards note the key shortcomings identified by the monitoring bodies attached to the relevant international conventions and the EC draws the beneficiary's attention to the areas listed in the scorecard during the GSP+ dialogue.

This monitoring process provides a strong incentive for GSP+ beneficiaries to improve their reporting in connection with the relevant instruments they ratified. It ensures a regular follow-up on the implementation of their international obligations. It can contribute to the formulation of concrete proposals for laws and practices that address human rights challenges. Being directly linked to a concrete financial incentive for the beneficiary country, this monitoring system keeps issues on the bilateral agenda and provides more clout to the EU. For these reasons, this monitoring process should also be applied to EBA and the other trade instruments.

3) Recommend improving the GSP+ monitoring and reporting process through transparency, participation, prioritisation, and benchmarks.

Considering past practices related to GSP+, the consultant should recommend some improvements regarding the monitoring process:

- Ensure the scorecards are public and the GSP+ dialogues are transparent, providing for involvement and participation of CSOs. The scorecards are currently not public. EC consultation with civil society lacks regular exchanges on the priorities, the constraints, the achievements, and benchmarks put in place to follow up the implementation process. The EU's debriefings on the GSP+ dialogues with CSOs is too vague regarding the concrete results expected by the EU in the dialogue and equally vague on the methodology applied to assess progress. Prior consultation with civil society should be reflected in the GSP+ dialogue, and the CSOs should be allowed to participate as observers to the dialogue between the EC, the EEAS, and the beneficiary governments. As recommended by the European Parliament, social partners and CSOs should be

given a formal role in GSP+ monitoring, in particular through a procedure to hear and respond to the concerns they addressed to that allows them to hear and respond to concerns addressed their concerns too the EC². In addition, beneficiary governments should not be allowed to select among various human rights obligations and weakness identified during the dialogue enabling it to conclude that the situation has improved without addressing the main challenges.

- Ensure that monitoring visits and dialogues led by the EC's DG Trade focus on all ratified human rights conventions, and that equal attention is given to all these instruments. The GSP+ dialogues should not focus primarily on ILO conventions while leaving other important issues (like enforced disappearance, extrajudicial killings, arbitrary arrests, torture, and judicial harassment) to be dealt within the framework of more general and less effective mechanisms that are not directly linked to the GSP scheme, like the EU's human rights dialogues.
- Ensure that the GSP monitoring process does not limit its assessment to general trends, but raises specific human rights violations, including individual cases. This is needed to ensure the full and effective implementation of the relevant conventions as requested by articles 9 and 15 of the GSP regulation.
- Prioritise for all beneficiary countries the respect of the reporting obligations in accordance with the the international human rights conventions they ratified and cooperation with UN mechanisms, such as: COIs and other investigation mechanisms set up by the Human Rights Council; special procedures; country visits; and establishment of OHCHR country offices. Other priorities should be identified in cooperation with human rights defenders and civil society.

4) Recommend setting up a more effective and depoliticised process for the withdrawal of the trade preference in response to serious and protracted human rights violations.

Most of the beneficiaries of the GSP+ fail to fully comply with their legal obligations under international conventions they ratified. The EC advocates an approach based on the assumption than GSP+ has an incentive purpose that should be implemented with a mid- or long-term perspective. However, the EC has failed to to define the benchmarks, timelines, and criteria for the process of withdrawing GSP+ status to a beneficiary country that fails to respect its international human rights obligations. The lack of clear process for the withdrawal of GSP+ status undermines the scheme's potential to encourage progress on human rights because the withdrawal is not considered by the beneficiary country as a credible threat.

The situation is worse concerning EBA. In the EBA, the absence of adequate monitoring mechanisms, human rights eligibility criteria, and dialogues between the EC and the beneficiary country, leads to the conclusion that the EBA is an inadequate tool to foster progress on human rights (see below the Bangladesh and Cambodia case studies). The EU's constant reluctance to launch an investigation into alleged human rights violations in accordance with Article 19 of the GSP regulation also undermine the potential for promoting respect for human rights.

The fact that the EC has a discretionary power to trigger the withdrawal procedure, and that the issue has proved to be subject to political considerations, is a matter of high concern. The GSP scheme allows for the withdrawal of trade preferences in order to ensure that the sustainable development and good governance aspects of the GSP are upheld. But by failing to trigger the withdrawal procedure in case of serious and systematic human violations, the scheme is ultimately missing its goal.

As underlined by the European Parliament, in order to be credible, the withdrawal process needs to rely on objective criteria, and a neutral, depoliticised mechanism³. The consultant should make recommendations concerning the criteria that have to be met to launch the investigation envisioned in the withdrawal process.

5) Recommend the establishment of a mechanism that can be used by individuals or groups who have been negatively affected by the implementation of the GSP scheme.

The GSP is conceived as a tool to promote development that is respectful of human rights by offering

2 European Parliament resolution of 5 July 2016 on implementation of the 2010 recommendations of Parliament on social and environmental standards, human rights and corporate responsibility (2015/2038(INI))
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bTA%2bP8-TA-2016-0298%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>

3 European Parliament resolution of 5 July 2016 on implementation of the 2010 recommendations of Parliament on social and environmental standards, human rights and corporate responsibility (2015/2038(INI))
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bTA%2bP8-TA-2016-0298%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>

incentives to countries that benefit from this scheme. However, there is no mechanism in place to deal with the negative impacts of the scheme.

To prevent such negative impacts, the EC should conduct a human rights impact assessment before granting trade preferences to a candidate country for the GSP scheme. In addition, the consultant should recommend the establishment of a monitoring and problem solving mechanism that can be seized by affected populations. The mechanism should be able to identify and prevent human rights negative impacts and provide solutions in cases in which GSP, GSP+, and EBA negatively impact on human rights (see below the Cambodia case study). This is the only way to ensure EU policies are designed in order to respect, promote, and consolidate human rights and rule of law in the beneficiary country, as required by Article 21 of the Treaty on the EU.

