EUROPEAN
COMMISSION

HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 28.1.2016
SWD(2016) 8 final

JOINT STAFF WORKING DOCUMENT

'The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') covering the period 2014 – 2015

Accompanying the document

Report from the Commission to the European Parliament and the Council

Report on the Generalised Scheme of Preferences during the period 2014 – 2015

{COM(2016) 29 final}

JOINT STAFF WORKING DOCUMENT

THE EU SPECIAL INCENTIVE ARRANGEMENT FOR SUSTAINABLE DEVELOPMENT AND GOOD GOVERNANCE ('GSP+') COVERING THE PERIOD 2014 – 2015

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1. Introduction

This Staff Working Document (SWD) accompanies the Report on the Generalised Scheme of Preferences and sets out in greater detail the functioning of the GSP+ since Regulation EU (No) 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences[1] ("GSP Regulation") started to apply on 1 January 2014. It provides an overview of the GSP+, and the international conventions that beneficiaries must ratify and effectively implement. It also analyses the effects and utilisation of the GSP+ among the beneficiary countries, based on the information available at the time of writing. Unless stated otherwise, this report reflects the effects of the GSP+ as of 1 November 2015.

1.1.What is GSP+?

Under the GSP Regulation, the Special Incentive Arrangement for Sustainable Development and Good Governance, or "GSP+", is an instrument of the EU trade policy which aims to encourage third countries to comply with core international standards in the areas of human rights, labour rights, environmental protection and good governance. It is a special arrangement of the Generalised Scheme of Preferences. While the general GSP arrangement ("Standard GSP") generally grants tariff reductions or suspensions to developing countries on about 66% of EU tariff lines, the GSP+ offers additional advantages through complete duty suspensions for essentially the same goods. In return, beneficiary countries must commit to ratify and effectively implement core international conventions on human and labour rights, environmental protection, and good governance. Beneficiaries must also commit to cooperate with both the monitoring procedures imposed by those conventions, and the EU's monitoring procedure on the GSP+.

Standard GSP beneficiaries wishing to benefit from the GSP+ must demonstrate that they meet the entry requirements for the GSP+, as set out by the GSP Regulation. Applications are accepted by the Commission at any time. Once a country has requested admission to the GSP+, the EU will evaluate the application within 10 months. The Commission has up to 6 months to examine the application and, provided the entry requirements are met, to propose the granting of GSP+ preferences. The Council of the EU and the European Parliament then have up to 4 months to consider the Commission's proposal.

1.2. Conditions for GSP+ beneficiary status

1.2.1. Precondition: Standard GSP conditions

To be eligible for GSP+, countries must first fulfil the precondition of being beneficiaries of the Standard GSP. To benefit from the Standard GSP, countries must not previously have been classified for 3 consecutive years as upper-middle or high-income income

[1] OJ L 303, 31.10.2012, p. 1

economies by the World Bank, and must not benefit from other EU preferential market access arrangements offering the same, or better, tariff preferences. Should this be the case, countries cease to be GSP and also GSP+ beneficiaries, following a transitional period.

1.2.2. Vulnerability

To be eligible for GSP+, GSP beneficiaries must be considered 'vulnerable' due to a low level of economic diversification, and a low level of integration within the international economy. Annex VII to the GSP Regulation provides two numerical criteria to determine 'vulnerability'. Firstly, the seven largest sections of a country's GSP imports into the EU must represent more than 75% of the value of all sections of a country's GSP imports. Secondly, that country's GSP imports into the EU must represent less than 6,5%[2] of the value of the EU's total GSP imports from all GSP beneficiaries.

1.2.3. Ratification, reservations and implementation of core conventions at entry

When applying for GSP+, a country is required to have already ratified the 27 core international conventions listed in Annex VIII of the GSP Regulation. These conventions cover human and labour rights, environmental protection, and good governance. Moreover, a country must not have formulated any reservations which are prohibited by those conventions, or which are incompatible with the object and purpose of the conventions. Lastly, for a country to be admitted to the GSP+, the most recent available conclusions and recommendations of the conventions' monitoring bodies must have not identified a serious failure to effectively implement any convention.

1.2.4. Undertaking to maintain ratification and effectively implement core conventions

To be accepted into the GSP+, countries must sign a binding undertaking[3] to maintain their ratification of the 27 conventions, and to ensure their effective implementation.

1.2.5. Undertaking to cooperate in GSP+ monitoring

GSP+ applicants must also accept without reservation the reporting requirements and monitoring imposed by those conventions. They must also agree to participate in and co-operate with the EU GSP+ monitoring led by the European Commission. This cooperation enables the Commission to monitor beneficiaries' compliance with their undertakings under the GSP+.

[2] Commission Delegated Regulation (EU) 2015/602 of 9 February 2015 (OJ L 100, 17.4.2015, p. 8).

[3] Commission Delegated Regulation (EU) No 155/2013 of 18 December 2012 (OJ L 48, 21.2.2013, p. 5).

1.3.What are the GSP+ covered conventions?

1.3.1. The 27 core conventions

The 27 international conventions relevant to the GSP+ are listed in Annex VIII to the GSP Regulation. Part A of Annex VIII contains seven United Nations (UN) conventions on human rights, and eight International Labour Organisation (ILO) conventions on labour rights. Part B of Annex VIII contains eight conventions on the protection of the environment, and four conventions on good governance principles.

1.3.2. UN Human Rights Conventions

Seven UN conventions on human rights are relevant to the GSP+, as follows:

- Convention on the Prevention and Punishment of the Crime of Genocide
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- International Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Discrimination Against Women
- Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child.

Each of the human rights conventions establishes a specialised committee of independent experts responsible for monitoring the implementation of the convention. States parties are obliged to report periodically to these committees. Detailed information on reporting requirements and parties' compliance can be found on the website of the United Nations High Commissioner for Human Rights (UNHCHR).[4]

States parties are only obliged to report periodically to the committees established under each convention. In some cases, states parties have not reported to the committees during the period of 2012-2014, or no committee reports are available. It should also be noted that as the reports of the committees aim to ensure full implementation of the conventions, they generally focus on shortcomings.

The **Convention on the Prevention and Punishment of the Crime of Genocide** bans acts committed (during war or peace) with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group. This convention does not provide for a monitoring committee.

The **International Covenant on Civil and Political Rights** (ICCPR) provides for a wide range of rights, including the right to life; the right to freedom from torture and cruel, inhuman or degrading treatment and punishment; the right to liberty and security of the person; the right of detained persons to human treatment; the right to freedom of movement; the right to a fair trial; the right to freedom of thought, conscience, and religion; the right to freedom of opinion and expression; and the right to freedom of assembly and association. The ICCPR also provides that all peoples have the right to

[4] www.ohchr.org

self-determination and that minorities have the right to enjoy their own culture, practise their own religion and use their own language. Two optional protocols provide for:

(1) the possibility of individual complaints with regard to alleged violations of the Covenant by state parties;

(2) the abolition of the death penalty in the territory under the jurisdiction of the state party.

However, it is not necessary to ratify or implement these optional protocols to benefit from the GSP+.

The Human Rights Council (HRC) monitors the implementation of the ICCPR. Each state party is obliged to submit a report on adopted measures and on progress made to the HRC within one year after the ICCPR entering force, and every 4 years thereafter.

The **International Covenant on Economic, Social and Cultural Rights** (ICESCR) focuses on economic, social, and cultural rights. These include the right to just and favourable conditions of work, the right to form trade unions and the right to strike, the right to social security, the right to an adequate standard of living, the right to education, and the right to take part in cultural life. The ICESCR also lists the right to self-determination for all peoples. Its implementation is monitored by the Committee on Economic, Social and Cultural Rights (CESCR). Parties must submit a report within two years after the ICESCR entering force, and every 5 years thereafter. The CESCR examines the reports, adopts concluding observations, and makes recommendations to the states parties.

The **International Convention on the Elimination of All Forms of Racial Discrimination** (ICERD) prohibits racial discrimination in all its forms. The ICERD requires states parties not to engage in acts of racial discrimination, to amend any laws which create racial discrimination, and to end racial discrimination by all persons or groups. Moreover, states parties must declare the dissemination of ideas based on racial superiority or incitement to racial hatred as criminal offences, and must prohibit organisations which promote racial discrimination. Implementation is monitored by the Committee on the Elimination of Racial Discrimination (CERD). All states parties are obliged to submit reports to the committee one year after acceding to the ICERD, and every two years thereafter. The CERD adopts concluding observations, and makes suggestions and recommendations to states parties.

The **Convention on the Elimination of All Forms of Discrimination Against Women** requires states parties to eliminate discrimination against women in political and public life, to accord women equality before the law, and to eliminate discrimination against women concerning acquisition of nationality, and in matters concerning marriage and family relations, with an emphasis on measures in rural areas.

The Committee on the Elimination of Discrimination against Women (CEDAW) monitors states parties' compliance with the convention. States parties must submit a report to the CEDAW on the legislative, judicial, administrative or other measures adopted within a year after the convention's entry into force, and at least every 4 years thereafter. The CEDAW examines the reports, adopts concluding observations, and makes recommendations to the states parties.

The convention is supplemented by an optional protocol recognizing the competence of the CEDAW to receive and consider complaints from individuals or groups, and to initiate inquiries into situations of grave or systematic violations of women's rights.

The **Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment** bans torture under all circumstances. It requires states parties to prevent torture and to ensure that acts of torture are criminal offences; furthermore it forbids states from expelling persons to states where they would be in danger of being tortured. The convention also requires a state party to prevent acts of cruel, inhuman or degrading treatment or punishment not amounting to torture. The optional protocol to the convention creates the UN Subcommittee on Prevention and allows in-country inspections of places of detention to be undertaken in collaboration with national institutions. However, it is not necessary for countries to have ratified and implemented this optional protocol to benefit from the GSP+. All states parties are obliged to submit regular reports to the monitoring Committee against Torture (CAT), initially one year after acceding to the convention, and every 4 years thereafter. The CAT examines the reports, adopts concluding observations, and makes recommendations to the states parties.

The **Convention on the Rights of the Child** requires states parties to ensure that in all actions concerning children undertaken by state authorities, the best interests of the child are a primary consideration. The convention provides a range of rights for children relating to registration of birth, respect for identity, protection against separation from parents, family reunification, freedom of thought and expression, freedom of association, access to information, protection from physical or mental violence, adoption, health care, mental or physical disability, social security, adequate living standards, education, and protection from exploitation.

The convention is supplemented by two optional protocols concerning the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict. However, it is not necessary for countries to have ratified these optional protocols to benefit from the GSP+.

The Committee on the Rights of the Child (CRC) monitors states parties' implementation of the convention. All states parties must report to the committee on the implementation of the convention, initially two years after acceding to the convention, and every 5 years thereafter. The CRC examines the reports, and addresses its concerns and recommendations to the states parties through its concluding observations.

1.3.3. ILO Labour Rights Conventions

Eight fundamental ILO conventions on labour rights are relevant to the GSP+, as follows:

- Freedom of Association and Protection of the Right to Organise Convention (No 87)
- Right to Organise and Collective Bargaining Convention (No 98)
- Forced Labour Convention (No 29)
- Abolition of Forced Labour Convention (No 105)
- Minimum Age Convention (No 138)

- Worst Forms of Child Labour Convention (No 182)
- Equal Remuneration Convention (No 100)
- Discrimination (Employment and Occupation) Convention (No 111).

In general, states must report every three years on the steps taken to implement the eight fundamental ILO conventions. The Committee of Experts on the Application of Conventions and Recommendations (CEACR; hereinafter referred to as the Committee of Experts), is an impartial body of 20 legal experts. It reviews states' reports and publishes an annual report on members' compliance with the fundamental ILO conventions. The Committee of Experts' annual report is published on the ILO website, and all observations on the implementation of the conventions can be found on the ILO's NORMLEX database.

The first part of the Committee of Experts' report describes the committee's work, and the extent to which Member States have fulfilled their reporting obligations. It also identifies cases for which the Committee of Experts has decided to insert special notes, according to the seriousness and persistence of the problem, the urgency of the situation, or the quality and scope of a government’s response in its reports. Depending on the seriousness of the problem, governments may be requested to submit early reports on these cases ("single footnoted cases"), or may be requested to provide full information to the next International Labour Conference ("double footnoted cases").

The second part of the Committee of Experts' report publishes observations concerning individual countries. Besides reflecting information on legislation and governmental practice, other sources of information are taken into account, including comments of employers' and workers' organisations. Also considered are the proceedings and findings of other ILO supervisory bodies, such as the Committee on the Application of Standards of the International Labour Conference (CAS), the Governing Body's Committee on the Freedom of Association (CFA), and the findings of the special procedures.

The Committee of Experts' report feeds into the work of the CAS, where measures taken by the ILO Member States are considered, and 24-25 exemplary individual cases of serious failure of the fulfilment of the conventions' requirements are discussed, and conclusions are adopted. The individual cases are selected through negotiations between social partners (employers' and workers' representatives) in the countries that have been the object of an observation in the Committee of Experts' report. Customarily, the social partners include in this list also the "double footnoted cases" identified by the Committee of Experts. The CAS's General Report is then adopted by the International Labour Conference.

ILO monitoring is not limited to legal implementation, but focuses also on concrete application and technical issues, including cases of progress and good practice. The reports of the Committee of Experts and the CAS also evaluate states' willingness to address problems in complying with ratified labour standards, and to cooperate with the ILO.

1.3.4. UN Conventions on Environmental Protection and Climate Change

Eight international conventions on environmental protection and climate change are relevant to the GSP+, as follows:

- Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and Their Disposal
- Stockholm Convention on Persistent Organic Pollutants
- Convention on International Trade in Endangered Species of Wild Fauna and Flora
- Convention on Biological Diversity
- Cartagena Protocol on Biosafety
- Montreal Protocol on Substances that Deplete the Ozone Layer
- UN Framework Convention on Climate Change
- Kyoto Protocol to the UN Framework Convention on Climate Change.

The **Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and Their Disposal** aims to reduce hazardous waste generation. It covers a wide range of wastes defined as "hazardous", as well as household and incinerator ash. The Convention calls for environmentally sound management of hazardous waste by ensuring the availability of adequate disposal facilities, located close to the source of generation. The Convention also seeks to limit and regulate trans-boundary movement of hazardous waste. This includes written consent between concerned states, exchange of information, and technical assistance.

Before the end of each calendar year, each party must submit a report containing comprehensive information on its implementation of the convention. These national reports are reviewed by the Implementation and Compliance Committee, which also reviews individual cases of non-compliance.

The **Stockholm Convention on Persistent Organic Pollutants** aims to protect human health and the environment from persistent organic pollutants (POPs). POPs are hazardous chemicals that are toxic to humans and wildlife. They remain intact in the environment for long periods, become widely distributed geographically, and accumulate in the fatty tissue of living organisms. POPs circulate globally and cause damage wherever they are distributed.

A non-compliance mechanism under the Stockholm Convention has not yet been established. Although no compliance committee exists, compliance and implementation is assessed through the requirement for parties to submit a National Implementation Plan. Every four years, parties must also submit a National Report on the effectiveness of measures taken to implement the convention.

The **Convention on International Trade in Endangered Species of Wild Fauna and Flora** (CITES) is among the most prominent conservation agreement. Its aim is to ensure that international trade in more than 35000 animal and plant species does not threaten their survival. The list of species covered by CITES is regularly updated by the Conference of the Parties which meets every three years. Under the CITES framework, Parties have to enact an adequate legislation, report on trade levels in CITES products and implement specific measures against illegal trade in particularly endangered species (such as elephants, rhinoceroses, Asian big cats and some rosewood species). The implementation of CITES is monitored by the CITES Secretariat and the Standing Committee.. The Standing Committee is a powerful compliance body, as it can decide upon sanctions, including trade suspensions, in case of failures by Parties to properly

implement their obligations under CITES . The Secretariat of CITES is a repository of information on the implementation of the Convention and receives information and reports that it has to communicate to the Parties. This is done through the Notifications to the Parties.

The **Convention on Biological Diversity** (CBD) aims to ensure the conservation and sustainable use of all ecosystems, species and genetic resources. It has three main goals: conserving biological diversity, ensuring the sustainable use of its components, and fairly sharing the benefits arising from the use of genetic resources. The CBD is legally binding for the parties, which must establish a National Biodiversity Strategy and Action Plan (NBSAP) outlining actions to implement the CBD. Parties must report on implementation every four years.

The governing body of the CBD, the Conference of Parties, adopted the **Cartagena Protocol on Biosafety** in 2000. The protocol aims to ensure a balance between the sustainable use of modern biotechnology and economic interests. The protocol governs the trans-boundary movement of Genetically Modified Organisms (GMOs), and authorises states to prevent the import of GMOs according to the precautionary principle.

The **Montreal Protocol on Substances that Deplete the Ozone Layer** reflects the need to phase out the production and consumption of ozone-depleting substances. Adjustments through decisions of the parties allow the protocol to react to new scientific developments and technical progress. The protocol provides for two key control measures: data reporting and a non-compliance procedure. Parties report every year to the Ozone Secretariat in Nairobi, Kenya, on production, import and export of ozone-depleting substances referred to in the protocol. In addition, the Implementation Committee monitors compliance on the basis of the data provided, and makes extensive reports on non-compliant countries. The committee recommends an ‘indicative list’ of measures to be taken in case of non-compliance, through adoption of the Meeting of the Parties to the Montreal Protocol. These measures include issuing formal cautions and suspending specific rights and privileges, as well as finance and trade measures. The Multilateral Fund of the Montreal Protocol provides assistance to countries to comply with the protocol.

The **UN Framework Convention on Climate Change** (UNFCCC) was included among the conventions relevant to the GSP+ by the 2012 reform to the GSP, in order to place further emphasis on the importance of effectively addressing climate change issues.

Each party is obliged to report on its implementation of the convention. However, developing countries have only to submit a national inventory of emissions and removals of greenhouse gases, and a general description of steps taken to implement the convention. There are no fixed dates for developing countries to submit national communications, although in principle reports should be submitted within 4 years of the initial financial support to assist them with preparing the reports. Moreover, rather than being subject to an in-depth review by an international team of experts, developing countries' reports are instead considered by a dedicated group set up by the Subsidiary Body on Implementation.

Ahead of the 2015 Conference of the Parties in Paris (COP21), parties committed to undertake certain post-2020 climate actions. These commitments were communicated in the form of an Intended Nationally Determined Contribution (INDC). While these communications outlined parties' intended actions on climate change, submission of an

INDC was optional under the UNFCCC, and so is not taken into account by GSP+ monitoring.

The **Kyoto Protocol to the UN Framework Convention on Climate Change** is an international framework to combat global warming by reducing greenhouse gas emissions through internationally binding commitments. Adopted in 1997 and entering into force in 2005, the protocol has been amended several times, most recently through the Doha Amendment in December 2012. The first commitment period ended in 2012, during which parties committed themselves to reduce their greenhouse gas emissions by an average of 5% against 1990 levels. A reduction of 18% has been agreed for the second commitment period (2013 to 2020), although not all parties of the first period have joined the commitments of the second period.

The protocol provides for an International Emissions Trading mechanism, where emission transactions must be reported to the UN Climate Change Secretariat. The Secretariat verifies that transactions are consistent with the commitments. The protocol also establishes an Adaptation Fund to finance projects in developing countries to mitigate the adverse impacts of climate change.

1.3.5. UN Conventions on Good Governance

Four international conventions on good governance principles are relevant to the GSP+, as follows:

- UN Single Convention on Narcotic Drugs
- UN Convention on Psychotropic Substances
- UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances
- UN Convention against Corruption.

The three major international drug control conventions are mutually supportive and complementary. They seek to codify internationally applicable control measures to ensure the availability of narcotic drugs and psychotropic substances for medical and scientific purposes, while preventing their diversion into illicit channels. They also include provisions on illicit trafficking and drug abuse.

The **UN Single Convention on Narcotic Drugs**, adopted in 1961, aims to combat misuse of narcotic drugs. First, it seeks to limit the possession, use, trade, distribution, import, export, manufacture, and production of drugs exclusively to medical and scientific purposes. Second, it combats drug trafficking through international co-operation to deter and discourage drug traffickers.