6) Recommend a reference to the UN guiding principles on business and human rights.

The EP, taking into account the EU's commitments in the field of business and human rights, asked for the inclusion of CSR and UN guiding principles on business and human rights in the GSP regulation. The UNGPs recall the states existing obligation to respect, protect and fulfil human rights, including by holding companies accountable when they violate human rights. The principles also recall the role of business that are required to comply with international human rights law and the need for effective remedies when rights and obligations are breached. According to the EP, this measure would encourage adherence by transnational corporations to national and international legal obligations in the areas of human rights, labour standards, and environmental rules and regulations⁴. The consultant should support this proposal. In addition, the EU should conduct due diligence on exporters seeking to benefit from trade preferences to ensure that they uphold human rights standards. Finally, the EBA should be modified in order to allow the EU to blacklist companies that violate international norms⁵.

Case studies

The selected case studies illustrate the assessment and recommendations made by FIDH and its member organisations in the previous section of this document. EBA cases (Cambodia, Bangladesh, and Myanmar) show how the EU remains reluctant to use its leverage and how it is focused primarily on labour rights while failing to address other serious human rights violations. The EBA case studies document the inadequacy of the mechanisms provided by the EBA arrangement to provide the EU the necessary tools to adequately address human rights challenges, including the potential negative impacts of its own policies. They show how the EC's assumption that increased investment resulting from preferential market access necessarily leads to positive, pro-poor outcomes is a mistaken one. Based on the lessons learned, the consultant should provide recommendations to improve these schemes and prevent potential negative impacts on human rights. The two GSP+ examples (Philippines and Pakistan) show how the monitoring mechanisms provided in the GSP+ may assist the EU in improving the human rights situation in beneficiary countries, but reveal the remaining challenges that remain unaddressed.

Case study 1: EBA in Cambodia

Taking the sugar sector as example, it appears that in 2006, the size of the Cambodian sugar industry was negligible⁶. Since EU tariffs and quotas for sugar were fully phased out for EBA countries in 2009, the value of annual Cambodian sugar exports jumped significantly⁷, 92% being exported to the EU under EBA. The companies involved recognising that the EBA was a primary motivator for their investments in Cambodia⁸. The EBA arrangement has attracted investments and stimulated trade

4 European Parliament resolution of 5 July 2016 on implementation of the 2010 recommendations of Parliament on social and environmental standards, human rights and corporate responsibility (2015/2038(INI))

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bTA%2bP8-TA-2016-0298%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>

5 http://www.inclusivedevelopment.net/wp-content/uploads/2013/10/Bittersweet_Harvest_web-version.pdf

6 <http://www.politico.eu/article/europe-blood-sugar-cambodia-human-rights-trade/> ;

7 from USD 51,000 to 13.8 million in 2011 see http://www.inclusivedevelopment.net/wp-content/uploads/2013/10/Bittersweet_Harvest_web-version.pdf ; Cambodia has had access to EBA since the scheme's inception in March 2001. From 2003-2013, access to the European market under the EBA allowed Cambodia to more than double its exports to the EU <http://www.ethicaltrade.org/blog/cambodia-myanmar-and-eus-everything-arms-trade-deal>

8 http://www.inclusivedevelopment.net/wp-content/uploads/2013/10/Bittersweet_Harvest_web-version.pdf

Ex : In a 2007 letter submitted to the Stock Exchange of Thailand, the CEO of Thai sugar company KSL Group explained that its plan- ned investments in Cambodia will be "an expansion of sugar business, a core business of KSL, into a neighboring country, and also get the special privilege under EBA in exporting sugar to EU with high selling price [sic]."12 Mitr Pohl, the largest Thai sugar producer, told the Bangkok Post that it was also investing in

exports to the EU. However, EBA has also resulted in serious human rights violations.

Widespread displacement, severe impacts on livelihood, and violent evictions have all been extensively documented and linked to land concessions issued to companies producing sugar that would be exported to the EU under the EBA⁹. By 2012 it had more than 100,000 hectares of land under lease to agro-industrial firms for sugar cane production. In addition to being victim of land evictions, affected communities suffered with regard to their ability to enjoy economic and social rights. Numerous reports documented how men, women, and children have been left homeless and landless, and others have been provided with small plots of non-arable land. Households reported increased food insecurity, deterioration of livelihood, and loss of income-earning opportunities as a result of the loss of natural resources that previously provided a safety net. In some cases, the forced evictions led to extreme hunger and possibly starvation. In some provinces, families resorted to illegal migration to Thailand after they lost their land as a result of the sugar concessions. Those who remained had no choice but to work as day labourers on the sugar plantations, where work was irregular, conditions were poor, and pay was generally insufficient to enable most households to make ends meet¹⁰.

The evictions witnessed in the context of the EBA arrangement took place in a context of widespread and systematic land grabbing that occurred for over a decade. The gravity of the situation led Global Diligence, on behalf of individual Cambodian victims and with the endorsement and support of FIDH, to file a Communication to the Office of the Prosecutor (OTP) of the International Criminal Court (ICC) in October 2014¹¹. The Communication contends that forced evictions and relocations stemming from land confiscation perpetrated by senior members of the Cambodian government, senior members of state security forces, and government-connected business leaders (the “Ruling Elite”), may amount to crimes against humanity.

The Global Diligence study documented violations from 2002 onwards because it was the date of Cambodia’s accession to ICC status. At that time, and probably earlier, a human rights impact assessment (HRIA) could have allowed the EU to be fully alerted to the risks involved in opening its market to Cambodian sugar and would have led the EU to adopt a more precautionary policy. In any case, the EU should have been aware of the risks for human rights generated by the EBA at an early stage. In addition to the available information from the EU delegation, other reports documented the issue of land evictions in regard to the land concessions provided to sugar cane companies since 2006¹². Since then, UN reports and NGOs reports multiplied denouncing the perpetuation of land evictions, the total impunity, and the dire situation of affected local communities¹³. It included the lack of availability of clean water, sanitation facilities, health and education services, and opportunities for earning a livelihood¹⁴. Finally, the EU was certainly aware of the situation in 2010, as civil society directly alerted the European Commission of the risk that EBA encouraged land grabbing because it incentivised investment in a country with a weak land tenure protection regime¹⁵. In 2011, CSOs called

Cambodia in order to benefit from the duty-free sugar exports and guaranteed minimum price under the EBA scheme

9 http://cambodia.ohchr.org/~cambodiaohchr/sites/default/files/SR_report_on_land_concessions_in_Cambodia_Eng_0.pdf; http://www.inclusivedevelopment.net/wp-content/uploads/2013/10/Bittersweet_Harvest_web-version.pdf; <http://www.actionaid.org/sites/files/actionaid/brochure-cambodge-bd-1.pdf>; http://www.actionaid.org/sites/files/actionaid/finalized_the_bitter_taste_of_sugar_displacement_and_dispossession_in_oddar_meancehy_2015_1.pdf

10 http://www.inclusivedevelopment.net/wp-content/uploads/2013/10/Bittersweet_Harvest_web-version.pdf

11 https://www.fidh.org/IMG/pdf/executive_summary-2.pdf

12 Yash Ghai, Special Representative of the United Nations (UN) Secretary General on Human Rights in Cambodia, “*Statement to the UN Human Rights Council*”, 26 September 2006.; Miloon Kothari, *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living*,” E/CN.4/2006/41 Add3, 21 March 2006, p.17 ; <https://unhabitat.org/wp-content/uploads/2008/07/GRHS.2007.CaseStudy.Tenure.Cambodia.pdf>

13 2008 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/115/04/PDF/G0811504.pdf?OpenElement> ; 2009 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/151/60/PDF/G0915160.pdf?OpenElement> ; 2010 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/161/45/PDF/G1016145.pdf?OpenElement>; 2011 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/153/63/PDF/G1115363.pdf?OpenElement>; 2013 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/161/18/PDF/G1316118.pdf?OpenElement>; 2014 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/133/79/PDF/G1413379.pdf?OpenElement>

14 Subedi, Special Rapporteur Report of 2014, para. 49.

15 Bridges Across Borders Cambodia, LICADHO and Community Peace-building Network, Letter to Rafael Dochao Moreno, Charge d’Affairs of the Delegation of the European Union to the Kingdom of Cambodia, 30 August 2010. See also: Bridges Across Borders Cambodia, LICADHO and Community Peace-building Network, and Community Legal Education Center, Letter to Karel de Gucht, Commissioner for Trade of the European

on the EU to use the leverage provided by the GSP regulation by opening an investigation linked to the withdrawal procedure of EBA. CSOs reiterated again their demand in letters sent in June and October 2012.

In September 2012, the UN special Rapporteur on the situation of human rights in Cambodia Surya Subedi confirmed that the criteria set up by the GSP regulation to undertake an investigation as part of withdrawal procedure of the EBA were met. The UNSR concluded that there were “well documented serious and widespread human rights violations associated with land concessions that need to be addressed and remedied”. He added that communities’ land associated with the sugar plantations, which benefit from EBA in Koh Kong, Oddar Meanchey, and Kampong Speu provinces, had reportedly not yet had their land measured¹⁶. In September 2013, NGOs Equitable Cambodia and Inclusive Development International, released a report¹⁷ that found that, in the absence of effective human rights safeguards, the EU’s policy of granting preferential tariffs to spur investments could result in enforced evictions and land seizures in Cambodia. Subsequent letters to the EC asked again to trigger the investigation process provided by the GSP regulation. This call was also supported and reiterated by the European Parliament.

Instead of initiating the withdrawal procedure, the EC preferred to use development cooperation aid for the land sector reform which did not achieve results and was progressively abandoned by donors. The EC also provided support for the setting-up of a “Cambodian lead audit process” supposed to identify the victims of human rights violations caused by Economic Land Concessions (ELCs) in the sugar sector in order for them to receive compensation. Civil society organisations supported this alternative proposal and cooperated with the EU, in Brussels and Phnom Penh, in order to facilitate the audit and ensure it would be independent and inclusive. However, this process has stalled since 2015 - a very long period for people deprived of the land on which they depend for their livelihood and food security.

The EU now faces a situation where it granted EBA in an unsuitable context without safeguards, but is still refusing to use the EBA leverage despite the criteria obviously being met.

The figure of land grabbing in Cambodia shows the severity of the phenomenon. Credible estimates indicate that 770,000 people have been adversely affected by land grabbing from 2000 to 2013. This amounts to a shocking 6% of the country’s total population. In 2014 and the first quarter of 2015, NGOs reported a substantial upsurge of land grabbing, which affected an additional 60,000 people. New cases of land confiscation and related human rights violations were also reported in 2016 and 2017¹⁸. A disproportionate number of affected populations are members of Cambodia’s many indigenous communities.

The situation remains unsolved, but the EC has failed to assess the impact of its EBA on Cambodia, to provide any remedies to affected communities, and to use the withdrawal procedure of the EBA.

Several conclusions should be drawn from this case study. The consultant should recommend the EC:

- Reinforce the leverage potential of the EBA by making it possible to initiate the withdrawal procedure if specific and objective criteria are met.

At this stage, the only regulatory measures relevant to the EBA scheme that address human rights are the “Temporary Withdrawal” provisions of the GSP Regulation. Under these provisions, preferential arrangements may be withdrawn temporarily, in respect of all or of certain products originating in a beneficiary country, due to “the serious and systematic violation of principles” laid down in the core human rights covenants and conventions. The Cambodian case showed that despite the UN Special Rapporteur’s findings on the human rights situation in Cambodia and the CSOs calls that showed that the criteria mentioned by the “Temporary Withdrawal” provisions are met, the EC has refused to launch an investigation into whether trade preferences should be withdrawn for Cambodian sugar on this basis. The withdrawal procedure and the conditions to launch an investigation should then be depoliticised and objectivised, for the instrument to preserve its incentive potential.