The **UN Convention on Psychotropic Substances** entered into force in 1976. It establishes an international control system for psychotropic substances not covered by the Convention on Narcotic Drugs. It responded to the diversification and expansion of the spectrum of drugs of abuse and introduced controls over a number of synthetic drugs according to their abuse potential and their therapeutic value.

The **UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances** entered into force in 1990. It provides additional regulative mechanisms to enforce the abovementioned conventions through comprehensive measures against drug

trafficking, including provisions against money laundering and the diversion of precursor chemicals. It also covers international co-operation through, for example, extradition of drug traffickers, controlled deliveries and transfer of proceedings.

The International Narcotics Control Board (INCB) monitors compliance with the three international drug control conventions. It has the authority to investigate the failure of any country to carry out the conventions' provisions, including countries that are not parties to the conventions. The INCB recommends actions and suggests adjustments to both international and national control regimes. As well as reporting on compliance with the conventions, the INCB can recommend sanctions to the parties, which can extend to stopping the export or import of particular psychotropic substances.

The **UN Convention against Corruption** (UNCAC) entered into force in 2005. It covers several areas: prevention and criminalisation of a wide range of acts of corruption, law enforcement, international co-operation, asset recovery, and technical assistance. The convention covers a broad range of actions defined as corruption, including trading in influence, abuse of function, and corruption in the private sector. It is the only global anti-corruption instrument which is legally binding.

The Conference of the State Parties has established a mechanism to monitor implementation of the convention. After undergoing a comprehensive self-assessment, states parties review each other in groups of three, selected by lot. The monitoring process is carried out by governmental experts. Country review reports remain confidential, although countries are encouraged to publish their reports, and executive summaries are made available.

1.4.The GSP+ monitoring process

The reformed GSP Regulation requires enhanced monitoring of the GSP+ beneficiaries' compliance with their commitments made when entering the arrangement. Once a country is granted GSP+ benefits, the Commission monitors that it abides by its undertaking, namely to:

- maintain ratification of the international conventions covered by the GSP+ arrangement;
- ensure their effective implementation;
- comply with reporting requirements of the monitoring bodies;
- accept regular monitoring and review of its implementation record in accordance with the conventions;
- cooperate with the Commission in its monitoring role and provide all necessary information.

Each GSP+ beneficiary is subject to a continuous and structured monitoring process by the Commission. In particular, this involves an ongoing dialogue with beneficiary authorities based on a list of salient shortcomings identified in its implementation of the relevant conventions (the GSP+ "scorecard").

1.4.1. GSP+ dialogue and scorecards

As a beneficiary joins the GSP+, the Commission compiles an assessment of the beneficiary's compliance with its GSP+ commitments (the first "scorecard"). This formal "scorecard" notes the salient shortcomings identified in particular by the international conventions' monitoring bodies. This begins the ongoing GSP+ dialogue, during which the Commission draws the beneficiary's attention to the areas listed in the scorecard. Whenever possible, the dialogue makes use of existing political and institutional links between the EU and beneficiaries[5].

The lists of issues in the scorecard are updated annually, and seek to reflect beneficiaries' progress in the effective implementation of the conventions. The assessment reflects developments on the ground, where beneficiaries are expected to demonstrate serious efforts towards tackling the identified problems. The Commission seeks to take every possible opportunity to discuss these issues with beneficiary countries, to result in a constructive and continuing GSP+ dialogue.

In line with the GSP Regulation, GSP+ monitoring takes into account the views from a wide range of sources beyond the international conventions' monitoring bodies, including civil society, social partners, the European Parliament and the Council. A wide range of stakeholders are also involved in the beneficiary countries – not just the central government, but local or regional authorities, civil society (e.g. social partners, non-governmental organisations), business associations, and local offices of international organisations. As part of its monitoring, the Commission may participate in local workshops, or field visits to industries. Reaching out to local stakeholders, particularly during GSP+ monitoring visits, is important not only to gather first-hand information, but also to improve understanding of how the GSP+ works, and the EU's expectations of beneficiaries. This helps local stakeholders to play a constructive role in assisting local, regional and central authorities to meet their commitments under the conventions. In particular, as direct beneficiaries of tariff preferences, economic operators are expected to play a key role in supporting implementation of the conventions.

1.4.2. Challenges to GSP+ monitoring

The conventions relevant to the GSP+ do not all provide for a regular, continuous monitoring mechanism. Some of the environmental conventions, for example, establish committees which only examine individual cases of non-compliance, rather than issuing general and consecutive reports which cover all states parties. In other cases, reports may not exist for certain countries, even in cases of shortcomings. Other reports, such as those concerning compliance with the UN Convention against Corruption, may be entirely published on a voluntary basis.

[5] Due to the differing goals pursued under each of the 27 conventions, GSP+ cuts across a number of areas which traditionally fall outside trade policy such as foreign policy, development, labour, environment etc. These policy areas fall within the competence of different Commission services and the European External Action Service (EEAS). As a result, GSP+ issues may be raised in existing bilateral dialogues with beneficiaries under different formats such as, for example, trade dialogues, human rights dialogues, Joint Commission, etc.

Therefore, the GSP+ monitoring process does not rely on information from the conventions' monitoring bodies alone. Instead, the Commission gathers information from as wide a range of sources as possible, including civil society organisations, NGOs, EU Delegations in the beneficiary countries, and through the ongoing dialogue with the government authorities. GSP+ monitoring field visits to beneficiary countries are particularly useful in this regard. However, the Commission carefully evaluates all monitoring information gathered – information from sources other than the conventions' monitoring bodies cannot always be verified.

1.4.3. Temporary withdrawal

Beneficiaries must demonstrate a positive record of compliance with and effective implementation of the commitments made upon entry into the GSP+. If the Commission has a reasonable doubt that a beneficiary does not respect its binding undertaking to comply with the reporting obligations under the international conventions, or to cooperate with the relevant monitoring bodies or with the Commission, or to maintain ratification and ensure the effective implementation of the relevant international conventions, then the Commission will consider opening an investigation into whether a beneficiary is complying with its GSP+ undertaking. Following this, GSP+ benefits may be temporarily withdrawn, until the beneficiary demonstrates compliance with the GSP+.

1.5.GSP+ beneficiary countries

For the reporting period of 2014-2015, 14 countries benefitted from the GSP+[6]. Armenia, Bolivia, Cape Verde, Costa Rica, Ecuador, Georgia, Mongolia, Pakistan, Paraguay and Peru were granted GSP+ benefits from 1 January 2014[7], followed by El Salvador, Guatemala and Panama from 28 February 2014[8], and the Philippines from 25 December 2014[9].

Ecuador was classified by the World Bank as an upper-middle income country in 2011, 2012, and 2013. Following a 2-year transition period, it therefore ceased to be a GSP+ beneficiary from January 2015[10].

Costa Rica, El Salvador, Guatemala, Panama and Peru will cease to be GSP+[11] beneficiaries from January 2016. These countries have benefitted from a free trade

[6] The Commission proposed to grant GSP+ to Kyrgyzstan on 25 November 2015. If the European Parliament or the Council do not object this proposal within the following two months, possibly prolonged of two more months, Kyrgyzstan will be admitted to the arrangement and subjected to the GSP+ monitoring in the next reporting period (2016-2017).

[7] Commission Delegated Regulation (EU) No 1/2014 of 28 August 2013 (OJ L 1, 4.1.2014, p. 1).

[8] Commission Delegated Regulation (EU) No 182/2014 of 17 December 2013 (OJ L 57, 27.2.2014, p. 1).

[9] Commission Delegated Regulation (EU) No 1386/2014 of 19 August 2014 (OJ L 369, 24.12.2014, p. 33).

[10] Commission Delegated Regulation (EU) No 1421/2013 of 30 October 2013 (OJ L 355, 31.12.2013, p. 1) and Commission Delegated Regulation (EU) No 1015/2014 of 22 July 2014 (OJ L 283, 27.9.2014, p. 20).

[11] Commission Delegated Regulation (EU) No 1015/2014.

agreement with the EU since 2013, and have remained in the GSP+ for a transition period. Similarly Georgia will cease to be a GSP+ beneficiary from January 2017, as it has benefitted from EU preferential market access under a bilateral deep and comprehensive free trade agreement (DCFTA) since 2014[12].

The following sections of the Staff Working Document provide analysis of the effects of the GSP+ on each beneficiary. This includes information on beneficiaries' ratification, compliance with, and implementation of the international conventions relevant to GSP+.

[12] Commission Delegated Regulation (EU) 2015/1979 of 28 August 2015 (OJ L 289, 5.11.2015, p. 3).

2. Armenia — GSP+ Assessment

2.1.Country Overview

The first years following Armenia's independence from the USSR in 1991 were very turbulent. The Nagorno-Karabakh conflict and a transportation blockade by Azerbaijan and Turkey which left landlocked Armenia with the two longest out of its four borders closed, as well as an energy crisis and difficult transition from a centrally planned to a market economy contributed to the country's economic collapse and emigration of a quarter of its population in the early 1990s. In the mid-1990s Armenia began to recover economically, but the unresolved conflict and two closed borders, as well as high outward migration, remain to this day. Moreover, Armenia was hit hard by the Georgia-Russia war and international financial and economic crisis at the end of the first decade of this century. Despite subsequent resumption of economic growth serious economic difficulties and related social problems persist. At present, Armenia in particular strongly feels the impact of western sanctions on Russia (a sharp decrease of exports and remittances). Armenia has to continue implementing sound macroeconomic policies against external vulnerabilities, while supporting with further reforms the transition to a more competitive and globally integrated economy.

The domestic political situation remains fragile. An excessive overlap between political and economic interests has depleted public trust in political elites, as has their record of rigged elections and corrupt administrative practices. Polarisation between political parties deepened in 2008 when the police and army forcefully dispersed mass protest after presidential elections, leaving several dead and wounded. In the following years, the Armenian authorities made more serious efforts to address problems in the area of human rights, democracy and rule of law, but further important work remains ahead, in particular as regards implementation and enforcement of adopted legislation and the rebuilding of public trust. Towards the end of 2015, the political scene was focused on constitutional reform, including the referendum. The reform aims at transforming Armenia from a semi-presidential democracy to a parliamentary one. The process was criticised by the majority of the opposition and civil society, questioning the motives and the process guiding the reform. The EU took note of the concerns expressed on the constitutional referendum held on December 6th and has urged the authorities to fully investigate in a transparent manner fraud allegations. The draft constitutional amendments were consulted closely with the Council of Europe's Venice Commission, whose opinion of the final draft was mostly positive.

In 2004, Armenia was included in the EU's European Neighbourhood Policy (ENP) and in 2009 also in its enhanced eastern dimension, the Eastern Partnership (EaP). The EU and Armenia negotiated an Association Agreement (AA) including a Deep and Comprehensive Free Trade Area (DCFTA) by 2013. However, Armenia later decided to join the Eurasian Economic Union (EEU), delegating its trade policy competence to the EEU. Therefore, preferential trade agreements like the DCFTA with the EU could no longer be concluded. The bilateral contractual relations therefore remain based on the 1999 Partnership and Cooperation Agreement (PCA) which will be replaced by a new overarching and legally binding agreement, on which Armenia and the EU started negotiations on 7 December, 2015.

2.2.Compliance with GSP+ Obligations

2.2.1. UN Human Rights Conventions *(Conventions 1-7)*

Status of ratification and reporting

Armenia ratified all the GSP+-relevant UN human rights conventions, without reservations, and maintains their ratification. For further details please see the annex.

In 2014-2015, Armenia made a considerable effort to catch up with its reporting obligations to the monitoring bodies of these conventions. However, the latest report due under the International Convention on the Elimination of All Forms of Racial Discrimination remained outstanding from 2014. For further details please see the annex.

Status of implementation of the conventions

Regarding the implementation of the seven conventions, in 2014-2015 Armenia made an overall serious effort to address the shortcomings identified in its GSP+ scorecards. In particular, in 2014, the government approved an action plan for the implementation of the National Strategy on Human Rights Protection in 2014-2016, which serves as a roadmap for coordinated actions by public institutions toward fulfilling Armenia's international human rights commitments and obligations. The Armenian authorities also made an effort to better involve civil society in the action plan's implementation and monitoring. However, many of the initiatives undertaken in this period represent only initial steps towards tackling the identified problems, and Armenia now needs to proceed with further preparatory and in particular monitoring and implementation activities to demonstrate results.

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

While some efforts were deployed to raise awareness of the rights of people belonging to minorities, challenges remain to increase tolerance and tackle discrimination of ethnic minorities. Therefore, the 2014-2016 Human Rights Action Plan suggests assessing the compatibility of the existing Armenian legislation with the international legal framework and weighting the merits of adopting a comprehensive anti-discrimination law. At the end of 2015, Armenian authorities signalled they are preparing such a stand-alone law to be adopted by the end of 2016.

International Covenant on Civil and Political Rights (ICCPR)

Despite the Armenian authorities' efforts to comply with the requirements of the ICCPR, more efforts are needed to ensure the independence and integrity of the judiciary system. Public trust in the judiciary system remains low, and awareness of civil and political rights remains limited among the general public and also among legal professionals. Police officers were only rarely held accountable for excessive use of force and findings of human rights institutions were not properly followed up.

As mentioned above in the section on the implementation of the ICERD, Armenia lacks a comprehensive legislative and enforcement framework against discrimination. Discrimination against minority religious and ethnic groups, in particular at the

workplace and in the media, persisted in 2014-2015. Persons with disabilities remained discriminated against and socially segregated. However, towards the end of 2015, the Armenian authorities signalled a comprehensive anti-discrimination law was under preparation, for adoption by the end of 2016.

Some activities to address gender equality issues and ensure equal opportunities were launched, such as the establishment of bodies in charge of gender policy at regional and community levels or organisation of training courses and awareness-raising campaigns on gender sensitivity.

With regard to religious minorities, the introduction of a possibility of alternatives to military service for Jehovah's Witnesses represented a clear improvement. Progress was also noted in access to media and textbooks in minority languages, as well as efforts to train teachers.

Progress in the implementation of the convention in the reporting period includes also the strengthening of the independence of judges through amendments to the judicial code, which defined the duties of the self-governing structures. The criteria for evaluating and promoting judges were also improved, and the procedure for appointing them was made more transparent.

Furthermore, the number of public defenders increased and the categories of groups of population eligible for free legal aid were expanded. However, the lack of information to the public about these improvements continued to impair access to justice. To enhance public awareness of the role of the public defender, a public information campaign was organised. Further quality control measures and capacity development of public defenders should be undertaken.

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

In 2014-2015 Armenia took further steps to implement the ICESCR, including reception of over 17 000 Syrian refugees and asylum seekers, adoption of the 2013-2015 National Action Plan to Combat Trafficking in Persons and establishment of employment quotas for persons with disabilities as from the beginning of 2015.

However, high levels of violence against women, including domestic violence, prevailed, and participation of women in public life remained low. Further efforts are needed to address deeply rooted patriarchal attitudes and stereotypes regarding the role of women and men, and to increase the representation of women in public administration, academia and research institutions.

Furthermore, discrimination and in some cases violence based on gender identity and sexual orientation remained widespread in Armenia, and the position of lesbian, gay, bi-sexual, trans-sexual and inter-sexual (LGBT) people continued to be of serious concern.

In 2014, 30 % of the population lived below the poverty line. Unemployment remained high (around 18 %, with youth unemployment at around 24 %) and needs more attention. Armenia should also take measures to regularise the informal sector of the economy.

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

Concerning the implementation of the CEDAW in 2014-2015, the law on equal rights and equal opportunities for men and women was not sufficiently implemented. Moreover, the law lacks a complaint mechanism. Deeply rooted patriarchal attitudes and stereotypes regarding the roles of women and men remained, coupled with persistently high levels of violence against women. A law on domestic and gender-based violence was not adopted in the reporting period.

On the positive side, a Men and Women Equality Affairs Council was established as a national mechanism to deal with issues related to discrimination against women, and an annual action plan for women and men equality policy was adopted by the government in 2015, as was an action plan for preventing gender violence. The World Bank Report on Women, Business and the Law placed Armenia as one of 18 countries where there were no legal differences between men and women.

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

During the period under review, Armenia developed an action plan for prison reform in line with the recommendations of the Council of Europe's Committee for the Prevention of Torture (CPT). In July 2015, processing of cases of alleged torture and ill-treatment also improved. Persons detained were better informed about their rights. A number of awareness-raising and training activities were undertaken with the aim to improve prevention, detection and reporting of torture and ill-treatment. Nevertheless, reports of torture and ill-treatment persisted during the period under evaluation. Criminal justice bodies relied on confessions and information obtained during questioning to secure convictions, and there were not sufficient procedural safeguards against ill-treatment. Allegations of instances of torture and mistreatment during pre-trial investigations were not always properly investigated.

Amendments to the penal code bringing Armenian legislation in line with the definitions of the CAT were adopted in June 2015. These amendments also allow for the opening of investigations into torture on grounds other than the victim's complaints. A package of further legal amendments to prevent torture and avoid impunity is under preparation.

Convention on the Rights of the Child (CRC)

As regards the implementation of the CRC, in 2014-2015 Armenia did not sufficiently address the previous recommendations of the CRC Committee. In spite of the declared political will to give priority to the matter, there was a significant decrease in the budget allocation for issues related to children's rights protection, particularly in the areas of health and education. Moreover, national bodies such as the National Commission for the Protection of Children's Rights and the Office of Human Rights Defenders lacked necessary resources and capacities to effectively carry out their mandate.

First-line custody issues were handled by councils comprised of volunteers. The development of a cadre of professional social workers remained an important issue to be addressed. Child poverty remained very high, and there was still not a clear and legally binding distribution of functions between social protection and child services, although measures were taken to improve inter-service cooperation. Monitoring of childcare

institutions revealed cases of abuse and ill-treatment of children. In June 2015, the UN Universal Periodic Review (UPR) particularly highlighted the need to address sexual abuse of children. Sex-selective abortions remained a considerable concern, with a birth ratio of 114 boys per 100 girls.

Progress in implementing the convention during the reporting period included the adoption of a number of other relevant international conventions, as well as of amendments and supplements thereto. Furthermore, there was good progress related to institutional and policy measures, with implementation of the National Programme for the Protection of Children's Rights for 2013-2016, Programme of State Support to Graduates of Child Care Institutions for 2004-2015 and Programme on Deinstitutionalisation of Children Care for 2004-2015. Introduction of a multi-ministerial approach to children's rights protection involving all ministries concerned was a very good step to improve efficiency in this area. Efforts were made to detect and assist homeless children. Draft legislation was presented to the parliament banning sex-selective abortions.

Future actions and priorities

The Armenian government's future priorities and objectives regarding human rights protection include in particular continuation of the judiciary reform; improvements in the area of electoral rights; fight against use of torture and ill treatment; advancement of women's rights; improvement of the treatment and situation of, respectively, ethnic minorities and people with disabilities; fight against corruption; and improvements on several social and economic rights, such as healthcare and living standards. The government also intends to put emphasis not only on drafting and adoption of legislation and strategic and programming documents, as has mostly been the case so far, but also on their proper implementation and enforcement, including through institutional capacity building and effective monitoring and evaluation.

Conclusions

In 2014-2015, the Armenian authorities made an overall serious effort to address the shortcomings identified in the area of human rights protection in Armenia's GSP+ scorecards. In particular, they prepared a number of legislative proposals as well as strategies, action plans and similar initiatives. If adopted and properly implemented, these would address many of the problems listed in the scorecards.

The Armenian authorities also deployed tangible efforts to be more inclusive in their processes related to human rights protection, involve civil society and consult international and regional expertise with a view to meet international standards in this field. Moreover, the authorities focused on increasing public awareness of international human rights conventions, as well as of the need for social and economic integration of the whole of Armenia's population.

At the same time, Armenia needs to further step up efforts to effectively address several persisting human rights problems, in particular the lack of independence and integrity of the judiciary and of the political system as a whole, no sufficient legislative and enforcement framework against use of torture and ill treatment, corruption,

discrimination against minorities, discrimination and violence against women and child poverty.