Commission, 7 January 2011.

16 Report of the Special Rapporteur on the situation of human rights in Cambodia, Surya P. Subedi, A/HRC/21/63/Add.1, 24 September 2012, p 2 ; Report of the Special Rapporteur on the situation of human rights in Cambodia, Surya P. Subedi, A/HRC/24/36, 5 August 2013, §56

17 http://www.inclusivedevelopment.net/wp-content/uploads/2013/10/Bittersweet_Harvest_web-version.pdf

18 see a global map here : http://www.licadho-cambodia.org/land_concessions/ and here <http://www.licadho-cambodia.org/pressrelease.php?perm=380>; for related violations see March 2017 <http://www.licadho-cambodia.org/flashnews.php?perm=212>

- Prevent and remedy negative impacts: The EC's failure to assess and mitigate the foreseeable negative human rights impacts of EBA constitutes a violation of the EU's and its Members States' obligation to respect and protect human rights in its external actions¹⁹. In 2016, the European Ombudsman advised that the lack of HRIAs in trade policy is a case of maladministration²⁰.

The EC should conduct HRIAs before deciding to grant EBA preferences and provide better safeguards in the GSP regulation to prevent and remedy the negative impacts trade preference may have on human rights.

The GSP regulation should be reformed with the aim of making it mandatory for the EU to conduct an HRIA before granting EBA. The Cambodia case study shows that the EU failed to conduct an HRIA before granting EBA preferences. It also failed to make an HRIA before the scheme was renewed in 2012.

The Cambodia case study also reveals the unacceptable absence of legal safeguards or instruments to protect people from forced evictions and other human rights violations that may foreseeably result from increased trade and investment involving beneficiary countries.

The EC should set up an independent problem solving mechanism that could be used by affected communities and their representatives. In addition, the EU should adopt legal instrument to ensure EU companies respect international standards throughout the global supply chain. Those are the minimum reforms that are urgently needed to ensure EBA benefits human rights instead of hurting them.

Case study 2: EBA in Bangladesh

Bangladesh is the biggest beneficiary of the EU's EBA scheme and its ready-made garment sector is the main producer of goods exported to the EU²¹. After the Rana Plaza disaster in 2013, in consideration of the willingness expressed by the Bangladeshi government and the companies in the garment sector to make efforts to improve the situation, the EU refrained from initiating the withdrawal procedure of trade preferences²².

With regard to labour rights, reports documented that in Bangladesh it was possible to create trade unions in only 10 % of factories. Physical assault, intimidation, threats, dismissal of union leaders, and false criminal complaints against workers were also documented.²³ As a result of Bangladesh's failure to improve worker rights, trade unions asked the EU to use its trade preferences to press the country to comply with its legal obligations²⁴. The EU recently expressed its concerns by referring to a special mention given to Bangladesh in the International Labour Conference in June 2016²⁵.

While the EU has reminded Bangladesh several times that EBA requires the respect of human rights, it adopted a 'wait and see' approach waiting for ILO positions. In addition, its warnings seem to be restricted to trade unions and worker rights' issues. The EU does not address other human rights concerns through EBA. Yet the general human rights situation in the country is serious. Freedom of speech is severely restricted and enforced disappearances have drastically increased, in recent years²⁶.

The Bangladesh case reveals that EBA has failed to improve the overall human rights situation. While EBA helped create jobs, the main beneficiaries have been mostly the owners of the garment factories. The scheme did not contribute to poverty reduction, and discrimination affecting workers and employees remained prevalent.

19 http://www.inclusivedevelopment.net/wp-content/uploads/2013/10/Bittersweet_Harvest_web-version.pdf

20 <https://www.fidh.org/en/impacts/european-commission-guilty-of-maladministration-for-eu-vietnam-fta>

21 European Parliament research service, Human rights in EU trade policy, unilateral measures, January 2017
[http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/595878/EPRS_BRI\(2017\)595878_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/595878/EPRS_BRI(2017)595878_EN.pdf)

22 ibidem

23 International Trade Union Confederation, IndustriALL Global Union and Uni Global Union, Sustainability Compact review 27 January 2016 http://admin.industriall-union.org/sites/default/files/uploads/documents/Bangladesh/ituc-ia-uni_evaluation_of_the_bangladesh_sustainability_compact_january_2016_final.pdf

24 International Trade Union Confederation, IndustriALL Global Union and Uni Global Union, Sustainability Compact review 27 January 2016 http://admin.industriall-union.org/sites/default/files/uploads/documents/Bangladesh/ituc-ia-uni_evaluation_of_the_bangladesh_sustainability_compact_january_2016_final.pdf

25 <http://www.thefinancialexpress-bd.com/2017/03/24/65146/Bangladesh-warned-of-losing-EU-GSP-facility>

26 see in European Parliament research service, Human rights in EU trade policy, unilateral measures, January 2017
[http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/595878/EPRS_BRI\(2017\)595878_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/595878/EPRS_BRI(2017)595878_EN.pdf)

Reduction of poverty, job opportunities, working conditions, and labour rights

EBA did not have a significantly positive impact on labour rights, employment wage, freedom of association, collective bargaining, discrimination, social protection, poverty reduction, and gender equality. EBA did not contribute to ensure right to work, decent working conditions, social security, right to education and adequate living standards²⁷.

In many garment factories workers do not get the minimum wages on time. They do not have safe drinking water, and do not have access to medical and health facilities in the factories. Safety standards remain matters of concern. The Readymade Garments' (RMG) Industry is one of the major contributors to Bangladesh's economy. However, a risky working environment, the almost non-existence of fire exits, shortage of fire extinguishers and other safety measures, a lack of training and the use of sub-standard building material, bribery during building plan approval, the construction of illegal extensions and violations of building codes, all contribute to the recurrence of fire mishaps and building collapses in the factories of Bangladesh. Compensation for industrial and workplace accidents is almost non-existent or grossly insufficient. The industry has many challenges to overcome, including the fact that too many owners and managers of the factories fail to pay wages and bonuses on time, dismiss workers without any valid reason, and lay off or close factories without notice. These factors, coupled with unsafe structural conditions, result in the industry being unstable, which may lead to a destruction of this vital sector. About 80% of the workers of garment factories are women, but female workers are the most oppressed and disenfranchised workers and face more difficulties than male workers. They have no safety and security at their work place, they are sexually exploited, harassed, and paid less compared to their male counterparts.

Workers frequently join protests. However, if any trade union joins or organises a protest then they will have to face attacks from the industrial police and pro-government thugs. Furthermore, workers who join demonstrations are at risk of being fired. During protests, law enforcement agencies have used excessive force to disperse the workers.

Increasing rates of unemployment and poverty are pushing workers to migrate from Bangladesh to developed countries. Most of them are unskilled workers.

Freedom of expression, freedom of association, freedom of peaceful assembly, and protection of human rights defenders

Freedom of assembly is severely restricted in Bangladesh. The government prohibits or bans assemblies, rallies organised by political parties, trade unions or individuals who oppose or are critical of the government. The law enforcement agencies have routinely attacked any protests that denounced government policies.

In 2013, FIDH documented the dire situation faced by human rights defenders in Bangladesh. The report documented how human rights defenders were forced to a certain degree of self-censorship in their daily activities, while others found themselves on the frontline of repression anytime they dared criticise publicly the government's human rights record. Repression includes physical attacks, arbitrary detention, and judicial harassment. The report showed that numerous laws failed to comply with international human rights standards with regards to freedom of expression. The report concluded that very little or no progress was noted since a previous FIDH fact-finding mission in Bangladesh in 2005²⁸. Nor has it improved since the 2013 report. Attacks and harassment against the prominent NGO Odhikar (an FIDH member organization), have continued. They include judicial harassment against its Secretary Mr Adilur Rahman Khan (who is also a Vice-President of FIDH) and the Director ASM Nasiruddin Elan, as well as the ongoing surveillance of the organization, its staff, and their relatives. Odhikar is also facing great difficulties in implementing its activities, since its registration has not been renewed by the government's NGO Affairs Bureau (NGOAB). All of its bank accounts have been frozen and it has been forbidden from receiving foreign funding²⁹. In 2016, Parliament passed the Foreign Donations

27 For more information see 01/04/17 Odhikar monthly report on Bangladesh, <http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2017/04/human-rights-monitoring-report-March-2017-Eng.pdf> see also FIDH, OMCT, AFAD, ALRC, Forum-Asia, Odhikar, Mayer Dak, Joint NGO Alternative Report to the UN Human Rights Committee on Bangladesh (119th Session – 6-29 March 2017), March 2017, http://www.omct.org/files/2017/02/24220/bangladesh_iccpr_report.pdf

28 The report pointed out in particular that a number of sections under the Penal Code continue to punish those who commit acts that are “prejudicial to the states”, “sedition” or “defamation”, provisions which are broadly interpreted and open to political manipulation and are used against critics and opponents. In addition, the Bangladeshi anti-terrorism legislation has been abusively used against human rights defenders due to overly vague definitions of terrorism

29 FIDH Bangladesh: Further acts of judicial harassment against Messrs. Adilur Rahman Khan and ASM Nasiruddin Elan, 13 January 2017 <https://www.fidh.org/en/issues/human-rights-defenders/bangladesh-further-acts-of-judicial->

(Voluntary Activities) Regulation Bill 2016. Once the President transforms the Bill into a law with assents, it will create greater limitations for the work of civil society in Bangladesh. The Bill imposes disproportionate restrictions on freedoms of expression and association in Bangladesh, in violation of international human rights standards, and leaves no doubt that the intention is to shut down any existing human rights work and critical voices in the country³⁰. Human rights defenders have faced escalating repression, harassment, threats and prosecution for the past several years for having published information on human rights violations in the country³¹. Harassment against human rights defenders, including members of Odhikar, has been well documented by FIDH over many years³².

Violence and judicial harassment of journalists and the shutting down of newspapers and other publications that are critical of the government are also a disturbing trend. In addition to judicial harassment and violations of their due process rights, journalists often face physical violence, notably from law enforcement agents. There are several reports of journalists being threatened and harassed by police, and being physically attacked by security forces³³.

Enforced disappearances and extrajudicial killings

From 1 July 2008 to 30 September 2012, FIDH documented a total of 506 cases of extrajudicial killings³⁴. The report pointed out that over the past years, the number of enforced disappearances has been dramatically increasing. From May 2013 to December 2016, Odhikar documented 232 cases of enforced disappearance. This number only includes cases where family members or witnesses claimed that the victim was abducted by people in law enforcement uniform or by people identifying themselves as law enforcement agents. Of the 232 cases, 34 people were found dead, 137 resurfaced or appeared in police custody after a prolonged period of time, and the whereabouts of 61 persons were still unknown. Members of the Bangladeshi Rapid Action Battalion (RAB) were allegedly responsible for 94 of the 232 documented cases of enforced disappearance³⁵. From January to March 2017, FIDH documented 28 new cases of enforced disappearances³⁶. On 24 February 2017, the UN Working Group on Enforced or Involuntary Disappearances (UNWGEID) and four UN Special Rapporteurs called on Bangladesh to halt the increasing number of enforced disappearances in the country. The UNWGEID pointed out that we cannot consider the cases as isolated ones and that we face a growing trend³⁷.