2.2.2. ILO Labour Rights Conventions (Conventions 8-15)

Status of ratification and reporting

Armenia ratified all eight ILO fundamental labour conventions relevant for the GSP+, without reservations, and maintains their ratification. For details please the see annex.

In 2014-2015, Armenia complied with all its reporting obligations to the monitoring bodies of these conventions. For details please the see annex.

Status of implementation of the conventions

Regarding the implementation of these eight conventions the ILO Committee of Experts on the Application of Conventions and Recommendations (hereafter referred to as Committee of Experts) in its recent reports raised a number of issues. In 2014-2015, the Armenian authorities deployed efforts to address several of these problems, but in many cases more will still have to be done in the future.

Freedom of association and collective bargaining (Conventions 87 and 98)

In its 2014 report, the Committee of Experts requested legislative amendments to enable some excluded categories of civil servants as well as self-employed, liberal professions and informal workers to form and join trade unions. It requested amendments also to the legislation on the formation of an organisation or federation of employers. Moreover, the Committee of Experts asked for further legislative amendments of the labour code on the right to strike.

In 2014-2015, the Armenian authorities discussed the requested amendments with social partners and other associations representing the interests of employers. Some legislative proposals were drafted and submitted to the National Assembly. However, these proposals have not been adopted yet, and there is no indication when this is supposed to happen. It also remains unclear whether the government is considering amending the legislation to ensure that public servants could join trade unions.

In its 2014 report, the Committee of Experts requested legislative amendments to ensure that in cases where there was no trade union representing 50 % of the company's workers, existing minority unions were entitled to bargain collectively on behalf of their own members. It also asked for amending provisions envisaging automatic termination of a collective agreement in case of privatisation or restructuring of an enterprise. In 2014-2015, the later amendments were discussed with social partners but further debate is needed and the government decided to request ILO expertise to this end.

In the reporting period, the major Armenian trade unions repeatedly expressed dissatisfaction with the functioning of the national trilateral commission responsible for the implementation of the National Collective Agreement.

In July 2013, the Government passed Decree Nr 857 restructuring several line Ministries and transferring the responsibility for labour inspection from the Ministry of Labour to the Ministry of Health (State Health Inspectorate). Subsequently, the 2015 Decree Nr 572 limited the mandate of the inspection services whilst also limiting its competence to issues related to occupational safety and health. Labour inspectors are no longer allowed to control other matters linked to general working conditions or employment relations covered by collective bargaining or by law (wages, employment contracts, welfare provisions etc.) and are not entrusted with legal enforcement powers. As a result of the 2013 restructuring, the number of labour inspectors was reduced from 149 to 60. While the inspection reform process is still ongoing, it is clear that developments so far have seriously weakened the capacity of official authorities to monitor compliance with national labour laws and provisions and collective agreements.

In November 2015, Armenia took part in the Sub-Regional Tripartite conference on the topic of labour inspection organised by the ILO in Sochi. Representatives from both the Armenian Ministries of Health and of Labour were present, as well as from employers and workers. The purpose was to analyse the implementation of labour inspection systems, and to make proposals to countries in the sub-region to develop strategies and programmes for improving workplace compliance (with labour standards and legislation). Enforcement is important for ensuring application of the core labour standards on freedom of association and collective bargaining as well as other core labour standards.

Abolition of forced labour (Conventions 29 and 105)

In its 2013 comments, the Committee of Experts requested the government to submit copies of several legislative acts to allow for assessing whether the Armenian legislation was aligned with the convention. The Committee of Experts also asked for further information concerning the rules of work of convicted persons serving a sentence of imprisonment, in particular whether they could be hired by private companies.

Moreover, the Committee of Experts noted a continued implementation of the National Action Plan for Combating Trafficking in Human Beings and pursuance of several cooperation programmes in this area with the UN organisations and other countries in the region. Regarding rehabilitation of victims of trafficking, the Committee of Experts also noted that the Armenian legislation included victims of trafficking among beneficiaries from services and activities of employment centres. Additional progress in the fight against trafficking of human beings and in their re-integration nevertheless remained necessary.

In its 2013 report, the Committee of Experts also requested further information illustrating the use of the criminal provision concerning penalties for public officials for their failure to exercise their duties. Moreover, the committee repeated some of its earlier demands, notably for copies of relevant court decisions and further information concerning penalties for persons inciting national, racial or religious hatred, as well as for those involved in events breaching national legislation on meetings and demonstrations. According to available information, no developments took place in 2014-2015 regarding these matters.

Worst forms of child labour (Convention 182)

Further to the ratification of the convention by Armenia in 2006, the Committee of Experts examined the country's first report on the convention's implementation in 2011. The committee requested further information on the application of the criminal code's provision prohibiting the use of children under 16 in criminal activities, including trafficking in drugs.

Armenia's national committee on child protection aims to fight against children's involvement in the worst forms of child labour (such as trafficking or sexual exploitation) and to support their withdrawal from such labour and re-integration in the society. Moreover, the 2004-2015 National Plan of Action (NPA) for the Protection of the Rights of the Child foresaw concrete support measures for vulnerable groups of children (e.g. street children or children from rural areas) and actions to combat the worst forms of child labour. In its 2011 report, the Committee of Experts requested more detailed information on the role of the national committee on child protection and on the impact of the measures taken within the 2004-2015 NPA. It also asked to be informed on actions taken to strengthen the capacity of law enforcement bodies to combat the trafficking of persons under 18.

Furthermore, the Committee of Experts noted that due to poverty and rising costs of education, an increasing number of families were not in a position to ensure even a basic education for their children. Also, an increasing number of children dropped out of the education system to start working, primarily in the informal economy. The government was requested to address this situation as compulsory education is considered to be one of the most effective means to limit the occurrence of child labour.

Moreover, the committee noted that the number of children begging in the streets was increasing and asked the government to take measures to protect children living and working in the streets from the worst forms of child labour.

To ensure effective protection of children from the worst forms of child labour, detect beggars and homeless children, solve the problems related to them and organise joint activities, a dedicated interagency working group was established under the coordination of the police in November 2013. It started its activities in 2014 and three sessions took place in 2014-2015. Moreover, inspection check-tours were organised in Yerevan, with the participation of the working group. Involvement of families of juvenile beggars in relevant social programmes was also supported. As a result, some beggars/street children were able to return to school or receive medical support.

The Armenian authorities also informed that in 2013, the 2004-2015 NPA on children's rights protection was repealed, and the Strategic Programme for the Protection of the Rights of the Child and related action plan for 2013-2016 were adopted.

Minimum age for work (Convention 138)

In 2011, the Committee of Experts examined Armenia's first report on the implementation of the convention. The committee noted that the labour code applied only to persons working on the basis of an employment contract, hence children working in the informal economy, self-employed and those working in unpaid work seemed not to be protected by the code. The committee asked the government to address this

shortcoming and to provide further information on light work and conditions in which it could be undertaken by children, and on children's participation in artistic performances.

Moreover, the Committee of Experts took note of the 2004-2015 National Plan of Action for the Protection of the Rights of the Child envisaging elimination of child labour as one of seven areas for action and asked for information on the concrete measures undertaken in the framework of the plan's implementation to that effect. The committee also asked the government to ensure that sufficient data on the situation of working children were available, including information on the number of children and young people working below the minimum age and the nature, scope and trends of their work.

Furthermore, the Committee of Experts requested the upper age limit of compulsory education be changed from 15 to 16 years so that it coincided with the minimum age of admission to work. The authorities should also address the high rate of school drop-outs. Moreover, training to labour inspectors on issues related to child labour should be provided.

In 2014-2015, amendments to the labour code regulating participation in sport and artistic activities by children under 14 were submitted to the government and adopted in June 2015. Moreover, a research project on child labour, including collection of statistics, is carried out by the ILO, starting in mid-October 2015. In the preparatory phase, a questionnaire was developed and staff of the national statistical office and social partners (trade unions and employers' union) were trained by the ILO. Results of field work under the project are expected by April 2016.

Based on two new laws on the education system adopted in April 2015 and to be enacted in June 2017, free of charge compulsory secondary education will amount to 12 years. The 2008-2015 programme of pre-school education reforms aimed in particular at increasing the enrolment of upper pre-school-aged group (5 years old) up to 90 % by the end of 2015, giving priority to families in need and communities where no pre-school institutions operated. Changes to the Law on General Education were adopted in 2014 and provided for a gradual move to completely inclusive education by 2025. The number of schools providing inclusive education to children with special needs was planned to reach 150 by the end of 2015 (from 117 in 2014 and 63 in 2011; in mid-2015 there were 139 such schools).

Targeted training for specialists involved in protection of children's rights, including labour inspectors, are foreseen by the 2014-2016 action plan for the implementation of the National Strategy on Human Rights, as well as the 2013-2016 Strategic Programme for the Protection of the Rights of the Child and the timetable of measures for this programme. NGOs also provided training in this area. Overall, however, training on child labour issues remained under-developed in Armenia and the country would require further support and assistance in this field.

Elimination of discrimination (Conventions 100 and 111)

In its 2013 report, the Committee of Experts requested amendments to the labour code in order to broaden the scope of its provisions concerning equal remuneration for men and women for work of equal value. The committee also asked the government to take measures tackling the root causes of a persisting substantial wage gap, and to ensure that the principle of equal remuneration was taken into account in the minimum wage tripartite fixing process and that criteria used to determine the remuneration scales in the

public administration were free from gender bias. Moreover, the committee recommended organising targeted awareness-raising activities on the principle of equal remuneration for workers, employers, labour inspectors and judges.

According to the Armenian authorities, ensuring equal pay for work of equal value was one of the government's main priorities in respect of gender equality in recent years and included in the Gender Policy Programme 2011-2015.

Broadening of the legislative definition of equal remuneration was foreseen to be taken up with other amendments and supplements to the labour code planned to be prepared by the end of 2015. The labour code includes a general provision stating that the government should ensure equal pay and no discrimination. No specific mechanism is, however, defined. The law 'On Remuneration of Persons Holding Public Positions' adopted in December 2013 introduced a unified system for the remuneration in the public service which entered into force in July 2014.

The ILO is implementing the project 'Support the Public Sector Pay Reform' aiming at providing a comprehensive and detailed analysis of the existing public pay practice. A relevant methodology on job evaluation methods and job classification, based on international experience, was developed in this framework and local experts were trained on it. Moreover, relevant recommendations and suggested solutions were reflected in the draft amendments to the legislation on remuneration of civil servants which was intended to be submitted to the government by the end of 2015.

In its 2013 conclusions, the Committee of Experts also asked for adoption of legislation setting out a comprehensive and clear definition and prohibition of all kinds of direct and indirect discrimination covering all aspects of employment and occupation, including recruitment. Moreover, the committee noted adoption of the Gender Policy Strategic Action Plan for 2012-2015, which included measures to eliminate discrimination based on gender in the socioeconomic field. The committee requested information on steps taken to develop and implement a comprehensive national strategy or policy to promote equality and non-discrimination in all aspects of employment and occupation. It also requested information on how the protection of ethnic minorities against discrimination in the labour area was ensured in law and in practice. With a view to ensure effective enforcement, the committee recommended organising awareness-raising activities on equality and non-discrimination in employment and occupation, and strengthening capacity of labour inspection, judges and human rights defenders in this field.

Furthermore, the committee asked that the labour code establish a definition of sexual harassment at the workplace and prohibit this phenomenon, as well as provide an accessible enforcement mechanism and remedies.

To improve the situation regarding discrimination in the labour area, in the period covered by this report the Armenian authorities organised several awareness-raising campaigns, notably on gender equality issues for different target groups. Also, methodological guidelines to ensure gender equality in communities were adopted.

According to several sources, notably civil society organisations, effective application of the law on equal opportunities for men and women is compromised by its lacking mechanism and institutions for dealing with complaints on gender equality breaches, including in the labour area. Moreover, the Women's Council under the prime minister's office does not constitute an effective national gender equality mechanism, i.e. one

concerning labour issues, as it lacks policy-making functions as well as sufficient financial and technical capacity. Furthermore, it is deemed necessary to strengthen the overall (not only gender-specific) institutional framework regarding equality and non-discrimination in employment and occupation. In particular, a functional authority able to deal effectively with complaints and provide adequate support and services to discrimination victims is missing. Cases of discrimination against minority religious groups at the workplace, including state institutions, continued to be reported in 2014-2015.

Future actions and priorities

In its May 2015 response to the GSP+ scorecard, without providing any precise timeline, the Government of Armenia indicated that adopting amendments to the labour code to bring it in compliance with international standards is a priority.

Fighting against trafficking and exploitation of human beings remains on the government's agenda and a number of preventive, information-sharing and capacity-building activities are planned in relevant action plans and strategies adopted by the government.

As a contribution to the elimination of child labour, laws that make free secondary education compulsory will enter into force in June 2017, while the gradual move towards completely inclusive education will continue to be achieved by 2025.

Under its 2014-2017 programme the government foresees a gradual increase of the minimum wage, which is expected to contribute to reducing the gender pay gap. Besides, the government acknowledges the need for awareness-raising and training programmes (schools, education institutions, public bodies) and capacity building on state policy programmes for ensuring gender equality, protection of child's rights, women's rights, the rights of minorities and of disabled people.

Conclusions

Armenia's legislation and practice are broadly in line with the ILO fundamental conventions. However, both should be improved on a number of points, in particular the freedom of association for employers and workers. Armenia also needs to ensure that labour inspection is equipped with all relevant powers and adequate resources, and that a system is put in place that allows monitoring of compliance with the application of core labour standards and related national legislation and collective agreements. Moreover, the current legislation is not sufficient to prevent discrimination at the workplace. A comprehensive anti-discrimination legislative framework still has to be developed and adopted, including as regards the right for redress (judicial and non-judicial) and compensations. The institutional and enforcement framework concerning anti-discrimination and equality also needs to be strengthened.

The government continues to take actions to reduce and, in further consequence, eliminate child labour. These efforts should be stepped up, including undertaking actions addressing the main shortcomings identified in the GSP+ scorecards, such as insufficient coverage by the labour legislation of children working in the informal economy or self-

employed.

It is of utmost importance that the government involve the social partners as well as the ILO in its initiatives in the area of labour rights protection. The government informed that a draft law on the matter was under preparation to be adopted by the end of 2016.

2.2.3. UN Conventions on Environmental Protection and Climate Change (conventions 16-23)

Status of ratification and reporting

Armenia ratified all the GSP+-relevant conventions on environmental protection and climate change, without reservations, and maintains their ratification. For details please see the annex.

In 2014-2015, Armenia complied with reporting obligations to monitoring bodies of all these conventions, with the exception of the CITES (the Biennial report for 2011-2012 remained due), Basel Convention (National Report for 2012 and 2013 remain due), and the Cartagena Protocol (the 3rd National Report was due on 1 November 2015). For further details please see the annex.

Status of implementation of the conventions

In 2014-2015, Armenia continued its work on the implementation of these eight conventions, i.e. taking advantage of the EU substantial technical assistance in the relevant areas. Nevertheless, several challenges remained to be addressed further.

Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)

Armenia's national legislation related to the implementation of CITES remained ranked as category 3, which means that it did not yet meet the requirements for the convention's implementation. Armenia claimed its existing legislation was compliant with the CITES' requirements, but was so far not able to provide its English translation to the CITES Secretariat for an assessment as requested. Such English translation was foreseen to be accomplished and submitted to the secretariat together with Armenia's annual national report by the end of 2015.

In mid-2015, Armenia informed that a draft amendment to the Code of Administrative Offences concerning penalisation of illegal trade in wild animals and plants protected by the CITES had been submitted to the government for discussion. No further updates concerning preparations of this amendment were available since.

The biennial report for 2011-2012 remained due and the Armenian authorities did not specify for when they foresaw its finalisation and submission to the CITES Secretariat.

In 2014-2015, Armenia also faced a number of allegations, e.g. from the CITES Secretariat and various NGOs and media, of illegal wildlife trade to, from and via the country. In particular, cases of illegal imports of great apes (bonobos) were repeatedly reported. The Armenian authorities informed on capacity-building activities undertaken to tackle the problem of illegal wildlife trade, notably the organisation of two dedicated

workshops. On the specific case of alleged illegal imports of bonobos Armenia reported that these allegations had been put under a juridical procedure which should reveal possible ways of such illegal trafficking.

Armenia also informed that some encouraging improvements had recently been registered in terms of the population status of the most vulnerable species of its fauna, such as bear, wolf or golden jackal, as well as of Caucasian leopard, Armenian mouflon, bezoar goat and a number of birds.

Basel Convention

No salient shortcomings regarding the implementation of the Basel Convention were identified in Armenia's 2014 and 2015 GSP+ scorecards. However, a lack of information on measures taken or foreseen to effectively implement this convention was noted. It was also put to the Armenian authorities that national reports under the convention for 2011, 2012 and 2013 remained due.

In response, Armenia reported on a number of legislative documents elaborated and approved by the government for the implementation of the convention, in particular the Law on Waste with about 30 related by-laws, List of Hazardous Waste, List of Restricted Waste, Classification of Waste and Classification of Waste According to Hazard. Armenia also informed that the annual National Report for 2012 was submitted to the convention's secretariat in December 2013 and the annual National Report for 2013 in February 2015. However, this information was not yet confirmed by the secretariat.

Convention on Biological Diversity (CBD)

There were no salient shortcomings identified in Armenia in 2014-2015 as regards the implementation of the CBD. Moreover, the Armenian authorities followed up on several legal acts and other documents concerning flora and fauna protection developed and/or adopted during 2009-2013, with the aim to ensure biodiversity conservation and sustainable use. In particular, the government approved the Strategy and National Action Plan on Development of Specially Protected Nature Areas as well as Measures in the Field of Conservation and Use. Armenia also informed about other achievements related to CBD's implementation in the reporting period, such as activities on-going under the projects 'Forming Passports and Mapping of the Monuments of Nature and their Conservation Zones' and 'Development of the System of Specifically Protected Areas' or implementation of the 2012-2015 project 'Forest Landscape Restoration in Northern Armenia'.

Stockholm Convention on Persistent Organic Pollutants

No salient shortcomings concerning the implementation of the Stockholm Convention were identified in Armenia's 2014 and 2015 GSP+ scorecards. However, a lack of information on measures taken or foreseen to effectively implement this convention was communicated to the authorities.

Armenia clarified that a domestic legislative framework had been elaborated in order to ensure proper implementation of the convention. Moreover, the Guidance on Polychlorinated Biphenyls (PCB) Containing Waste Management and Rules for the Handling of Obsolete Pesticides were adopted. Additionally, an inventory on obsolete POPs pesticides, the burial site and contaminated soils was performed and an inventory

of dioxins/furans main release sources was accomplished. An inventory of PCB-containing equipment and oils in energy and industry sectors was also carried out. Furthermore, Armenia reported that the 3rd National Report was submitted to the convention's secretariat in August 2014. It also informed on the development of updates to the first National Implementation Plan, which was approved in 2005.

Convention on Biosafety (Cartagena)

Concerning the implementation of the Cartagena Protocol on Biosafety, in its 2nd National Report submitted in December 2011 (latest information available) Armenia informed that its domestic regulatory framework was only partially in place. Armenia did not regulate the transit and contained use of living modified organisms (LMOs). Armenia disposed of a few sampling laboratories and scientific potential to detect and identify LMOs, but legislation and administrative measures for the operation of the advance informed agreement (AIA) procedure was lacking. Moreover, training for experts and experience exchange would be necessary in this field. Also, no legal acts determining special import procedures for LMOs envisaged for use as food or feed were adopted. The 3rd National Report was due (by all parties of the protocol) by the end of October 2015.

Conventions on Climate Change

There were no salient shortcomings in Armenia as regards the implementation of the Montreal Protocol on Substances that Deplete the Ozone Layer in 2014-2015. Moreover, an assessment of Armenia's preparedness for harmonising its legislation controlling the field of ozone-depleting substances (ODS) legislation with that of the EU was carried out. ODS consumption data were collected, cross-checked and submitted to the protocol's secretariat in a timely manner. Furthermore, various awareness-raising and training activities on climate change and ODS took place. In particular, two training sessions on 'Prevention of Illegal Trade in Ozone-Depleting Substances' were carried out for customs officials in March 2014.

Concerning the implementation of the United Nations Framework Convention on Climate Change (UNFCCC), no salient shortcomings were identified in Armenia's 2014 and 2015 GSP+ scorecards. Armenia submitted to the UNFCCC Secretariat its 2010 National Inventory Report in November 2014 and its third National Communication in April 2015. However, it still needs to finalise and submit its first Biannual Progress Report, due by the end of 2014. A National Appropriate Mitigation Action (NAMA) project on 'Energy Efficient Public Buildings and Housing in Armenia' was developed and submitted to the UNFCCC NAMA Registry seeking support for the implementation. Armenia submitted its Intended Nationally Determined Contribution (INDC) to the 2015 Climate Agreement on 29 September 2015.

Climate change mitigation and adaptation remain dealt with through various sectorial laws and policy documents, and it is still necessary to establish a framework legal act and policy in this area. Insufficient institutional capacity remains a significant limiting factor and continuous international support is necessary.

No salient problems were identified in Armenia's implementation of the Kyoto Protocol to the UN Framework Convention on Climate Change in 2014-2015. Moreover, the Doha amendment to the protocol was translated into Armenian, adopted by the government and submitted to the National Assembly for ratification.

Conclusions

In 2014-2015, Armenia continued to make efforts to protect the environment. This was reflected in the implementation of the existing legal framework as well as in preparation of several new laws and by-laws. In particular, specific legislation on environmental protection was introduced in several sectors (e.g. air, water, nature protection). However, the system of horizontal legislation needs to be developed further. A general/framework environmental law which would improve legislation on principles and basic procedures such as issuing of permits was discussed but still needs to be drafted, adopted and enacted.

Specifically as regards the implementation of the CITES, Armenia's legislation remained classified as not meeting the convention's requirements and the authorities did not provide sufficiently clear indications as to when this shortcoming would be properly addressed. Progress also remains necessary on the fight against illegal trade in wildlife and on complying with reporting obligations under the CITES.

Concerning the Basel Convention, CBD and Stockholm Convention, the reporting situation was satisfactory, but more detailed clarifications from the Armenian authorities would be welcomed on national legislation linked to the Basel and Stockholm Conventions' implementation.

Regarding the implementation of the Montreal Protocol, UNFCCC and Kyoto Protocol, Armenia is progressing, however it is still necessary that a framework legal act and policy in this area is established, also to support the implementation of the 2015 Climate Agreement. To this end, significant donor support remains at Armenia's disposal.

Overall, Armenia takes good advantage of the EU substantial assistance on environmental protection and tackling of climate change and intends to continue doing so also to support its future priorities and objectives in these areas.

There are currently several projects on-going to achieve objectives of the CBD, such as the Forest Law Enforcement and Governance programme, sustainable biodiversity management in South Caucasus, reintroduction of the Caucasian red deer in Armenia or protection of the Caucasus leopard.

Moreover, a number of activities supported by EU funding are planned for the implementation of the Montreal Protocol, e.g. aligning the national ODS legislation with that of the EU, continuation of development of the Hydrochlorofluorocarbons Phase-Out Management Plan, carrying out of further awareness-raising activities and training of customs officers and refrigeration technicians.

EU technical assistance for the implementation of the UNFCCC continues to be provided through the regional Clima East Policy project, focussing in particular on strengthening the capacity of policy-makers to contribute to the preparation and implementation of the 2015 Climate Agreement and on the development of medium and long term mitigation

policies.

2.2.4. UN Conventions on Good Governance (conventions 24-27)

Status of ratification and reporting

Armenia ratified the three core UN conventions on fighting illegal drugs (UN Single Conventions on Narcotic Drugs, UN Convention on Psychotropic Substances and UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances) on 13 September 1993, and the UN Convention against Corruption (UNCAC) on 8 March 2007, all without reservations, and maintains their ratification. For further details please see the annex.

In 2014-2015, Armenia made effort to comply with its reporting obligations to monitoring bodies of these conventions. As of January 2015, Armenia was compliant with all requests for monitoring information from the monitoring body of the three core UN conventions on fighting illegal drugs (International Narcotic Control Board — INCB). Regarding the UNCAC, Armenia has fully complied with reporting obligations. Reviewing of Armenia's compliance with the UNCAC is carried out by the UNCAC Implementation Review Group. The executive summary of the most recent review was made available to the public in March 2015.

Status of implementation of the conventions

Regarding the implementation of the core international conventions fighting illegal drugs and corruption, in 2014-2015 Armenia continued to face important challenges, particularly in the latter area. It is also there where, despite the authorities' increased efforts, substantial additional improvements will have to be achieved.

UN Conventions fighting illegal drugs

The main shortcomings identified in Armenia's implementation of these conventions were the need to further reinforce the system for the control of diversion of precursors, the need to improve the availability of narcotic drugs for medical use, the need to reduce further the use of drugs by inmates in the prison system and the need to sign the Memorandum of Understanding with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) concerning the monitoring and evaluation system. There was also a need to ensure access to essential medicines, including antiretroviral medicines, oral opioids and methadone for vulnerable people.

In order to effectively implement its obligations under these conventions and to strengthen the control on the circulation and to prevent the illegal traffic of narcotic drugs, psychotropic substances and their precursors in Armenia, a draft decree 'On making amendments and supplement to 2010 Decree No 270-N on establishing the rules of traffic in narcotic drugs and psychotropic substances and their precursors' was elaborated. This draft, however, was not yet adopted and put in application. To further reinforce the system of the control of diversion of precursors, several changes were made in the Appendices of Criminal and Administrative Offences codes of Armenia and 115 names of 'spice' type drug were added in December 2014.

Armenia adopted a new national strategy on the fight against drug addiction and illicit traffic of drugs in December 2014. This strategy aims to reinforce fight against drug addiction and illicit traffic of narcotic drugs. It foresees implementation of a series of activities in the fields of prevention and public awareness-raising, elimination of illicit drug trafficking, rehabilitation and integration of drug abusers and overall control of all layers of the society involved in the illegal 'business'. This strategy also defines how to proceed to reduce drug usage in the prison system.

In September 2014, the government adopted the 2015 National Action Plan against Drug Addiction and Illicit Drug Traffic. This action plan contains a number of activities directed to the improvement of legislation in order to implement international conventions and effectively fight against drug addiction and illegal drug traffic, training, capacity building and information sharing. The action plan foresees also implementation of preventive and special activities in the territory of Armenia and on borders to identify illegal trade of drugs and prevent the use of drugs and psychotropic substances in the country.

In July 2015, Armenia signed a memorandum of understanding with the EMCDDA concerning the monitoring and evaluation system. This memorandum was concluded for an initial period of 5 years and cooperation would be implemented through a joint work programme that would be updated every 3 years. The agreement provides for an exchange of technical expertise and knowledge, co-sponsoring of technical meetings and pooling of human and financial resources to launch joint programmes. It was agreed that the Armenian side would endeavour to present to the EMCDDA an annual report on the drug situation in Armenia. The EMCDDA, for its part, would facilitate training as well as the exchange of experts and scientific research findings on issues of mutual interest

UN Convention against Corruption (UNCAC)

Regarding Armenia's compliance with the requirements of the UNCAC, the executive summary of the most recent monitoring body review (made available in March 2015) identified a need for a closer alignment of the Armenian legislation with the definitions in Articles 15 and 16 of the convention as well as for the full implementation of Article 31(1)(b), and a need to further enhance law enforcement cooperation, including at the international level.

Moreover, the institutional framework of the monitoring division of the government staff at the prime minister's office, acting as the secretariat of the Anti-corruption Council established in 2015, continued to lack the financial and human resource capacity necessary to effectively monitor and coordinate the future implementation of the 2015-2018 Anti-corruption Strategy and Action Plan. Also, this body was not considered genuinely independent. Moreover, it remained necessary to strengthen the mandate and functions of the Ethics Committee for High-Ranking Officials to ensure it became truly operational.

The 2014 GRECO (Council of Europe's Group of States against Corruption) analysis assessed that their 2011 recommendations had been implemented satisfactorily by the Armenian authorities. Moreover, UNCAC reviewing experts highlighted some legal provisions which could be regarded as a good practice, including the aim to expedite international cooperation and mutual legal assistance.

A Concept Paper on the Fight Against Corruption in the Public Administration System was approved in April 2014. It focused on the areas of education, state revenues, police and healthcare. The concept paper emphasised many important principles, such as participation and transparency. In particular, it stated that representatives of state power and public institutions had to ensure accessibility of information related to the public interest, transparency of the decision-making process and the participation of civil society in this process. There was also a commitment to ensure the engagement of civil society and the business community in the implementation of specific preventive measures against corruption. On the basis of this concept paper a new 2015-2018 Anti-corruption Strategy and related action plan for its implementation were drafted and discussed within the Armenian administration as well as with international experts, civil society and other stakeholders. In September 2015, the Armenian government approved the two documents. Discussions were, however, pending regarding the allocation of funds for their implementation in 2016.

Conclusions

Regarding the implementation of the three core UN conventions fighting illegal drugs in 2014-2015, Armenia demonstrated a considerable improvement in its efforts to address salient shortcomings in this area. The government made combating trafficking in narcotic drugs a priority. Important progress was achieved in the normative framework aimed at strengthening the government's capacity to address drug trafficking and related corruption and violence. Thanks to the efforts of law enforcement bodies, the fight against the illegal drug circulation became stable and the drug-related situation was put under control. Armenia reported a decrease of 9.4 % of drug-related crimes in the first half of 2014 compared to the same period in 2013. Drug addiction treatment resources increased and precursors became strictly regulated. In July 2015, Armenia signed a memorandum of understanding with the EU anti-drugs agency (EMCDDA).

The fight against corruption remained one of the major challenges for Armenia in 2014-2015, and it will continue to be so in the coming period. Armenia adopted a comprehensive concept paper for an anti-corruption strategy in 2014 and, following discussions of a draft strategy and a related action plan with stakeholders, the strategy and action plan were adopted by the government in September 2015. Specific priorities will be healthcare, education, state revenue collection and the police. Major progress in the practical implementation of the strategy is, however, yet to be achieved. In particular, Armenia will have to substantially improve the implementation and enforcement of the existing anti-corruption legislation, including through reinforcing institutional capacities in this area. The recent focus of the Armenian authorities on strengthening the public procurement and internal and financial control systems are also key to prevent and control corruption in the country in the future. The government's priorities for the future include also introduction of a legal 'public servant' class, increasing transparency of governance and ensuring liability by law for corruption offences.

The EU foresees targeting its future assistance in this area on the implementation of anti-

corruption and civil service reforms. As regards anti-corruption reforms, the emphasis will be on supporting the implementation of the new anti-corruption strategy, including a focus on ethics schemes and reducing opportunities for corruption at the borders through a single window system. Legislative reforms will include the protection of whistle-blowers. There will also be focus on strengthening of interactions between the Armenian institutions and civil society organisations with a view to enhancing the overall accountability of the authorities' activity. On civil service reforms, the emphasis will be on the adoption and implementation of a civil service reform strategy and action plan in line with EU standards. SIGMA project will continue to provide support to the Ethics Commission for High-Ranking Officials.

2.3.Trade and Economy

2.3.1. Trade Picture

The Armenian economy grew in 2014, although moderately (3.5 % GDP growth), pushed by the service and agriculture sectors. This positive trend continued in the first half of 2015 (4.1 % GDP growth), as a result of the good performance of the agriculture and mining sectors.

The EU-Armenia bilateral trade relations are currently regulated by a Partnership and Cooperation Agreement from the 1990s. Negotiations launched in 2010 to replace this outdated agreement by an Association Agreement, including a Deep and Comprehensive Free Trade Area, were concluded in July 2013, but the agreement was not signed following Armenia's decision to join the Eurasian Economic Union. At the Riga Eastern Partnership Summit in May 2015 the EU and Armenia decided to negotiate a new framework agreement which would develop and strengthen bilateral cooperation in all areas of mutual interest within the Eastern Partnership framework.

The EU is Armenia's main trading partner accounting for around 26.6 % of Armenia's total trade. Bilateral trade flows in 2014 amounted to EUR 0.9 billion. The EU continues to be Armenia's biggest export and import market with, respectively, a 28.8 % and 25.8 % share in total Armenian exports and imports. EU imports from Armenia in 2014 amounted to 0.2 billion and mainly consist of manufactured goods, crude material, miscellaneous manufactured articles, and beverages and tobacco. EU exports to Armenia amounted to 0.7 billion in 2014 and are dominated by machinery and transport equipment, manufactured goods, miscellaneous manufactured articles and chemicals.

2.3.2. GSP+ Statistics

GSP/GSP+ preferences have a significant trade and economic importance for Armenia, in particular in the absence of a bilateral FTA. Around 26 % or EUR 59.6 million of Armenia's exports to the EU came under the GSP/GSP+ regime in 2014. This, however, represents a significant drop compared to 2012, when Armenia's GSP/GSP+ exports amounted to EUR 90.7 million and represented 33 % of the Armenian total exports to the EU (2013 figures were almost identical to 2014 ones — EUR 58.2 million and 27 %).

Moreover, Armenia still registered quite a good GSP utilisation rate — 72.8 % — in 2014, but it was less than the 78.3 % in 2013 and in particular than the 89.8 % in 2012.

Furthermore, Armenia's GSP/GSP+ exports remain heavily concentrated in very few goods with a rather low value added — in 2014, iron, steel and products made thereof represented 51 % of Armenia's GSP/GSP+ exports and clothing 33 % (in 2013, ferro-molybdenum took 60 % share and clothing 20 %).

Therefore there is room for Armenia to make additional efforts to improve its GSP/GSP+ use and increase and notably diversify its exports to the EU, preferably with items of higher value added.

Figures 2.1-2.3 below describe Armenia's utilisation of the GSP+, in the context of its overall imports to the EU.

Source for all statistics: Eurostat data, as of September 2015.

Figure 2.1

Armenia - Imports to the EU, 2012-2015					
Figures in thousand EUR	**2012**	**2013**	**2014**	**2015 (Q1-2)**	**Trend 2012-2014**
Total imports to EU	273,629	215,542	228,616	143,504	-16.45%
GSP+ eligible imports	100,117	74,418	81,814	75,896	-18.28%
GSP+ preferential imports	90,063	58,239	59,583	58,601	-33.84%
GSP+ utilisation rate	89.96%	78.26%	72.83%	77.21%	-19.04%

Figure 2.2

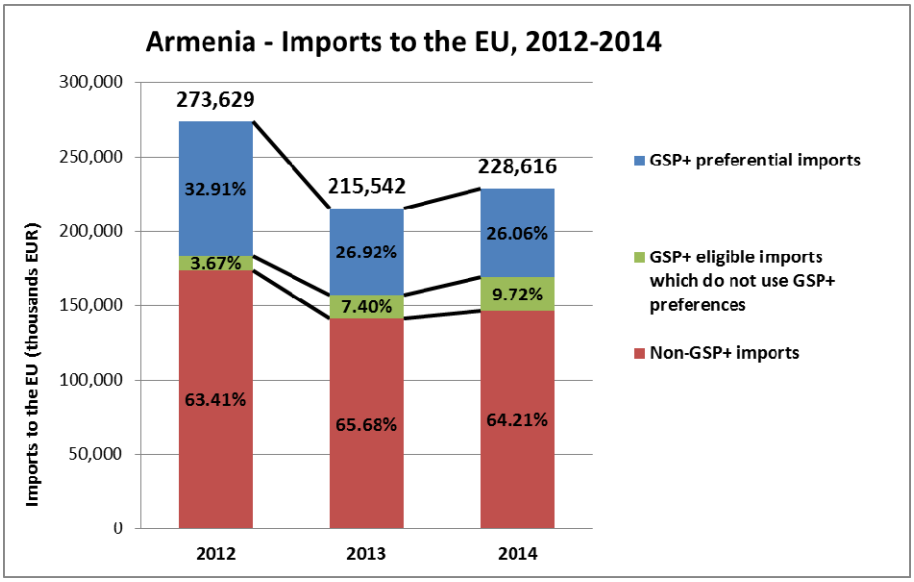
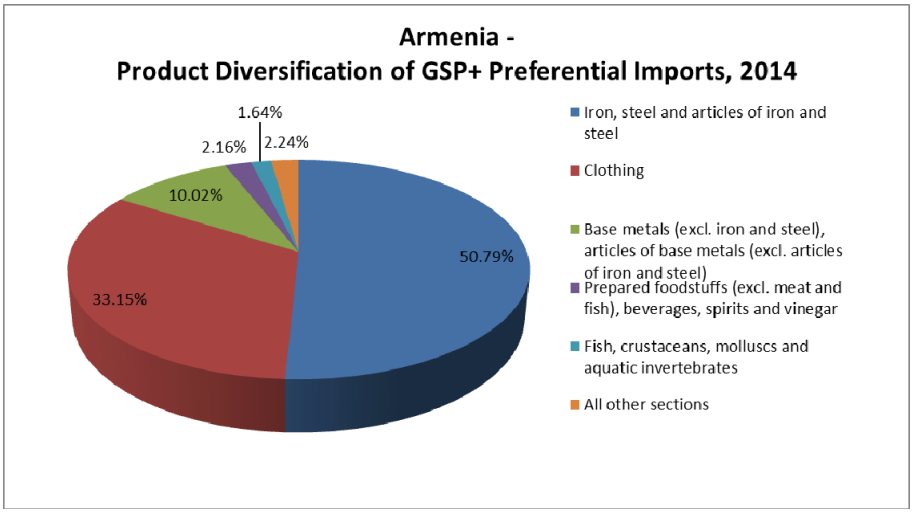


Figure 2.3


Armenia -
Product Diversification of GSP+ Preferential Imports, 2014
1.64%
2.16%
2.24%
10.02%
50.79%
33.15%
Iron, steel and articles of iron and steel
Clothing
Base metals (excl. iron and steel), articles of base metals (excl. articles of iron and steel)
Prepared foodstuffs (excl. meat and fish), beverages, spirits and vinegar
Fish, crustaceans, molluscs and aquatic invertebrates
All other sections

3. Bolivia– GSP+ Assessment

3.1.Country Overview

After a long period of political and economic instability, incumbent President Morales took office in 2006, embarking on a social and economic reform process. This led to the creation of the Plurinational State of Bolivia, and the adoption of a new constitution in 2009, with provisions on the protection of a number of human rights and references to the rights of Mother Earth and indigenous values at its core. The 2009 constitution acknowledges the existence of a multinational state with four different levels of government (departmental, provincial, municipal and native indigenous territories). The constitution also recognises the right of indigenous communities to self-government, to establish a legal system and policies regarding indigenous rights, and to govern their own institutions, languages, symbols and land rights. According to the 2012 census, 41 % of Bolivia's population older than 15 considered themselves as part of one of the 36 peoples of indigenous origin (which is the highest percentage of indigenous peoples in Latin America), and 42 % of the population in Bolivia is under the age of 20.

The reform process has been marked by the nationalisation of the hydrocarbon industry and sizeable public investment, translating into notable progress in poverty reduction and access to education and public health services. While the government continues to make significant efforts to reduce poverty, Bolivia still faces challenges linked to inequality in income distribution: the Gini coefficient was 0.48 in 2013 (down from 0.60 in 2002). This affects rural areas in particular. As a result of widespread poverty in rural areas, many children are engaged in child labour, including in agriculture and in mining. Apart from continued poverty reduction, the need to strengthen institutional capacities and the justice system remain important challenges.

Bolivia is the world's third-largest producer of coca leaf and cocaine. Chewing of coca leaf is a traditional practice in the country and permitted on its territory. The fight against illicit drugs is a longstanding public concern in Bolivia and a priority issue for the government. Bolivia has taken measures to reduce the production of coca leaf and there is well-established cooperation with the EU in the field of drugs.