From May 2013 to December 2016, Odhikar documented 727 cases of alleged extrajudicial killings by

harassment-against-messrs-adilur; FIDH, Bangladesh: Further acts of administrative and judicial harassment against Odhikar and its Secretary 27 May 2016 <https://www.fidh.org/en/issues/human-rights-defenders/bangladesh-further-acts-of-administrative-and-judicial-harassment>

30 <https://www.fidh.org/en/issues/human-rights-defenders/bangladesh-parliament-adopts-ngo-law-aimed-at-eradicating-any>

31 See for examples in 2016 and 2017 FIDH, OMCT, AFAD, ALRC, Forum-Asia, Odhikar, Mayer Dak, Joint NGO Alternative Report to the UN Human Rights Committee on Bangladesh (119th Session – 6-29 March 2017), Mrch 2017, http://www.omct.org/files/2017/02/24220/bangladesh_iccpr_report.pdf

32 Observatory for Human rights (a joint programme of FIDH and OMCT), Bangladesh, Human rights defenders trapped in a polarised political environment, November 2013,

https://www.fidh.org/IMG/pdf/obs_rapportbangladeshuk-ld.pdf; FIDH Bangladesh: Further acts of judicial harassment against Messrs. Adilur Rahman Khan and ASM Nasiruddin Elan, 13 January

2017 <https://www.fidh.org/en/issues/human-rights-defenders/bangladesh-further-acts-of-judicial-harassment-against-messrs-adilur>; FIDH, Bangladesh: Further acts of administrative and judicial harassment against Odhikar and its Secretary 27 May 2016 <https://www.fidh.org/en/issues/human-rights-defenders/bangladesh-further-acts-of-administrative-and-judicial-harassment>; for more information <https://www.fidh.org/en/region/asia/>

33 for cases in 2015 and 2016 see FIDH, OMCT, AFAD, ALRC, Forum-Asia, Odhikar, Mayer Dak, Joint NGO Alternative Report to the UN Human Rights Committee on Bangladesh (119th Session – 6-29 March 2017), Mrch 2017, http://www.omct.org/files/2017/02/24220/bangladesh_iccpr_report.pdf

34 https://www.fidh.org/IMG/pdf/obs_rapportbangladeshuk-ld.pdf

35 see FIDH, OMCT, AFAD, ALRC, Forum-Asia, Odhikar, Mayer Dak, Joint NGO Alternative Report to the UN Human Rights Committee on Bangladesh (119th Session – 6-29 March 2017), Mrch 2017, http://www.omct.org/files/2017/02/24220/bangladesh_iccpr_report.pdf

36 see report published by Swedish Radio on 4 April 2017 in FIDH, Officer reveals police link to extrajudicial killings and enforced disappearances, press release, 10 April 2017

37 OHCHR, UN expert group urges Bangladesh to stop enforced disappearances, 24 February 2017 it said that in a few years the number of cases had risen from “a few isolated cases” to more than 40, and that the number was continuing to grow. FIDH estimates the number of unresolved cases of enforced disappearances is significantly higher FIDH, Officer reveals police link to extrajudicial killings and enforced disappearances, press release, 10 April 2017, <https://www.fidh.org/en/region/asia/bangladesh/officer-reveals-police-link-to-extrajudicial-killings-and-enforced>

law enforcement agencies. Among them, members of the RAB allegedly killed 159 people and the police killed 446. From January to March 2017, FIDH documented 53 cases of alleged extrajudicial killings. At least six of the victims were killed by the RAB³⁸. Extrajudicial killings and enforced disappearances committed by police officers, soldiers, and RAB force members were among the key issues of concern that the UN Human Rights Committee (CCPR) highlighted. In its Concluding Observations adopted on 22 March 2017, the CCPR underscored the lack of investigations and accountability for perpetrators of such crimes.

Considering the above, we believe that in the case of Bangladesh the EBA leverage is underused and there are no tangible positive impacts on human rights. In addition, the attention provided to non-labour related issues (extrajudicial killings and enforced disappearances, the death penalty, freedom of association and expression, and the shrinking space for civil society) is insufficient. Echoing the EP recommendations³⁹, we call on the consultant to insist on the need for the EU to:

- Address all serious violations, not only labour-related issues, when considering EBA leverage.
- Remind the beneficiary country that the granting of trade preferences goes hand in hand with the possibility of withdrawing the EBA in case of serious and systematic human rights violations.
- Clarify the EBA withdrawal procedure and make it contingent on measurable and objective criteria.
- Apply the GSP+ ratification requirements and monitoring process to the EBA arrangement.

Case study 3: EBA in Burma/Myanmar

Since the EU granted Burma the EBA trade preferences in 2013⁴⁰, the ratification of human rights conventions has not progressed⁴¹ and the country's human rights record has marginally improved only in some areas⁴². Regrettably, longstanding discriminatory and repressive policies against Muslim Rohingya has led to a recent increase of human rights violations against them. Between October 2016 and February 2017, Burma's security forces carried out large-scale attacks against Rohingya population in northern Rakhine State, as part of what the government has euphemistically described as 'clearance operations' in response to attacks on three police border posts by armed assailants. These clearance operations have resulted in widespread and systematic human rights violations against men, women, and children, including: extrajudicial killings; enforced disappearances; torture and other ill-treatment, notably rape and other crimes of sexual violence; arbitrary arrests and detention; forced displacement; and destruction and looting of homes, food, and other property. UN officials estimated that more than 1,000 Rohingya might have been killed in the crackdown. In addition, military and police

38 FIDH, Officer reveals police link to extrajudicial killings and enforced disappearances, press release, 10 April 2017, <https://www.fidh.org/en/region/asia/bangladesh/officer-reveals-police-link-to-extrajudicial-killings-and-enforced>

39 European Parliament resolution of 29 April 2015 on the second anniversary of the Rana Plaza building collapse and progress of the Bangladesh Sustainability Compact (2015/2589(RSP))

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bTA%2bP8-TA-2015-0175%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN> the European Parliament recalled § 26 that without a sound conditionality in the area of human and labour rights, EBA and GSP risk exacerbating low standards in worker protection and undermining decent work; It called on the Commission to monitor and report back whether Bangladesh is adhering to human rights, labour and environmental conventions stressing that only countries that make good progress in social and labour standards should be rewarded by preserving full market access for their products;

40 The EU withdrew Myanmar from its scheme in 1997 after the ILO had launched, in 1996, a Commission of Inquiry against Myanmar. The EU reinstated the trade preference in 2013 after elections were authorized, after the long-time opponent, Aung San Suu Kyi was released from house arrest and entered the Parliament in 2012, and after the decision by the Conference of the International Labour Organisation (ILO) to lift its negative opinion on Myanmar. The EUGSP: a preference for human rights and good governance? the case of Myanmar, Laura Beke Nicolas Hachez, March 2015 https://ghum.kuleuven.be/ggs/publications/working_papers/new_series/wp151-160/wp155-beke-hachez.pdf

41 Burma has still not ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Convention Against Torture (CAT), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).