Bolivia is the largest recipient of bilateral EU development assistance in Latin America (EUR 281 million in 2014-2020). In 2014-2016 assistance will focus on justice reform, counter-narcotics and integrated water resources management.

3.2.Compliance with GSP+ Obligations

3.2.1. UN Human Rights Conventions (conventions 1-7)

Status of ratification and reporting

Bolivia has accessed or ratified, and maintained ratification, with no reservation, the seven UN human rights conventions listed in Annex VIII of Regulation (EU) No 978/2012 applying a scheme of generalised tariff preferences.

Bolivia complies with all its reporting obligations to monitoring bodies, with the exception of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the International Covenant on Economic, Social and Cultural Rights (ICESC), and the Convention on the Rights of the Child (CRC). On CERD, the report due in 2013 has not yet been submitted. On ICESC, the report due in 2010 has not yet been submitted. On CRC, the report due in September 2015 has not yet been submitted.

Further details on the compliance with reporting obligations can be found in the annex.

Status of implementation of the conventions

International Convention on the Elimination of All Forms of Racial Discrimination

According to the UN special rapporteur on racism, discrimination against indigenous peoples, Afro-Bolivians and other vulnerable communities and groups still persists, and is exacerbated by structural inequalities that reinforce their exclusion and vulnerability ([13]). In the October 2014 Universal Periodic Review of Bolivia, some recommendations referred to combating racism and all forms of discrimination, especially with respect to women, children, indigenous peoples and Afro-Bolivians.

Discrimination because of ethnic origin has a particular impact on women. To tackle this issue, the Bolivian authorities have carried out awareness-raising campaigns and workshops in line with the 2012 Human Rights Education Plan. Departments have been instructed to implement a programme on prevention of discrimination and racism in educational establishments. This is in line with the 2010 Bolivian Law against Racism and all Practices of Discrimination.

International Covenant on Civil and Political Rights (ICCPR)

The 2013 Law on Legal Entities and the Presidential Decree 1597 regulate the granting of legal status to social organisations, non-governmental organisations, foundations and civil non-profit entities. The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association filed a brief to the Constitutional Court arguing that national law, and the relevant executive decree unjustifiably restrict the right to freedom of association under international law, through conditioning legal personality upon the organisation's contribution to economic and social development and stipulating the possibility of revoking NGOs' legal status on grounds of non-compliance with sectorial policies and standards.

The UN Human Rights Committee has recommended that Bolivia should redouble its efforts to ensure judicial independence, including by establishing a system of judicial appointments and judicial service based on objective and transparent criteria ([14]).

[13] http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12495&LangID=E#sthash.vIFRKawO.dpuf

[14] http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR %2fC %2fBOL %2fCO %2f3&Lang=en

The implementation of the right to prior, free and informed consent, particularly with respect to extractive industry projects, remains pending. According to the UN Human Rights Committee, the development of a draft law on this topic has been accompanied by consultation but not adequate consent of indigenous communities.

The Human Rights Committee has expressed concerns about reports of verbal and physical violence against human rights defenders and journalists and the increasing number of criminal proceedings being brought against them. Some of the recommendations in the 2014 UPR addressed the issue of protection of human rights defenders and journalists, as well as of necessity to guarantee freedom of expression and the media law to be in accordance with international human rights instruments.

In order to tackle overcrowded prisons and overused pre-trial detention, legislation was introduced in 2014 on decongestion and effectiveness of the judicial procedural system. This aims to accelerate the processing of court cases and reduce delays. A decree adopted in 2013 foresaw granting of pardon or amnesty for minor offences. A second decree was adopted in July 2015 also granting pardon or amnesty for persons incarcerated preventively accused of minor offences.

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

Implementation shortcomings with regard to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) relate in particular to (i) marginalisation of the Afro-Bolivian community (mainly women), (ii) violence against women, including trafficking, domestic and sexual violence (iii) that the judicial system prioritises reconciliation and family integrity over protection from domestic violence, (iv) vulnerability of girls in child labour, and (v) the high rate of teenage pregnancies.

Two new laws on violence against women were enacted in 2012 and 2013, but there have been few successful prosecutions on femicide ([15]). Femicides continue to be registered as homicides, warranting a lower penalty. The creation of a unified register of violence against women, where perpetrators will be registered, is still pending.

The 2012 Census, which introduced the criterion of self-identification, provided statistical data on Bolivia's Afro-Bolivian community. The Afro-Bolivian community is represented in the National Parliament, municipalities and other public instances. Bolivia has declared 23 September the National Day of the Afro-Bolivian People and Culture.

Bolivia adopted a plan on early pregnancy prevention for adolescents and young people in 2015. The plan aims to contribute to decreasing early pregnancy by strengthening the protection of sexual and reproductive rights through education and better access to justice and health services.

The 2014 Family Law entered into force in August 2015. The law introduced the freedom to use only the maternal surname, easier access to divorce, equal status of cohabitation and marriage, definition of child support and set the minimum age for marriage at 18 (with a possible exception allowing marriage at 16).

[15] In the first 2 years of Law 348 guaranteeing every woman a life without violence, 115 femicides were registered, with only 15 resulting in a sentence.

The 2014 general elections gave women a significant presence in the National Parliament (48%).

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

Key concerns on the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) relate to inadequate definition of torture under national law and deficient prosecution of torture cases. Bolivia plans to address this issue in the context of an overall reform of the penal system, taking into account the constitution and commitments under international conventions.

Convention on the Rights of the Child

Forced work and exploitation of children is forbidden by the constitution. However, child labour is widespread, especially in rural areas. The 2008 study by ILO and INE (National Institute of Statistics) established that 22.7 % of children aged 5 to 13 worked ([16]).

Human trafficking remains a challenge for Bolivia, including policies on the return of victims of human trafficking and their rehabilitation and reintegration into the labour market. The Ministry of Justice presented a National Plan against Human Trafficking 2015-2019 in August 2015. Trafficking cases have increased during recent years. According to the Supreme Tribunal of Justice 184 processes of trafficking were attended in 2014 — but only 11 reached a sentence.

The 2014 Law on Children and Adolescents set out a wide range of measures for the protection of children, including the protection of personal integrity and protection against violence including sexual violence, prohibition to engage children in various forms of hazardous work, (such as mining and construction) as well as collection of data on child labour. At the same time the law conflicts with the ILO Convention 138 (see section on labour conventions).

Further steps are needed to address the situation of the Guarani children in the Chaco region, children engaging in hazardous work in mining, high number of children living in prison with their parents, violence against children including trafficking, domestic and sexual violence.

In line with the 2013-2015 Access to Justice Programme, the Bolivian authorities are taking measures to eradicate forced labour of indigenous families, especially children, in the Chaco and the Bolivian Amazon regions through pilot projects in four departments.

Department work plans have been elaborated to promote the removal of children living in prison and provide alternative care. A joint effort in 2013 between the ombudsman, the prison regime and the prisoners reduced the number of children living in prison with approximately 30 %.

[16] According to the Law No 548, a revision of the baseline data was due in 2015, but is has been postponed to 2016.

Convention on the Prevention and Punishment of the Crime of Genocide

No salient shortcomings have been identified in Bolivia relating to the implementation of the Convention on the Prevention and Punishment of the Crime of Genocide.

Future actions and priorities

The new 2014-2018 National Human Rights Action Plan includes six strategic areas: civil and political rights; economic, social and cultural rights; the rights of rural native peoples and nations; women's rights; the rights of people in vulnerable situations; and the management of rights. The Patriotic Agenda 2025, launched in January 2013, contains 13 pillars with references, for example, to eradication of poverty, access to education and health. While there is no explicit reference to human rights in the Patriotic Agenda, the Human Rights Action Plan gives priority to the rights highlighted in the Patriotic Agenda.

Bolivia is a member of the UN Human Rights Council for the period 2015-2017.

Conclusions

Given delays or the length of time before the next reports are due, this assessment is based on the existing documents related to the effective implementation of mainly CERD, ICCPR and ICESCR. The country also underwent its second Universal Periodic Review that allowed for a frank discussion on advances and further challenges in the area of human rights. During the reporting period, Bolivia was elected to the UN Human Rights Council for the period 2015-2017.

Bolivia has made substantial progress in effectively implementing human rights commitments in 2014-2015, taking into account the overall socioeconomic situation. The constitution, together with the Patriotic Agenda 2025 and the National Plan for Human Rights 2014-2018, provide a solid basis to better promote and protect human rights. In particular, Bolivia has made efforts to eradicate poverty and improve access to education, health, food and housing.

Bolivia has adopted several new legislative acts to improve the human rights situation and to implement its international human rights commitments, but the challenge remains to ensure that the legislation is implemented systematically and effectively.

A particular concern is the minimum age to work, as stipulated in the Law of Children and Adolescents, which conflicts with the ILO Convention 138 (see section on labour conventions). Strengthening the independence and efficiency of the justice system and guaranteeing full respect of fundamental freedoms needs further attention.

3.2.2. ILO Labour Rights Conventions (conventions 8-15)

Status of ratification and reporting

The Plurinational State of Bolivia has ratified all eight ILO fundamental conventions, and has maintained ratification. Bolivia complies with all its reporting obligations under these conventions.

Status of implementation of the conventions

Freedom of Association and Collective Bargaining (Conventions 87 and 98)

In its observation from 2014, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR, hereinafter referred to as Committee of Experts) requested the government to comment on the allegations concerning police aggression during trade unions demonstrations. According to the information provided by the national authorities, the Ministry of Labour, Employment and Social Security through the General Direction of Union Affairs, is involved in conflict prevention and mediation.

The Committee of Experts recalled that for many years it has been commenting on several legislative matters and noted with satisfaction the information provided by the government concerning the repeal of section 234 of the penal code, namely the requirement of a three-quarters majority of the workers in order to call a strike.

The Committee of Experts also noted the government's indication that: (i) a new General Labour Act is being prepared which, among other matters, provides for the inclusion of rural and agricultural workers so that they can benefit from all social rights, and envisages a requirement of 20 workers to establish a union at the enterprise or industrial level; and (ii) with regard to the right to organise of public officials, a bill on public servants has been prepared which is to be examined and approved by the legislative authorities.

The Committee of Experts expressed the firm hope that the new General Labour Act and the act on public servants will be adopted in the very near future and that they will be in full conformity with the provisions of the conventions. A new General Labour Act should (i) adjust the amount of the fines for acts of anti-union discrimination or interference so that they are sufficiently dissuasive; and (ii) explicitly grant the guarantees afforded by the convention to public servants who are not engaged in the administration of the state and to all agricultural workers, whether they are wage earners or own-account workers.

Forced or Compulsory Labour (Conventions 29 and 105)

In its latest report from 2015, the Committee of Experts recognised the measures adopted by the government to combat the practices of forced labour and servitude, of which certain members of the indigenous communities, particularly the Quechua and Guaraní peoples working in agriculture, are victims. It asked the government to pursue efforts to eradicate these practices and protect victims. It noted in particular the activities carried out by the Fundamental Rights Unit of the Ministry of Labour within the framework of

the Development Plan for the Guaraní People, the strengthening of labour inspection at regional level and the land distribution process.

The Committee of Experts encouraged the government to continue to strengthen the state presence in areas where incidents of forced labour have been identified, particularly by continuing to carry out awareness-raising and capacity-building activities among at-risk groups. It also recalled the importance of measures to combat the root causes of the vulnerability of the victims, of policies aimed at ensuring greater autonomy of at-risk groups and of combating poverty. The Committee of Experts also requested the government to strengthen the capacity of other actors involved in combating forced labour, such as prosecution authorities and judges.

The absence of complaints by victims of forced labour before the competent administrative and judicial authorities does not necessarily indicate an absence of violations, but could reveal a limited access to law enforcement authorities, a lack of legal awareness on the part of the victims or fear of reprisals. Therefore, the Committee of Experts requested the government ensure close cooperation between the labour inspectorate and the public prosecutor so that no situation of forced labour goes unpunished.

In order to address cases of trafficking in persons, Bolivia adopted in July 2012 the Organic Law Against Trafficking and Smuggling of Persons and, in February 2013, the corresponding implementing regulations. The act defines the fundamental components of trafficking in persons and provides for penalties, provisions noted with interest by the Committee of Experts. Moreover the act establishes a framework to combat trafficking through measures and mechanisms for prevention, comprehensive victim protection, international and national cooperation, and punishment. The act also provides for the establishment of the Plurinational Council against the trafficking and smuggling of persons, which, in turn, shall develop and implement the plurinational policy against the trafficking and smuggling of persons adopted in January 2014 and will be the coordinating body in this area.

As regards possible punishment with forced labour for expressing certain political views the Committee of Experts noted concerns expressed by UN Human Rights Committee at ‘reports of verbal and physical violence against journalists and the increasing number of criminal proceedings being brought against them’. The Committee of Experts requested the government to provide information on the criminal proceedings under way against journalists, indicating the legislative provisions under which they were initiated and, where relevant, the sentences which have been imposed.

As regards possible punishments for having participated in strikes, the Committee of Experts noted in its 2015 report with interest the changes made to certain provisions of the criminal code aiming at the decriminalisation of the right to strike and the protection of the right to organise. Nevertheless the committee noted that there are several other provisions which need to be brought in line with Convention 105, especially provisions under which prison sentences could be imposed for participation in strikes, provisions which according to the government are not applied in practice.

Worst Forms of Child Labour (Convention 182)

In its latest report from 2015, the Committee of Experts again urged the government to take the necessary measures to prevent children from becoming victims of debt bondage

or forced labour in the sugar cane- and Brazil nut-harvesting industries and to remove child victims from these worst forms of child labour and ensure their rehabilitation and social integration.

Moreover, worst forms of child labour also occur in mines and the construction sector and also affect street children. An estimated 3 800 children work in the tin, zinc, silver and gold mines in the country, while overall, according to a national report published by ILO–IPEC in 2008, 437 000 children under 14 years of age were engaged in hazardous work, thus the large majority of the estimated 491 000 working children under 14 years perform hazardous work.

Cases of trafficking of children also occur in the country. In this respect the Committee of Experts noted with interest the adoption of the Integral Law on the Sale and Trafficking of Persons, in February 2012, especially provisions under this law which give special attention to children like enhanced penalties for trafficking crimes that involve children or the protection and rehabilitation of child victims.

Given the lack of resources concerning labour inspectors in the country and the difficulties encountered in gaining access to some plantations there is a need to intensify efforts in this regard in order to effectively detect child labour.

Moreover the committee requested the government to intensify the efforts to protect indigenous children from the worst forms of child labour, including in cooperation with UNICEF.

Given the importance of basic education in preventing the engagement of children in the worst forms of child labour and noting the discrepancy between school attendance in primary and secondary school, the committee strongly encouraged the government to continue to strengthen its efforts to improve the functioning of the education system and to increase the school attendance rate at the secondary level, including within the framework of the 2013-2017 Plan of Action with UNICEF and the Institutional Strategic Plan (PEI). According to statistical information from 2012 provided by UNICEF, the net enrolment rate in primary school was 91.2 % for boys and 91.5 % for girls, but decreased to 69.6 % for boys and 70.5 % for girls in secondary school.

Minimum Age for Admission to Employment (Convention 138)

On 17 July 2014, Bolivia adopted Law No 548 on Children and Adolescents' Code authorising children to work from age 12 for an employer and from age 10 if self-employed. The Bolivian Government stated that lowering the working age reflected the Bolivian reality, as one of the poorest countries in South America.

In its assessment from 2014, which was published in 2015, the Committee of Experts strongly deplored these recent amendments and emphasised that the objective of the convention is to eliminate child labour and that it allows and encourages the raising of the minimum age but does not permit the lowering of the minimum age once specified. The Committee of Experts recalled that Bolivia specified a minimum age of 14 years when ratifying the convention and that the derogation from the minimum age for admission to employment under section 129 of the Children's and Adolescents' Code is not in conformity with this provision of the convention. Moreover, the Committee of Experts noted with deep concern the distinction between the minimum age for children

who are self-employed, at 10 years, and for children who are in an employment relationship, at 12 years.

The Committee of Experts is of the firm view that self-employed children should be guaranteed at least the same legislative protection, particularly in view of the fact that many of these children are working in the informal economy in hazardous conditions. It therefore strongly urged the government to take immediate measures to ensure the amendment of parts of the Children's and Adolescents' Code to fix the minimum age for admission to employment or work as well as for admission to apprenticeship in conformity with the age specified at the time of ratification and the requirements of the convention, to at least 14 years.

Moreover, the Committee of Experts urged the government to take immediate measures to ensure the amendment of the Children's and Adolescents' Code to establish a lower minimum age of 12 years for admission to light work, in conformity with the conditions of Article 7(1) and (4) of the convention.

The government argued that these two exceptions have a transitory character of 5 years, then Bolivia intends to have eradicated child labour.

The committee also urged the government to take measures to implement a national plan of action for children to ensure the progressive elimination of all forms of child labour, and not just its worst forms, paying particular attention to children living in rural areas and engaged in hazardous types of work.

Overall, according to a national report from 2008 published by ILO–IPEC, the incidence of child labour among the children aged 5-13 years old was 22.7% or 491 000 children with the large majority (437 000) engaged in hazardous work.

Bolivia's implementation of Convention 138 was discussed as a double-footnoted country case (requiring the Government of Bolivia to provide full information) at the International Labour Conference (ILC) in 2015.

Taking into account the discussion that took place in June 2015, the ILC Committee on the Application of Standards (CAS, hereinafter referred to as Conference Committee) urged the government to:

- repeal the provisions of the legislation setting the minimum age for admission to employment or work and light work of the Children's and Adolescents' Code of 17 July 2014;

- immediately prepare a new law, in consultation with the social partners, increasing the minimum age for admission to employment or work in conformity with Convention No 138;

- provide the labour inspectorate with more human and technical resources, as well as training, with a view to a more efficient and concrete approach in relation to implementing Convention No 138 in law and practice;

- avail itself of ILO technical assistance to bring the legislation into compliance with the convention; and to report in detail to the Committee of Experts for its upcoming session.

However, the government, for its part, expressed disagreement with the conclusions and reserved the right to analyse them and send observations at a later stage.

Equal remuneration and elimination of discrimination (Conventions 100 and 111)

Article 48 of the Bolivian Constitution refers to the principle of equal remuneration for work of equal value. Nevertheless there is a need to reflect this in the General Labour Act and to give full effect to the principle of the convention, as recalled by the Committee of Experts in its 2013 report. The government informed that, based on projections for 2015, intends to work on reducing the gap of income between men and women.

Future actions and priorities

According to the Children's and Adolescents' Code, a baseline study on child work ought to be performed in 2015. This has been postponed — but is a priority for 2016. The Ministry of Labour is also preparing an Intervention Program 2016-2020 on work: (i) under 14 years; (ii) 14-17 years; and (iii) exceptional permits, which will be implemented by governorates and municipalities. On the Forced and Compulsory Labour, the work with elimination of forced labour and other forms analogous in indigenous families in the Chaco, Amazonia and Integrated North Santa Cruz will continue.

Conclusions

The Bolivian legislation is broadly in line with the fundamental labour rights conventions. However, the most salient shortcomings are related to Conventions No 138 and 182 following the adoption of the Children and Adolescents' Code in July 2014. In its 2013 assessment, the European Commission had already raised the issue of the implementation of these two conventions. Since then the situation has worsened. The government was asked to supply full particulars to the ILO Conference and the case was discussed at the International Labour Conference in June 2015.

Tackling child labour requires a holistic approach: legislation and enforcement, education and training, social protection and promotion of decent work opportunities. This is one of the primary objectives of EU development policies.

3.2.3. UN Conventions on Environmental Protection and Climate Change (conventions 16-23)

Status of ratification and reporting

Bolivia is party to all GSP+ relevant conventions on environmental protection and climate change.

Bolivia is not fully compliant with its reporting requirements for all the conventions on environmental protection and climate change, as several required reports have not been submitted. On CITES, annual reports are due for 2012, 2013 and 2014, and biennial reports for 2003-2004, 2005-2006, 2007-2008, 2011-2012, and 2013-2014. On the Basel

Convention on the Control of Trans-boundary Movements of Hazardous Wastes, the 2013 annual report is due. The first and third national reports are due on the Cartagena Protocol. Bolivia has not submitted any reports on the Stockholm Convention on Persistent Organic Pollutants.

Bolivia is compliant with the reporting requirements of the Convention on Biological Diversity, as it included the 2nd and 3rd National Reports in its 4th Report.

Status of implementation of the conventions

Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)

Bolivia's national legislation is ranked as category 2 under the Convention, which means that it does not yet fully meet all the requirements for the implementation of the Convention. The proposal for a national regulation regarding the implementation of CITES was expected to be adopted by the second half of 2015. Proposal for a Supreme Decree on International Trade of Endangered Species of Wild Fauna and Flora is currently under review of the Economic Policy Analysis Unit. The CITES Secretariat reported in December 2015 that, while Bolivia has taken step towards preparing new legislative provisions to implement CITES, the country remains in a situation of non-compliance and needs to accelerate its efforts to enact adequate legislation by the 67th meeting of the CITES Standing Committee in September 2016 .

Bolivia is not fully compliant with its reporting requirements. In relation to the fulfilment of the requirements for the submission of reports, annual reports have been submitted for 2008, 2009 and 2011. The submission of report for 2012, 2013 and 2014 are under final review. The CITES Secretariat reported in November 2015 that Bolivia had failed to submit its annual reports for three consecutive years and, pursuant to CITES Resolution Conf. 11.17 (Rev. CoP16), invited the CITES Standing Committee to consider the adoption of a recommendation for the suspension of all trade in CITES products from and to Bolivia at its 66th meeting in January 2016, which is the most severe compliance measure under CITES.

Basel Convention

Bolivia has reported on numerous activities connected to the export of hazardous wastes, which it will continue to carry out. Priorities include exports of hazardous wastes from different companies, as well as developing specific rules on the Basel Convention.

According to the database of the Basel Convention for national reporting, Bolivia submitted its national report for 2012, but the national report for 2013 has not been received.

Convention on Biological Diversity

Bolivia has begun the elaboration of the Biodiversity Strategy of the Plurinational State of Bolivia and its 2011-2025 action plan, to establish guidelines for the conservation, use and exploitation of biodiversity. This action plan should also accomplish the Aichi Commitments of the Convention on Biological Diversity (a set of 20 targets relating to the preservation of biodiversity, agreed by all parties to the convention).

Regarding the previous lack of compliance with reporting obligations, Bolivia reported that the General Direction of Biodiversity and Protected Areas was prepared for the 4th National Report with inclusion of actions that should be reported in the 2nd and 3rd reports. This had been due to a lack of staff.

Bolivia's fulfilment and execution of a biodiversity strategy is determined by the availability of funds from the international cooperation.

Stockholm Convention on Persistent Organic Pollutants

Bolivia plans to carry out activities related to environmentally friendly management of PCBs, contaminated equipment, waste and strengthening of technical capacity. Furthermore, it will put in place specific regulations on Stockholm Convention for the elimination of COPs until the year 2025. Preparation and approval of projects framed in the management of COPs are done to protect human health and the environment from persistent organic pollutants.

Bolivia has mentioned projects framed in the management of persistent organic pollutants and a project national plan for a COP inventory, but has not provided a specific timeline or further details.

As of December 2015, no reports have been received from Bolivia by the Stockholm Convention secretariat.

Convention on Biosafety (Cartagena)

Concerning implementation of the Cartagena Protocol, Bolivia informed in its 2nd National Report that domestic regulatory framework is partially in place. At the moment there is no specific regulation on living modified organisms (LMOs) that are pharmaceuticals; however the new regulation on biosafety (which in 2011 was under development) included provisions on the matter.

Conventions on Climate Change

The Ozone Secretariat has noted the challenges by Bolivia to consistently report consumption of hydrochlorofluorocarbons (HCFC). A proposal to update the decree to control Ozone Depleting Substances (ODS) to, inter alia, incorporate the accelerated HCFC phase-out schedule, establish quotas per importer, and limit the validity of licenses to 31 December, is expected to be approved by the Bolivian Government in March 2016. The decree in place has already allowed the authorities to enforce control measures and limit ODS imports; therefore, pending approval of the revised decree does not compromise the country's ability to meet the HCFC phase-out targets. The country has begun enforcement of the licensing and quota system since 1 January 2013. Bolivia has already issued HCFC import quotas for 2015 in accordance with the Montreal Protocol control targets. The import licensing and quota system will enable the country to achieve compliance with the Montreal Protocol's phase-out schedule for HCFCs. The country is in compliance with the Montreal Protocol control targets as well as with the targets specified in its HCFC phase-out management plan (HPMP) Agreement ([17]).

[17] http://www.multilateralfund.org/75/English/1/7538.pdf

Bolivia's second national communication to the United Nations Framework Convention on Climate Change was submitted in 2009. Bolivia has yet to finalise and submit its first Biannual Progress Report, due by the end of 2014.

Bolivia has taken a public position refusing a specific commitment on CO_2 emissions. The principal argument of the Bolivian Government is that the main contributors to CO_2 emissions are first in line to undertake responsibility and concrete actions on the matter. The contribution is linked to the achievement of living well in the context of climate change with regards to water, energy, forest and agriculture and livestock. For this purpose, it relies on policy measures in water management, development of renewable energy and land use activities (with quantifiable targets for 2030).

Bolivia submitted its Intended Nationally Determined Contribution (INDC) to the 2015 Climate Agreement on 12 October 2015, which did not contain any greenhouse gas emission reduction targets. However, the submission or contents of INDCs are not directly relevant for GSP+ compliance.

Conclusions

Bolivia is in a situation of non-compliance with the CITES Convention. Despite joining CITES in 1979, Bolivia still has still not enacted adequate legislation to implement the Convention. The country has also repeatedly failed to comply with its reporting obligations. Bolivia needs to ensure adoption of legislation in line with the CITES Convention, as well as compliance with its reporting obligations to both CITES and the Basel Convention. Measures to implement the Convention on Biological Diversity should be strengthened, in order to halt biodiversity loss. Institutional strengthening and coordination remains a challenge.

Regarding the UN conventions on climate change, although Bolivia has not taken a public position on CO2 reduction targets, it has developed quantifiable targets for a range of other policy measures, such as renewable energy use. Actions to ensure the implementation of these measures should be encouraged. Bolivia has still to finalise and submit its first Biennial Update Report on the UNFCC.

3.2.4. UN Conventions on Good Governance (conventions 24-27)

Status of ratification and reporting

Bolivia ratified the United Nations Convention on Psychotropic Substances in 1985, the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances in 1990, and maintains ratification.

In January 2012, Bolivia withdrew from the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol. It re-acceded to the convention in January 2013, with a reservation on chewing of coca leaf, a traditional practice in the country. Since January 2013, the chewing of coca leaf and the consumption and use of the coca leaf in its natural state for 'cultural and medicinal purposes' are permitted on the territory of the Plurinational State of Bolivia by virtue of the reservation.

As of January 2015, Bolivia was compliant with all requests for monitoring information from the monitoring body of the three core UN conventions on fighting illegal drugs (International Narcotic Control Board — INCB).

Bolivia ratified the UN Convention against Corruption (UNCAC) in 2005, and has maintained ratification and complied with its reporting obligations. The most recent review by the convention's monitoring body, the Implementation Review Group, was carried out in 2013. The Executive Summary of the review has been available to the public since December 2014.

Status of implementation of the conventions

UN Conventions fighting illegal drugs

Bolivia adopted a drug strategy for 2011-2015 as part of a comprehensive strategy to fight drug trafficking and reduction of surplus coca crops. The strategy, together with the regular conduct of drug-abuse surveys, aims at reducing drug abuse and the strengthening of policies and prevention programmes, focused in particular on vulnerable population groups. The measures include the publication of maps delimiting areas of authorised cultivation, voluntary eradication of at least 5 000 ha per year, forced eradication and activities to prevent the cultivation of new coca plants.

With regard to the rationalisation and eradication of coca, the 2014 UNODC monitoring report, presented in August 2015, revealed a decline of coca cultivation in Bolivia, for the fourth consecutive year ([18]).

In compliance with international commitments to provide estimates and data to the INCB for the purposes stated in Bolivia’s reservation on the coca leaf, on November 2013, Bolivia submitted publicly a comprehensive study of the demand of the coca leaf. The monitoring report of the coca crops 2013 presented in June 2014 by UNODC, in coordination with the Bolivian Government, highlights that 9 % of surplus coca crops were reduced during 2012-2013.

Bolivia has also taken other measures to reduce the production of coca leaf, including increasing institutional capacities of the government and the social organisations of Bolivia’s coca growers, in order to implement programmes of social control of coca production.

In the area of drug supply reduction, the objectives of the strategy also include eradication of any coca bush cultivation in excess of the 20 000 ha authorised by the Government of Bolivia, and strengthening of activities addressing drug trafficking and the diversion of precursors.

In March 2015, the Bolivian Government presented the second national study on the prevalence and characteristics of drug consumption in Bolivian homes in the capital cities of nine departments and the city of El Alto. The study, financed by the European Union, applies relevant international standards and is based on a survey of 9 600 persons. The study indicates that drug consumption in Bolivia has fallen in relation to the last

[18]The development has been: 31 000 ha (2010), 27 200 ha (2011), 25 300 ha (2012), 23 000 ha (2013) and 20 400 ha (2014).

study conducted in 2007, with the exception of tranquillisers, the prevalence of which has increased by 2 percentage points.

In order to strengthen the country's drug policy and exchange experiences and good practices, a cooperation programme between the European Union and Latin America (COPOLAD) has begun to improve coherence, balance and impact of policies on drugs, through the exchange of practices and experiences, bi-regional coordination and promotion of multi-sectorial, comprehensive and coordinated responses.

Bolivia has announced the adoption of a new strategy on the fight against drug trafficking for the period 2016-2020 and the adoption of new laws, on controlled substances and areas of coca eradication, respectively. Bolivia announced that workshops will be organised on the rational use of psychotropic drugs, and that health services will monitor the prescription of psychotropic drugs and integrate them into the public health system using new technological tools.

The United Nations monitoring body (INCB) appraised the situation in Bolivia in 2013 with the objective of reviewing compliance with the three international drug control conventions to which Bolivia is a party. The following shortcomings were identified: the need to take measures to address the prevalence of coca leaf; and the abuse of prescription of drugs containing psychotropic substances.

Bolivia continues to be one of the three largest cocaine-producing countries in the world, and is a significant transit zone for Peruvian cocaine. The Government of Bolivia reportedly intercepted considerable amounts of Peruvian-origin cocaine in 2014. INCB also noted in 2013 the high volumes of cannabis plant and cannabis herb seized in Bolivia in recent years.

At the 5th EU-Bolivia High Level Dialogue (HLD) on 16 November 2015, the EU encouraged the Bolivian government to strengthen cooperation with neighbouring countries and to tackle trafficking of controlled drugs. While Bolivia is making efforts to reduce coca production, cultivation remains an issue. Bolivia's efforts to tackle production were discussed, including acquisition of radar systems to control airspace and cooperation with Peru and Paraguay.

UN Convention against Corruption

Improvements to ethics, access to information and active transparency inside public institutions have all recently been improved by Bolivia. It has also strengthened its institutional capacities related to assets recovery, investigation and punishment of corruption. The Executive Summary of the 2013 review by the UNCAC Implementation Review Group (publicly available since December 2014) noted that Bolivia had established a Ministry for Institutional Transparency and the Fight Against Corruption. In addition, a national council for combating corruption had been set up, which comprises of a range of government ministries, the police services, the Financial Investigation Unit, social organisations, and groups representing indigenous peoples.

The review also concluded that Bolivia has carried out major legislative and institutional reforms, demonstrating that the country's political commitment to combating corruption is yielding results.

However, the UNCAC identified several shortcomings in Bolivia's implementation of the convention. The Implementation Review Group has suggested that Bolivia should focus on ensuring appropriate criminalisation of corruption: in particular, to criminalise trading in influence and abuse of functions, all elements of active bribery in the private sector, passive bribery in the private sector and embezzlement in the private sector. Inter-agency cooperation could be further strengthened. Progress is also required on international cooperation and the extradition framework.

Bolivia is developing a new penal code, which was expected in 2015-2016, and should include 'solicitation' and 'benefits for third parties' in the section on active bribery. Greater inter-agency cooperation and increased resources for anti-corruption efforts are also expected.

Conclusions

Together with the international community, Bolivia is making efforts to tackle drug trafficking. Although Bolivia's eradication programme is meeting its own stated targets, the country is still the third-largest producer of coca leaf. Bolivia's policy to consider 20 000 ha of coca cultivation as licit and its withdrawal from the 1961 UN Single Convention on Narcotic Drugs (followed by its reaccessions early in 2013 with conditions) undermined Bolivia's efforts to meet its international drug control obligations. Considering Bolivia's limited resources to fight drug trafficking, Bolivia relies on international cooperation to step up efforts to face the increasing demand for cocaine in consuming countries.

Bolivia is also making efforts to tackle corruption, and has seen progress on transparency and access to information in its public institutions, as well as a strengthened capacity to deal with incidences of corruption. However, further work is needed to criminalise cases of corruption, and to tackle a wider range of forms of corruption in the private and public sectors. Greater international cooperation is also required.

3.1. Trade and Economy

3.1.1. Trade Picture

Bolivia is a resource-rich country, with strong growth due to its natural gas exports. However, the country continues to be one of the least developed countries in Latin America. Bolivia's exports are heavily dependent on primary commodities such as minerals (zinc, lead, silver ores) or agricultural product (soya beans). Since 2004, economic growth in Bolivia was on average 4.9 %, due to high commodity prices, increased mineral and natural gas exports and a prudent macroeconomic policy. The positive economic context had a positive effect on poverty reduction. Due to the decline in international oil prices, Bolivia's main challenge will be to ensure these positive economic and social results in a less favourable global environment.

In 2014 Bolivian exports to the EU amounted to EUR 552 million. This shows an increase in exports of 10.8 % in comparison with 2013. Bolivia's main export products to

the EU are mineral products (worth EUR 166 million, or 30 % of total exports) and vegetable products (worth EUR 140 million, or 25 % of total exports).

GSP+ is of economic relevance for Bolivia, since it permits duty-free access to the EU market for majority of Bolivia exports (6 200 tariff lines), as well as the opportunity to diversify its trade exports from primary commodities into other more value-added products. Overall GSP+ exports to the EU increased by 45 % between 2014/2013 and 77 % between 2013/2012, showing that Bolivia is using well the potential offered by the GSP+ scheme.

3.1.2. GSP+ Statistics

Figures 3.1-3.3 below describe Bolivia's utilisation of the GSP+, in the context of its overall imports to the EU.

Source for all statistics: Eurostat data, as of September 2015.

Figure 2.1

Bolivia - Imports to the EU, 2012-2015					
Figures in thousand EUR	**2012**	**2013**	**2014**	**2015 (Q1-2)**	**Trend 2012-2014**
Total imports to EU	359,931	470,195	518,500	262,519	44.06%
GSP+ eligible imports	59,235	69,895	106,278	36,672	79.42%
GSP+ preferential imports	56,699	68,066	101,928	34,573	79.77%
GSP+ utilisation rate	95.72%	97.38%	95.91%	94.28%	0.20%

Figure 3.2

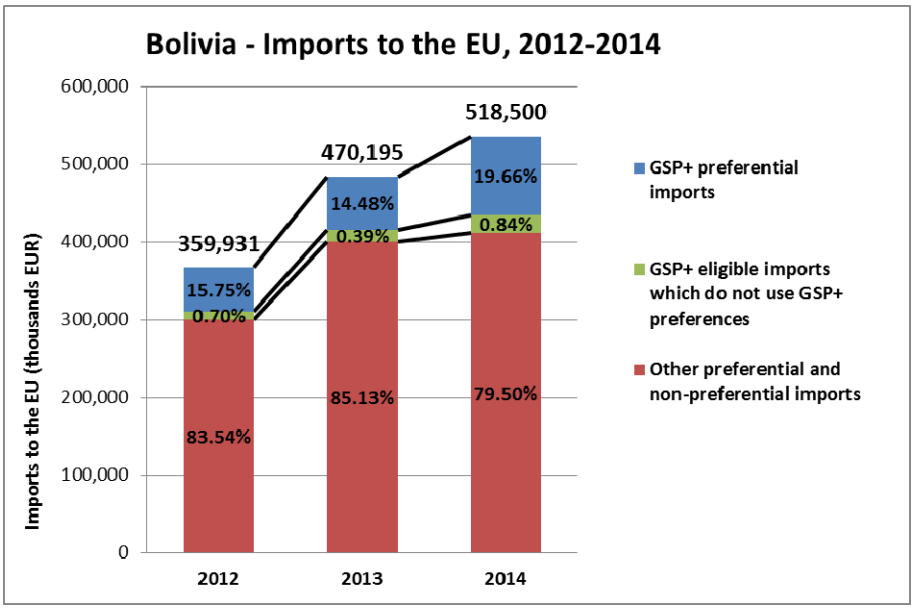
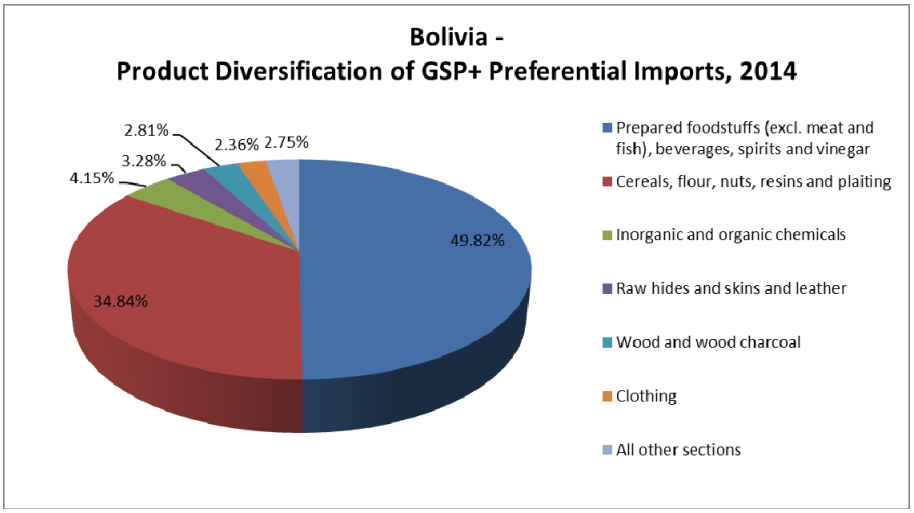


Figure 3.3


Bolivia -
Product Diversification of GSP+ Preferential Imports, 2014
2.81%
2.36%
2.75%
3.28%
4.15%
49.82%
34.84%
Prepared foodstuffs (excl. meat and fish), beverages, spirits and vinegar
Cereals, flour, nuts, resins and plaiting
Inorganic and organic chemicals
Raw hides and skins and leather
Wood and wood charcoal
Clothing
All other sections

4. Cabo Verde– GSP+ Assessment

4.1.Country Overview

Cabo Verde's overall human rights record is positive. The country has stable political institutions, a well-functioning multiparty parliamentary democracy and an independent judiciary. The last elections, in 2011, were judged both free and fair. Cabo Verde ranks second among all African countries in the 2014 Ibrahim Index of African Governance. Despite the lack of natural resources and its vulnerabilities as a small island, the country succeeded in evolving from a poor to a middle-income country in 2007. It made steady progress towards achieving the Millennium Development Goals, and these developments have translated into a range of improved social conditions.

4.2.Compliance with GSP+ Obligations

4.2.1. UN Human Rights Conventions (conventions 1-7)

Status of ratification and reporting

Cabo Verde has ratified all the GSP+-related UN human rights conventions, and maintains ratification.

For most of the seven human rights conventions, namely CAT, CRC, ICERD and ICESCR, Cabo Verde has not fulfilled its reporting obligations. When reports have been submitted, this has usually been with significant delays. This is largely due to insufficient administrative resources.