42 <https://www.fidh.org/en/region/asia/burma/why-a-unga-resolution-is-still-needed> ;
<https://www.fidh.org/en/region/asia/burma/government-s-first-100-days-fail-to-impress-on-human-rights>;
<https://www.fidh.org/en/region/asia/burma/historic-election-praised-amid-concerns-over-unaddressed-human-rights>;
https://www.fidh.org/IMG/pdf/20141021_burma_unga_briefer_en.pdf;
<https://www.fidh.org/en/region/asia/burma/14543-burma-fidh-altsean-burma-recommendations-concerning-eu-burma-investment>

operations resulted in the displacement of at least 97,000 Rohingya, including approximately 73,000 who fled to Bangladesh. A 'flash report' released on 3 February 2017 by the Office of the UN High Commissioner for Human Rights (OHCHR) documented serious human rights violations against the Rohingya population in northern Rakhine State and concluded that the attacks against Rohingya during the prolonged crackdown could "very likely" amount to crimes against humanity.

Human rights violations against the Rohingya have been consistently described as widespread and systematic - criteria that are sufficient to trigger the withdrawal procedure of the trade preferences. However, the EU has never linked this issue with the EBA or reminded Burma that the EBA is conditional to the respect of human rights and the end of discriminatory policies against Rohingya. FIDH considers that Burma would have benefited from a regime better inspired by the GSP+ arrangement, which requires the ratification of core human rights conventions and provides for an enhanced dialogue and a human rights monitoring process (see below the Philippines case study). We reiterate the recommendation to apply the human rights regime provided for GSP+ to the EBA arrangements.

Finally, we believe that the same recommendations stemming from the Cambodia case study (see above) should apply to the Burma situation, considering the serious human rights violations (such as excessive use of force by police and military personnel, arbitrary arrests and imprisonment) associated with widespread land confiscation⁴³.

Case study 4: GSP+ in the Philippines

The EU granted the Philippines trade preferences under the GSP+ in December 2014, allowing the country to export 6,274 eligible products duty-free to the EU market.

In 2015, FIDH and its member organization Philippine Alliance of Human Rights Advocates (PAHRA) issued a report that documented the pattern of extrajudicial killings, enforced disappearances, attacks, arbitrary arrests, and judicial harassment against human rights defenders, particularly those advocating for land and environmental rights, in the Philippines⁴⁴.

The human rights situation further deteriorated after the election of President Duterte in May 2016. During his election campaign, Duterte heavily emphasised the use of vigilante justice and pledged to kill up to 100,000 criminals during his first six months in office in order to eradicate crime and corruption. During his first press conference after Election Day on 16 May 2016, Duterte vowed to restore the death penalty by hanging for a wide range of crimes, with a particular focus on crimes involving drugs, rape, robbery, and kidnapping that resulted in the victims' death. On 31 May 2016, Duterte suggested corrupt journalists would not be "exempted from assassination". In November 2016, Duterte openly threatened to kill human rights defenders.

In 2006, the Philippines abolished the death penalty, for a second time, and subsequently became the first country in Southeast Asia to ratify the Second Optional Protocol to the International Convention on Civil and Political Rights (ICCPR), which forbids executions and commits the country to abolish the death penalty. As a result, the Philippines has a legal obligation to refrain from reintroducing capital punishment in its criminal justice system. In late 2016, the Philippines began however to discuss bills that seek to re-impose the death penalty, including for drug-related offences⁴⁵. On 7 March 2017, the House of Representatives approved House Bill 4727 to reinstate the death penalty for serious drug-

43 see in addition to FIDH publications like Burma: FIDH/ALTSEAN BURMA Recommendations concerning EU-Burma investment relations, <https://www.fidh.org/en/region/asia/burma/14543-burma-fidh-altsean-burma-recommendations-concerning-eu-burma-investment>, 29/01/2014

FIDH, Burma/Myanmar : arbitrary detention and sentencing of six human rights defenders, 19/05/2015, <https://www.fidh.org/en/region/asia/burma/burma-myanmar-arbitrary-detention-and-sentencing-of-six-human-rights>; FIDH, Burma/Myanmar: Arbitrary detention and sentencing of Mr. Thein Aung Myint, <https://www.fidh.org/en/region/asia/burma/burma-myanmar-arbitrary-detention-and-sentencing-of-mr-thein-aung>, 27/04/2015 ; FIDH, Burma: Killing of Mr. San Tun, <https://www.fidh.org/en/region/asia/burma/15528-burma-killing-of-mr-san-tun>, 12/06/2014 ; see Actalliance, the Pending EU-Myanmar Investment Protection Agreement: risks & opportunities, Report April 2017, <http://actalliance.org/wp-content/uploads/2017/04/EU-Myanmar-IPA-Risks-and-Opportunities.pdf>. The global new light of myanmar, April 2017, 13 reports that 2,075 land grabbing complaints have been settled in one year to the central committee on scrutinising confiscated farmlands. 4,184 complaints were received from May 2016 to March 2017, 251 cases have been dealt, with 3,933 left.

44 Philippines: Human rights defenders remain steadfast in their struggle for justice amid pervasive culture of violence and impunity

45 PAHRA, Philippine Alliance of human rights advocates <https://philippinehumanrights.org/news/11-statements/17-plans-to-reinstate-the-death-penalty-must-be-abandoned>

related crimes. This would be also in breach of international law, which requires that even states that retain the death penalty may impose it only for “the most serious crimes”, that is, those involving intentional killing. International jurisprudence has made it repeatedly clear that drug-related offenses do not meet the threshold of “the most serious crimes”⁴⁶.

In October 2016, ICC Prosecutor Fatou Bensouda issued a statement that expressed concerns over extrajudicial killings in the Philippines. She indicated her office may initiate a preliminary examination into possible crimes against humanity under the Rome Statute. Since Duterte took office on 30 June 2016, there have been more than 7,000 drug-related extrajudicial killings, with the police being responsible for the killing of at least 2,500 alleged drug offenders⁴⁷.

This disturbing trend in the Philippines has been caught on the radar of the GSP+ mechanism. In January 2017, the EU Ambassador to the Philippines Franz Jessen said the planned reintroduction of the death penalty and the alleged cases of extrajudicial killings were among the considerations in the review of the country's GSP+ status⁴⁸. In February 2017, the Council of the European Union met to discuss a Philippines GSP+ mission. In March 2017, the EP urged the EC to use “all available instruments to persuade the Philippines to put an end to extrajudicial killings related to the anti-drug campaign including, in the absence of any substantive improvements in the next few months, procedural steps with a view to the possible removal of GSP+ preferences”⁴⁹. In addition, European Commissioner for Trade Cecilia Malmström closely discussed the possible reinstatement of the death penalty, extrajudicial killings, and the proposal to lower the age of criminal liability to nine years with the Philippine authorities. Ms Malmström reminded the Philippines that the GSP+ “opens up good trade possibilities, but it is also subject to certain measures”⁵⁰.

In the case of the Philippines, the monitoring mechanisms and enhanced dialogue attached to the GSP+ arrangement were useful to raise important human rights concerns. However, these kinds of statements based on the GSP scheme do not necessarily lead to EU taking further action through the use of the trade preference as leverage.

Case study 5: GSP+ in Pakistan

Pakistan was granted GSP+ preferences in 2014. The EC issued its monitoring report on the GSP in January 2016. The EC's report recognised that human rights violations in the country remain a serious challenge. Not only have certain violations persisted over the past several years, but the country has also taken significant step backs, such as the lifting of the de facto moratorium on executions in December 2014 and the execution of over 400 people since then, in many cases in violation of basic fair trial standards. The work of human rights defenders and civil society organisations has become more difficult with registration with the authorities being made more onerous and work in parts of the country contingent on prior approval. A number of organisations working in the field of human rights have had to face the specter of closure apparently on account of their work. Some of them were allowed to work on courts' intervention. Visits by security personnel to NGO offices also contributed to an environment of intimidation. The widespread impunity for violence against journalists continued.

The GSP+ preferences have not led to removal of hurdles in law that workers in Pakistan face to form unions or raise demands for their rights. There has been no positive impact on workers. In fact, neglect of labour rights continues.

Given the worrying lack of tangible progress in some areas and a clear backsliding in others, FIDH and its member organization in Pakistan, the Human Rights Commission of Pakistan (HRCP) have urged the EU to take a firm stance in its dialogue with Pakistan and to insist on Pakistan's effective implementation of its obligations under international human rights conventions, including by focusing on several concrete and verifiable human rights achievements. In addition, FIDH and the HRCP urged the EC to clarify several points of its 2016 monitoring report, including :

46 UN experts urge Filipino legislators to reject death penalty bill - See more at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21388&LangID=E#sthash.nrzPU3xj.dpuf>
16 March 2017 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21388&LangID=E>

47; The Philippines' 'war on drugs' – 79th update, 23 April 2017

48 <http://www.philstar.com/business/2017/01/19/1663879/exports-can-withstand-eu-gsp-loss>

49 European Parliament resolution of 16 March 2017 on the Philippines – the case of Senator Leila M. De Lima (2017/2597(RSP)) <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bTA%2bP8-TA-2017-0088%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>

%2f%2fEP%2f%2fTEXT%2bTA%2bP8-TA-2017-0088%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN

50 <https://www.neweurope.eu/article/eu-takes-aim-murderous-war-drugs-philippines/> and

<http://www.gmanetwork.com/news/story/602681/money/economy/eu-phl-at-risk-of-losing-billions-of-dollars-if-death-penalty-is-passed#sthash.MmE0gozk.dpuf>

1. The concrete priorities, actions, and timelines that the EC has identified with Pakistan with regards to improving Pakistan's implementation of international human rights conventions.
2. The Pakistani authorities' plan to address ongoing serious violations, such as: enforced disappearances, torture and ill-treatment, attacks, and harassment against HRDs; discrimination against religious minorities; unfair trials; and the death penalty.
3. The EC's assessment that the action plan to be adopted by Pakistan is satisfactory with regard to its human rights obligations and under the GSP+ regulation.

FIDH regrets it has not received any response from the EU on these points. This reveals that the reporting exercise done by the EC could appear approximate to allow third parties, including the European Parliament, to assess not only the efficiency of the GSP+ arrangement, but also the quality of the dialogue set up with the authorities and the efficiency of the monitoring mechanism.

Our organisations recommend the consultant consider the Pakistan case in light of the recommendation formulated in the present paper (see above, General assessment and recommendations) to improve the monitoring and reporting process. We also recommend the consultant take into consideration the EP's request to ensure that CSOs are given a formal role in GSP+ monitoring, in particular through a procedure to hear and respond to concerns addressed to the EC⁵¹.

51 European Parliament resolution of 5 July 2016 on implementation of the 2010 recommendations of Parliament on social and environmental standards, human rights and corporate responsibility (2015/2038(INI))
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bTA%2bP8-TA-2016-0298%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>