However, since the application of GSP+ to Cabo Verde and the monitoring of its obligations, the country has made significant efforts to submit the reports on time, notably regarding the implementation of ICCPR and CEDAW. Cabo Verde has now submitted all required reports on CEDAW. During the EU-Cabo Verde political dialogue at ministerial level, held on 13 October 2015, the country expressed its commitment to improve its reporting obligations to the UN human rights conventions, and requested the EU's support in this regard.

Status of implementation of the conventions

Despite shortcomings regarding its reporting obligations, Cabo Verde has a good record on the implementation of the main conventions. This is recognised in the EU Human Rights Country Strategy for Cabo Verde, and by the main human rights organisations' reports on the country. The outcome of Cabo Verde's Universal Periodic Review (UPR) in April 2013 also confirmed that there are no major concerns in respect to human rights and fundamental freedoms. However, problems occur in the following areas: violence and discrimination against women, violation of rights of the child, prison conditions and weaknesses in the judiciary system.

The country generally supports UN resolutions regarding human rights issues. Its international position on human rights is consistent with its domestic situation. There are no political prisoners, the death penalty is abolished and there is no racial discrimination.

Although legal provisions help to provide protection for homosexual conduct, social discrimination based on sexual orientation and gender identity continues to be a problem. Cabo Verde is considered the best performer in West Africa in terms of rights to education.

In 2011, the Cabo Verdean Government established the legal framework and specific human rights institutions to proactively deal with the protection of human rights, such as the National Commission on Human Rights (CNDHC). According to its statute, the Commission is endowed with maximum administrative and financial autonomy from the government. The Commission is composed of representatives from the government, trade unions, political parties and human rights organisations defenders. It is also designed to participate in consultations with the government to define national legislation in the framework of human rights protection. The institutional bodies involved in human rights promotion are quite active in advising the government on the effectiveness of existing legislation and on its possible enforcement. The current government is quite sensitive to criticisms, and is rather open to implementing actions to promote human rights — although enforcement still remains weak.

In 2003, a National Plan for Human Rights and Citizenship has been approved by the government. This plan is the outcome of the UNDP and OHCHR joint programme 'HURIST' in order to strengthen national capacity to ensure human rights promotion. In this context, Cabo Verde as a pilot country benefited from technical and financial support for the preparation of this national action plan. The plan focuses on the protection and promotion of human rights and citizenship, through actions involving the most vulnerable social groups, particularly children and adolescents, women, the disabled and mentally ill, immigrants and refugees, repatriated and prisoners. However, the plan needs to be updated.

The Cabo Verdean Institute of Equity and Gender (a government agency) has been working for the protection of the legal rights of women. The Women Jurists' Association (AJM) provides free legal assistance to women throughout the country suffering from discrimination and violence. The Cabo Verdean Institute of Child and Adolescent (ICCA) is a national network that aims to combat the abuse of and sexual violence against children, in cooperation with local governments, various police forces, the attorney general, hospitals and health centres.

Cabo Verde was reviewed under the Universal Periodic Review (UPR) of the Human Rights Council in April 2013, resulting in 123 formulated recommendations from 60 delegations. Presentations by the government noted that the implementation of all the recommendations constitutes a challenge for the institutions, with a particular strain on financial resources. However, Cabo Verde has recognised and accepted all the recommendations that were addressed to them and has been working on their implementation. Following two démarches carried out by the EU delegation in Cabo Verde in 2014, the Cabo Verdean Government offered its assurances that the fight against gender-based violence and eradication of child labour remain high on the country's agenda. In April 2013 the Government of Cabo Verde extended a standing invitation to Special Procedures of the Human Rights Council, thus indicating their willingness to accept visit requests in all thematic areas.

As identified by the Cabo Verdean institutions, international institutions (EU and UN), international civil society actors and human rights defenders, Cabo Verde's main shortcomings are related to its limited administrative capacity (leading to severe delays in

reporting), and a weak implementation of its legal frameworks related to the rights of women, children, migrants and detainees.

The country-specific priorities outlined in the EU Human Rights Country Strategy (2011) are children's rights; women's rights and gender equality; migrants' rights; preventing and fighting discrimination; the rights of prisoners and detainees; civic and political rights; and economic and social rights. The strategy will be updated in 2016.

International Covenant on Civil and Political Rights

The protection of civil and political rights including fundamental freedoms is ensured by the constitution and law. The government generally respects these rights, including freedom of expression, association and press.

The legal system, based on the constitution adopted in September 1992 and revised several times, promotes democratic values and guarantees the separation of powers. The state institutions overall are functioning well. The law provides for an independent judiciary, and the government generally respects this provision in practice. However, the judicial system lacks sufficient staffing and efficiency.

The law provides for the right of all citizens to a fair trial. Defendants have the right to be present and to consult with an attorney in a timely manner; free counsel is also provided for the indigents. However, the justice is still slow; the judicial backlog is significant. There are on-going reforms to improve the functioning of the justice system.

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

Despite legal prohibitions against gender-based discrimination and the existence of legal provisions for equal rights to men and women under family, labour, property and inheritance laws, discrimination against women in the public and private sphere still exists, due to deep-rooted sexist stereotypes embedded in culture and society.

Moreover, gender-based violence (GBV) remains an issue of concern. In 2011 a law came into force to address GBV, with a focus on three main objectives. These include improving the protection of victims, strengthening sanctions against offenders and raising awareness.

Civil society organisations have been requesting more effective law enforcement, in terms of implementing further actions involving legal counselling, psychological care and family courts to deal with domestic violence. However, women — especially in rural and remote areas — still lack the information and means necessary to claim their rights.

The legal framework has improved, and actions have been undertaken by the authorities to create a network connecting NGOs, national police health centres and community law centres. Nonetheless, violence and discrimination against women remain as significant problems.

Cabo Verde is pursuing its policy for non-discrimination of women and combating GBV through the implementation of two main plans in support of a new regulatory law over the next 3 years. The first plan is the 'Third National Plan for Equality' (2015-2018), which focuses on measures and results in the following areas: health; sexual and

reproductive rights; gender-based violence; education and vocational training; productive economy, reproductive economy; political participation in decision-making and communication spheres; and institutional strengthening. The second plan is the 'Plan II to Combat Gender-Based Violence' (2015-2018), aiming to contribute to the eradication of GBV and the effectiveness of the principle of gender equality. The following activities are particularly noteworthy: the creation of call centres for the victims on all the islands, the implementation of a national reintegration programme for GBV offenders and training and support in schools as well as the media, justice, health, police and military sectors.

Convention on the Rights of the Child

Cabo Verde provides wide and equal opportunities of education to all children between the ages of 6 and 12, through a free and universal education system. The healthcare system is also well-developed and provides good basic health services to children. The main difficulty concerns access for children from rural communities and more remote islands.

The legal framework prohibits early or forced marriage — the legal minimum age of marriage is 18 years. Female genital mutilation is also prohibited by law. The country is also compliant on birth registration.

However, violence against children remains a problem in Cabo Verde. There are several reported cases of violence and aggression, as well as sexual abuse of children. On the sexual exploitation of children, the law prohibits and heavily punishes those that promote or facilitate prostitution. During 2014, there were no reported cases of child pornography, but there were several cases of child prostitution. Sex tourism involving prostituted children is still a problem.

In recent years, cases have also been reported of imprisoned children not being separated from other detainees.

The authorities recognise that improvements still have to be made with regard to the rights of the child. The government is trying to fight abuse and violence against children through several programmes, including the 'Children's Emergency Programme' and 'Dial a Complaint', and creating centres for street children. A national network was established to address this problem in a more comprehensive manner, and involves the Institute of Child and Adolescence, police forces, the attorney general and hospitals. The legal framework is also being further reinforced and improved, notably on the criminalisation of child prostitution and human trafficking. A draft law revising the criminal procedure code is expected to be submitted to the National Assembly in 2015, which will propose a set of legislative measures to better safeguards the rights of the child.

Regarding detention conditions, according to the information provided by the General Directorate of Prison Administration and Social Reintegration to the EU delegation in Cabo Verde in April 2015, the separation of prisoners up to 21 years from the others is now guaranteed in all prisons of the country. The authorities recognise that improvements still have to be made in regard to the Rights of the Child, and, in particular, with regard to the separation of inmates in prisons.

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

The constitution and law prohibits these practices. The most common types of abuses were excessive force and aggression by police. There are no reported cases on the use of torture. In most of the cases of abuses, the National Police Council took action against those responsible.

The conditions in prisons and detention centres met in general the international standards. Overcrowding remains the main problem.

The Cabo Verdean law provides a detainee with the right to prompt judicial determination of the legality of the detention and the authorities have been respecting this right. Attorneys inform detainees of the charges against them and there is a functional bail system. Nonetheless, the length of pre-trial detention is a problem. There are no reported cases of deaths as a result of adverse conditions in detention centres, but separation of prisoners based on trial status, gender and age has not always been possible due to space limitations. Furthermore, cases have been reported of abuse and ill-treatment allegedly committed by police forces and prison guards, especially against juveniles.

The government reported that the new staff regulations of prison security as well as the disciplinary statute for prison security staff have been approved through decree-laws in force since November 2014.

International Convention on the Elimination of All Forms of Racial Discrimination

The constitution and law of Cabo Verde prohibits any discrimination based on race, gender, religion, disability, language or social status. The law also prohibits racism, xenophobia and other forms of discrimination.

The implementation and enforcement of the legal framework in this area is generally effective. The country does not present main concerns in terms of racial discrimination. Gender discrimination however is of concern in Cabo Verde.

International Convention on Economic, Social and Cultural Rights

The Cabo Verdean Constitution recognises economic and social rights. Particularly, Chapter III refers to labour rights, while Articles 69, 70 and 71 protect social security, health and housing rights.

Despite the lack of natural resources and its vulnerabilities as a small island, Cabo Verde has been a middle-income country since December 2007. Steady progress is being made towards the achievement of its remaining Millennium Development Goals (related to poverty, mortality of mothers at birth and children under 5). Rapid economic growth over the last years has been translated into improved social conditions: poverty in Cabo Verde has dropped significantly, and progress in the education and health sectors has also been substantial (e.g. the literacy rate 15-24 year-olds is around 98 %).

Access to water still remains a critical issue in Cabo Verde. Meeting the Millennium Development Goal target of increasing access to potable water remains a priority.

Future actions and priorities

Cabo Verde is highly committed to continuing to improve the respect of human rights. It is paying special attention to the areas needing more progress, notably women's and children's rights, combating domestic violence, the situation of migrants and detainees and strengthening the capacities of the judicial system. These priorities correspond with the priorities and actions outlined by the EU in its country human rights strategy. In particular, Cabo Verde will continue to pursue its policy for non-discrimination of women and combating GBV through the implementation of the two major plans.

The EU delegation will continue to monitor the human rights situation, and will address it in its political dialogue with Cabo Verdean authorities. The EU delegation will also continue to raise awareness and assist in the promotion and respect of human rights.

Conclusions

Cabo Verde stands out within its region as an example of tolerance and respect of human rights and fundamental freedoms. Cabo Verde has ratified all main international human rights conventions and maintains ratification. Cabo Verde ensures their implementation and enforcement in a generally effective manner. The existence of an independent judiciary system guarantees a fair access to justice.

Concerns remain on the rights of the child and on gender-based violence and discrimination, where strengthened and improved enforcement is required. Due to a substantial lack of human and administrative resources, reporting obligations under the main international conventions are not being respected, with the exception of reporting on CEDAW.

However, the authorities are showing commitment to respecting and implementing human rights and addressing shortcomings through setting clear priorities, establishing new and improved national policies and strengthening the legal framework and its implementation.

4.2.2. ILO Labour Rights Conventions (conventions 8-15)

Status of ratification and reporting

Cabo Verde has ratified all eight ILO core labour standards without reservations, and maintains ratification.

In 2013, Cabo Verde submitted all reports due to the ILO Committee of Experts on the Application of Conventions and Recommendations ('the Committee of Experts'). Cabo Verde did not submit the reports due in 2014 regarding fundamental Conventions No 29, 105, 138 and 182. However, Cabo Verde submitted these reports in 2015.

Status of implementation of the conventions

Freedom of association and collective bargaining (Conventions 87 and 98)

Regarding freedom of association, the national legislation is partly in line with Convention No 87. In its 2012 and 2014 reports, the Committee of Experts reiterated its request for changes to the labour code, in particular to the sections concerning replacement of workers on strike (which currently allow to sign a contract with another enterprise to replace services of workers being on a strike), the determination of the scope of minimum services to be provided during a strike and on the conditions to be met before the government may issue civil requisitioning (i.e. back-to-work) orders during a strike.

Regarding collective bargaining, the national legislation seems to be in line with Convention No 98. As regards implementation of this convention in practice, the Committee of Experts expressed concern in its 2012 and 2014 reports about the low number of existing collective agreements. The ILO provided technical assistance for the negotiation of collective agreements in the hotel and banking sector. In reply to the GSP+ scorecard, Cape Verde indicated that in 2011, the action plan on collective bargaining was adopted and a National Committee for the Promotion of Collective Bargaining was established.

Forced labour (Conventions 29 and 105)

Cabo Verde's national legislation seems to be in line with the convention. However, the Committee of Experts noted in its 2011 and 2015 reports that there were no provisions which would treat trafficking in persons as a crime. The committee also requested from the government more detailed information, including on the awareness-raising activities conducted to prevent and combat trafficking in persons.

Worst forms of child labour (Convention 182)

The national legislation is partly in line with the convention. In its 2011 and 2015 reports, the Committee of Experts urged the government to take the necessary steps to ensure that the legislation fully conforms with the convention. The penal code treats activities related to prostitution or pornography involving children as crimes, although it sets the age limit at 14 or 16 years instead of 18, as required by the convention. Penalties are envisaged also for those who engage children in illicit activities, including in production, trafficking and trade in drugs.

Cabo Verde in 2014 published a National Plan against Child Labour, which focuses upon communication, awareness, prevention, protection, rehabilitation, partnerships, international cooperation, legislative reform and oversight and inspection. The Committee of Experts also noted that the National Plan against Child Labour envisaged among others the harmonisation of the penal code with this convention. The committee requested information on the results of the implementation of the National Action Plan.

The labour code does not apply to children under the age of 18 who are engaged in hazardous work outside the employment relationship. The list of types of hazardous work was approved in 2015. This will help national authorities in strengthening and protecting

children's rights, supervising child labour and fulfilling the requirements under both child labour conventions.

As regards implementation of the convention in practice, the Committee of Experts noted the efforts taken so far to reduce the number of children living in the streets, including implementation of a project aiming to reintegrate those children into their families and into the education system. It also took note of the information about the operation of emergency centres and reception centres for children.

Minimum age for work (Convention 138)

According to a 2013 ILO-IPEC ([19]) study, the incidence of child labour in Cabo Verde is 7.1 %. The national legislation seems to be partly in line with the convention. The labour code sets the minimum age for admission to work at 15 years and the minimum age for hazardous work at 18 years. The list of hazardous types of work was approved in summer 2015.

The Committee of Experts notes that the minimum age provisions do not apply to children working outside an employment relationship (self-employed, informal economy). Moreover, the labour code does not set out a minimum age for performing light work activities (13 years pursuant to the convention). The Committee of Experts requested the government to bring national laws and regulations in line with the convention.

The National Plan against Child Labour, adopted in 2008, outlines steps to be taken in order to align the national legislation with Conventions No 138 and 182. The Plan was revised and updated in July 2014 and sets out a series of actions, including legislative reform.

Elimination of discrimination (Conventions 100 and 111)

In its 2013 report, the Committee of Experts requested the government to amend the existing legislation so that it gives a full expression of the principle of equal remuneration for men and women for work of equal value. As regards implementation in practice, the committee noted that a study on minimum wage fixing was being finalised and that a new proposal for the Career, Posts and Salaries Plan in the public sector had been submitted for approval by the relevant bodies and would be shared with the social partners in the framework of the Social Concertation Board. The committee also recommended carrying out awareness-raising campaigns, as a number of social partner organisations expressed a need for getting a better understanding of the principles of the convention.

In its 2013 report, the Committee of Experts noted the intention of the government to adopt specific legislation for rural workers and labour-intensive activities, as these are not explicitly covered by the labour code. The Committee of Experts requested also further information on how non-discrimination of workers of different national origin is ensured and whether and how workers are protected against indirect discrimination. It also requested the government to take steps to make sure that workers are protected against sexual harassment at the workplace.

([19]) IPEC: International Programme on the Elimination of Child Labour.

As regards putting the convention in practice, in the framework of the Decent Work Country Programme 2012-2015 implemented in cooperation with the ILO, measures have been taken to improve education level of women and young people. Moreover, in order to improve the situation of discriminated or more vulnerable groups on the labour market (such as women, young people or people with disabilities), the government has taken several measures, including support for establishing enterprises by them and awareness-raising campaigns, including for social partners.

However, the Committee of Experts noted that there were no comprehensive statistical data available concerning the situation on Cabo Verdean labour market. The government had requested ILO technical assistance in this respect. The Committee of Experts also recommended provision of training for labour inspectors outlining the principles of the convention.

Future actions and priorities

The national authorities are committed to continuing their efforts to prevent and eliminate child labour, notably through the implementation of their 2014 National Plan. A more effective implementation of the existing legal framework regarding non-discrimination in the labour market, including gender-based discrimination is also being pursued.

Conclusions

Cabo Verde has ratified all eight ILO fundamental conventions and maintains ratification. Its authorities have been taking steps to ensure legislative alignment. However, according to the Committee of Experts, further legislative amendments are needed to ensure full conformity of the national legislation with several fundamental conventions, including the Convention on Freedom of Association and the Right to Organise (Convention 87), on Minimum Age for Work (Convention 138), on the Worst Forms of Child Labour (Convention 182) and on Equal Remuneration (Convention 100). Cabo Verde also needs to fully respect its reporting obligations to the ILO Committee of Experts.

Regarding the implementation of the conventions, there are shortcomings which are partly related to the insufficient administrative capacity (lack of human and financial resources). It can be noted positively that Cabo Verde takes action to address the shortcomings, including through close cooperation with the ILO. The ILO, with EU financial support, intends to implement a technical assistance programme aimed at increasing Cabo Verde's reporting capacities on labour issues.

4.2.3. UN Conventions on Environmental Protection and Climate Change (conventions 16-23)

Status of ratification and reporting

Cabo Verde is party to all GSP+-relevant conventions on environmental protection and climate change.

However, Cabo Verde is not compliant with all of its reporting obligations. On CITES, annual reports are due for 2011, 2012, 2013 and 2014, and biennial reports are due for 2003-2004, 2005-2006, 2007-2008, 2009-2010, and 2011-2012. Cabo Verde has not submitted any reports on the Stockholm Convention on Persistent Organic Pollutants. The 5th National Report on the Convention on Biological Diversity is due. The 3rd National Report on the Cartagena Protocol on Biosafety is also due.

Cabo Verde is compliant with its reporting obligations under the Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and Their Disposal.

Cabo Verde is also compliant with its reporting obligations under the three UN conventions on climate change.

Status of implementation of the conventions

Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)

Cabo Verde's national legislation is ranked as category 3 under the Convention, as it does not meet the requirements for the implementation of the Convention. Cabo Verde has not provided any information on the status of the proposal for a national regulation to implement CITES.

Cabo Verde has also repeatedly failed to comply with its reporting obligations under CITES. The CITES Secretariat reported in November 2015[20] that Cabo Verde had failed to submit its annual reports for three consecutive years and, pursuant to CITES Resolution Conf. 11.17 (Rev. CoP16), invited the CITES Standing Committee to consider the adoption of a recommendation for the suspension of all trade in CITES products from and to Cabo Verde at its 66th meeting in January 2016, which is the most severe compliance measure under CITES.

Basel Convention

Cabo Verde is compliant with its reporting obligations under the Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and Their Disposal. Information on Cabo Verde’s implementation of the convention is not readily available.

Convention on Biological Diversity

Cabo Verde is receiving technical assistance and capacity-building to support it in complying with its reporting obligations.

There were no salient shortcomings identified in Cabo Verde in 2014-2015 as regards the implementation of the Convention on Biological Diversity, although biodiversity loss has not be halted, and concrete measures to implement the convention should be strengthened.

[20] https://cites.org/sites/default/files/eng/com/sc/66/E-SC66-30-01.pdf

Stockholm Convention on Persistent Organic Pollutants

Cabo Verde did not provide any information on submission of the national reports for the first, second and third round, nor the explanation on why the reports are missing. Furthermore, it did not provide any provide information on any measures (legislative and non/legislative) taken so far to effectively implement this convention (legislative framework, actions plans, etc.).

Convention on Biosafety (Cartagena)

According to the report of the Compliance Committee of 28-30 May 2014, Cabo Verde has no salient shortcomings regarding its reporting obligations under the Cartagena Protocol.

In its 2nd National Report, submitted in 2011, Cabo Verde noted that only a draft regulatory framework existed. However, at that time, drafts of a biosafety law and a national biosafety framework were awaiting revision and approval by the Council of Ministers. A government agency had clear responsibility to regulate trans-boundary movements, the handling and use of pharmaceutical products. However, the agency was in 2011 not yet operating on living modified organisms (LMOs).

In 2011, Cabo Verde did not have a mechanism in place to conduct risk assessments of LMOs. However, a risk assessment mechanism for LMOs was proposed by draft National Biosafety Framework.

Conventions on Climate Change

Cabo Verde ratified the Montreal Protocol on Substances that Deplete the Ozone Layer in 1987, and maintains ratification. It ratified the UN Framework Convention on Climate Change (UNFCC) in 1995, and the Kyoto Protocol to the UNFCC in 2006, and maintains ratification of both.

The consumption of HCFC-22 has been fairly stable in Cabo Verde since 2009, and an import licensing and quota system is operational and will enable consumption reductions in line with the Montreal Protocol’s phase-out schedule. Cabo Verde is considering integrating hydrochlorofluorocarbon (HCFC) issues into the training curricula for national customs officers; strengthening the collaboration with the refrigeration vocational training school and large servicing workshops to enable continuous training of technicians and control of ozone-depleting substances which will ensure the long-term sustainability of the activities under its HCFC phase-out management plan.

In 2000 Cabo Verde submitted its First National Communication and the National Strategy on Climate Change to the UNFCCC. Its Second National Communication was submitted in October 2011. It still needs to submit its first Biannual Update Report. A national adaptation programme of action on climate change 2008-2012 was also submitted in December 2007.

On 30 September 2015 Cabo Verde submitted its Intended Nationally Determined Contribution (INDC) to the 2015 Climate Agreement, which contains targets of 30 % renewables, 10 % energy savings (conditional 100 % renewables, 20 % energy savings) for the period 2015-2025. Cabo Verde expects to update its INDC in 2016 upon

completion of the emissions inventory as part of its Third National Communication process. The process is expected to be concluded in the second half of 2016.

Climate change is also addressed by the country's Second National Environment Programme of Action (PANA II) for the 2004-2014 period, which aims to provide an overall strategic guidance for a balanced use of natural resources and sustainable management of economic activities.

Conclusions

Cabo Verde fails to comply with its reporting obligations under CITES, the Stockholm Convention, the Cartagena Protocol, and the Convention on Biological Diversity.

Cabo Verde needs to strengthen its legislation to meet the requirements for the implementation of CITES. Cabo Verde has not provided information on possible remedial action on these shortcomings. On the Cartagena Protocol, the focus should be on enacting and implementing the draft biosafety framework.

Little information is available on Cabo Verde's implementation of the Stockholm Convention, the Convention on Biological Diversity, or the Basel Convention.

4.2.4. UN Conventions on Good Governance (conventions 24-27)

Status of ratification and reporting

Cabo Verde ratified both the UN Convention on Narcotics Drugs and the UN Convention on Psychotropic Substances in 1990. It also ratified the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances in 1995. It maintains ratification of all conventions.

According to the INCB Report on Precursors and chemicals frequently used in the illicit manufacture of narcotic drugs and psychotropic substances 2014, Cabo Verde is not compliant with the obligation concerning the submission of information pursuant to Article 12 of the 1988 convention for the years 2009-2013.

Cabo Verde ratified the UN Convention against Corruption in 2008, and maintains ratification. Reviewing of Cabo Verde's compliance with the convention is carried out by the UNODC Implementation Review Group, the convention's monitoring body. The most recent review of Cabo Verde was in 2011-2012, but neither the executive summary nor full report have been made available to the public.

Status of implementation of the conventions

UN conventions fighting illegal drugs

Cabo Verde's strategic location in the Atlantic Ocean, and its extensive, mostly unmonitored territorial waters and borders make it an important transit hub for South American cocaine moving to Europe. Consumption of illegal drugs is increasing in Cabo

Verde. Cannabis, cocaine, heroin and methamphetamine are the most commonly used drugs. Drug users, mainly young people, are largely from urban centres.

In 2012, Cabo Verde adopted a National Integrated Programme in the fight against drugs and crime, for the period 2012-2016. The National Integrated Programme was developed with the UN Office on Drugs and Crime (UNODC), and focuses on four areas: prevention and research; improvement of the health, treatment and reintegration of drug addicts; combating illicit trafficking, organised crime and terrorism; and justice and integrity.

Also in 2012, Cabo Verde began to use the PEN Online System, which allows competent national authorities to inform each other about international trade of precursor chemicals. This helps to confirm the legitimacy of a given trade, and limits diversion.

In 2014, the Cabo Verdean military forces joined national police patrols in the capital city of Praia to help fight a recent increase in crime. This followed the assassination of the mother of a judiciary police inspector, who was directly involved in the investigation of a significant drug trafficking case.

Cabo Verde is also working with other international partners to strengthen its capacity to monitor the country's international waters and combat drug trafficking. The Spanish Marine Corps have trained members of the newly established Special Operations Unit of the Cabo Verdean National Guard. Brazil established a Naval Mission in Cabo Verde in November 2013, and has since been helping Cabo Verde modernise the Cabo Verdean Coast Guard.

UN Convention against Corruption

Cabo Verde was reviewed in 2011-2012. Neither the executive summary nor the full report is available on the UNODC website, so assessment of Cabo Verde's implementation is difficult.

Future actions and priorities

Cabo Verde intends to continue its efforts to fight organised crime, money laundering and illegal trafficking, including drugs. The country intends to focus on the implementation of its National Integrated Programme in the fight against drugs and crime for the period 2012-2016 developed by UNODC. Cooperation with international partners is essential to strengthen the capacity of Cabo Verde to combat illicit trafficking of drugs, particularly through the sea. A 2015 national plan on security and stability foresees measures and actions to fight more effectively organised crime and illegal trafficking. The plan was prepared with the assistance of the EU in the framework of the EU-Cabo Verde Special Partnership, with the help of other international partners.

Conclusions

Cabo Verde is an important transit hub for South American cocaine moving to Europe. Consumption of illegal drugs is increasing in Cabo Verde. Its location in the Atlantic Ocean and lack of resources makes it difficult to control its extensive, mostly unmonitored territorial waters and borders. Cabo Verde has, however, adopted a National Integrated Program, and should focus on ensuring full implementation of the

plan. It is undertaking significant efforts to combat money laundering and drug trafficking and is fully cooperating with international and regional partners in this area. Cabo Verde relies on assistance and cooperation programmes supported by UNODC, the EU and other international partners.

4.3. Trade and Economy

4.3.1. Trade Picture

Cape Verde is a small ACP country, but also a rapidly transforming island economy. The EU is its main trading partner, representing 82 % of total exports in 2013 and 78 % of imports. Over 75 % of Cape Verde's exports are fishery products, followed by approximately 12 % of footwear, textiles and clothing, but the country is also very interested in trade in services, as illustrated by their impressive commitments upon joining the World Trade Organisation (WTO) in July 2008. Other trade partners are India, China and Brazil.

Negotiations of the regional European Partnership Agreement (EPA) with West Africa were closed at Chief Negotiator level on 6 February 2014. The EPA was initialled on 30 June 2014 and definitively endorsed by the ECOWAS Heads of State on 10 July 2014 at their summit in Accra. Once all signatures from the parties are gathered, the ratification process will start.

4.3.2. GSP+ Statistics

Figures 4.1-4.3 below describe Cabo Verde's utilisation of the GSP+, in the context of its overall imports to the EU.

Source for all statistics: Eurostat data, as of September 2015.

Figure 4.1

Cabo Verde - Imports to the EU, 2012-2015					
Figures in thousand EUR	**2012**	**2013**	**2014**	**2015 (Q1-2)**	**Trend 2012-2014**
Total imports to EU	55,006	47,894	97,322	27,693	76.93%
GSP+ eligible imports	44,882	45,388	55,781	25,410	24.28%
GSP+ preferential imports	43,285	43,754	54,713	24,587	26.40%
GSP+ utilisation rate	96.44%	96.40%	98.09%	96.76%	1.71%

Figure 4.2

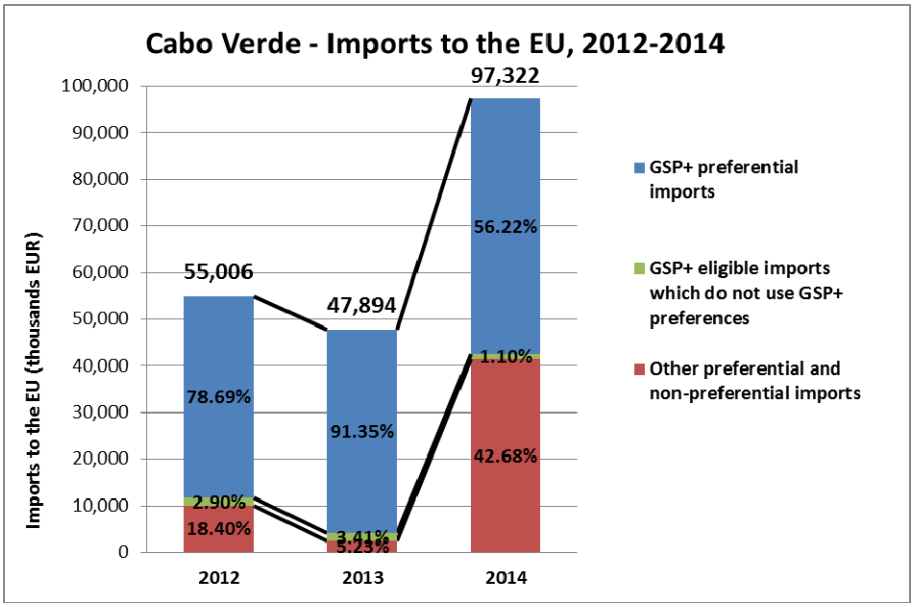
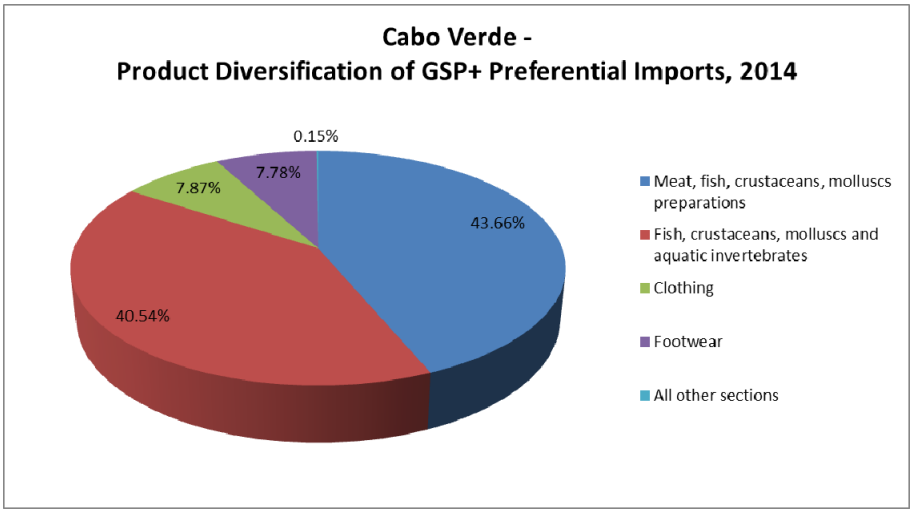


Figure 4.3



5. Costa Rica — GSP+ Assessment

5.1.Country Overview

Costa Rica is an upper-middle-income country with a strong democratic tradition and uninterrupted free elections since 1949. The most recent presidential elections were won in April 2014 by Luis Guillermo Solís, of the 'Partido de Acción Ciudadana' (PAC).

Costa Rica has a longstanding record of human rights compliance, in the regional and world context. It has been a member of the Human Rights Council during the period 2011-2014. The country remains a strong supporter of the Inter-American Human Rights system: both the Inter-American Court of Human Rights and the Inter-American Institute of Human Rights are located in San José.

Despite being a very serious observer of human rights, Costa Rica faces certain challenges that can affect their respect and protection. Rising insecurity related to organised crime and drug trafficking is a concern, though at much lower levels than in the rest of Central America. Law enforcement institutions do not always have enough means to face the situation. Although the judicial system is independent and ensures observance of the rule of law, it is undermined by slowness and excessive bureaucracy. Corruption in public administration exists, though at a much lower scale compared to other Latin American countries. The situation of up to half a million — legal and illegal — Nicaraguan immigrants (in a country of 4.7 million inhabitants) also requires particular efforts to avoid any escalation of tension. In some specific areas, especially in environment protection conventions, compliance is not always optimal due to insufficient data or limited human/economic resources.

The country has experienced steady economic growth during the past 25 years. The economy outpaced the average growth rate of the region in the 2000s, which nonetheless shrank after the economic and financial crisis of 2008, presenting an estimate of 3.6 % GDP growth in 2014. The poverty rate is stubbornly stuck at around 20 % and unemployment amounted to 10.1 % during the first semester of 2015. Extreme poverty increased from 6.3 % in 2012 to 6.4 % in 2013. Economic growth largely benefited skilled labour and secondary education presented lags, especially among Costa Rica's poor. Inequality also rose by 2013, while the Gini coefficient went from 0.518 in 2012 to 0.524 in 2013, according to data provided by the State of the Nation Program.

According to findings published by the National Institute of Statistic and Census (INEC) in the fourth trimester of 2013, 889 887 Costa Ricans worked in informal employment, 39 % were employed in the non-agricultural sector and 5 % in agricultural activities.

5.2.Compliance with GSP+ Obligations

5.2.1. UN Human Rights Conventions (conventions 1-7)

Status of ratification and reporting

Costa Rica has ratified all seven United Nations human rights conventions listed in Annex VIII of the Regulation (EU) No 978/2012 applying a scheme of generalised tariff

preferences, and maintains ratification. Further details on ratification can be found in the annex.

Costa Rica complies with its reporting obligations to monitoring bodies under the six conventions that require reporting. All reports have been submitted, although some delays had previously been observed concerning the Convention on the Elimination of All Forms of Racial Discrimination (CERD), Covenant on Civil and Political Rights (ICCPR), the Covenant on Economic, Social and Cultural Rights (ICESCR) as well as the Convention against Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Further details on the compliance with reporting obligations may be found in the annex.

Status of implementation of the conventions

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

Indigenous peoples and the afro-descendent population face instances of social and economic exclusion. This results in extreme poverty and limited access to education, healthcare and other public services. In its concluding observations from 28 August 2015, the CERD Committee recommended the implementation of the National Policy for a Society Free of Racism, Racial Discrimination and Xenophobia 2014-2025, and its Action Plan 2015-2018. This seeks to eliminate structural discrimination, including in access to health, education, housing, employment and social security, as well as in decision-making process. The committee also urged Costa Rica to develop practical mechanisms to systematically implement the ILO Convention 169, in consultation with indigenous peoples.

However, important efforts are being carried out to address discrimination in Costa Rica. The Costa Rican National Policy for a Society Free of Racism, Racial Discrimination and Xenophobia 2014-2015 came in to force in February 2014.

On 27 August 2015, the Legislative Assembly unanimously approved a constitutional reform declaring Costa Rica a multi-ethnic and multicultural state, recognising the diversity of values, history and traditions of the nation. This implies a legal obligation to ensure the rights of all citizens, prohibiting racism, xenophobia and racial discrimination. The reform to the constitution followed more than 15 years of discussion, and was signed by the President of Costa Rica, Mr Luis Guillermo Solís. Article 1 of the constitution now reads: ‘Costa Rica is a democratic, free, independent, multi-ethnic and multicultural Republic’. This reform does justice to important segments of the population — more than just a legislative procedure, the amendment recognises and validates international human rights instruments. It also clearly recognises the rights of all ethnic and cultural groups in the country.

In September 2014, the programme ‘Improving social, political and economic skills in Los Santos sub-region, based on intercultural coexistence’ was launched. It focuses on migrants from Panama, Nicaragua and indigenous communities, and aims to improve their living conditions. It is a joint project between the Costa Rican Ministry of Foreign Affairs, the EU Commission and the Swiss Agency for Cooperation and Development.

International Covenant on Civil and Political Rights (ICCPR)

The LGTBI is considered a vulnerable group, which faces social prejudice and discrimination, being particularly evident in the labour area. However, there has been significant progress in the last two years, especially more recently.

In May 2015, the government approved an Executive Decree ('Policy of the Executive Power to eradicate discrimination against sexually diverse population from its institutions') which foresees disciplinary actions for public workers for LGTBI discrimination and obliges to recognise same-sex couples in their definition of family members when requesting certain rights, such as sick leave. In June 2015, for the first time, a local family court (Goicoechea) ruled affirmative on a civil union condition to a gay couple. This ruling does not grant the rights to all gay couples in the country, since it is a case-by-case legal request. The Costa Rican Constitutional Court is currently reviewing the decision taken by the family court.

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

On 23 September 2014, Cost Rica ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Human trafficking and forced labour is a concern, especially among women and children, who are victims of sexual exploitation and tourism (see the section below on labour right conventions).

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

In vitro fertilisation (IVF) was made illegal after a ruling by the Constitutional Court in 2000, declaring this method unconstitutional since it violated the embryo's right to life. On the basis of a particular case brought to its attention, the Inter-American Court of Human Rights requested Costa Rica to legalise IVF in 2012, condemning the country for going against the American Convention on Human Rights. The ruling, compulsory and unappealable for Costa Rica, has not been implemented yet. So far, it has been impossible to pass a law amending the situation in the Legislative Assembly, where a significant number of members are against IVF.

In May 2015 President Solis' government announced it will reinstate in vitro fertilisation within six months, and thus finally comply with CIDH's ruling. Acknowledging the Assembly's blockage over the issue, the president signed on 10 September 2015 an executive decree to regulate and authorise the use of IVF and the transfer of embryos. Effective implementation of the executive decree remains to be seen, an appeal against it before the Constitutional Court has been lodged and the executive decree has been temporarily suspended.

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

On 17 September 2014, the Legislative Assembly passed a law regulating the use of electronic bracelets, as an alternative to detention in prison. The measure is aimed at reducing overcrowding in prisons, which are about 38 % above their capacity.

The National Mechanism for the Prevention of Torture was created in February 2014.

Future actions and priorities

Costa Rica takes prides in considering the respect of human rights part of its identity as a country. Therefore, its main actions and priorities in this area are a state policy. This implies that legislation and decisions initiated by previous governments are generally maintained and implemented by subsequent ones and policies are conceived with short, medium and long-term goals.

The Law on Migration, in force since 2010, provided a new legal framework for migration policy in Costa Rica. On these grounds, the first Comprehensive Migration Policy for 2013-2023 was formally presented in early 2014. It is a plan encompassing all commitments taken on by Costa Rica in this area for a whole decade.

The National Policy for Equality and Gender Equality 2007-2017, formulated by the National Institute for Women, outlines the state's commitments to reduce the gender gap related to employment and revenues, family responsibilities, education and health, effective rights protection and political participation of women.

The Health National Plan 2010-2021 is focused on vulnerable populations and specific groups such as indigenous communities.

The Roadmap to free Costa Rica from child labour and the worst forms of child labour 2010-2020 establishes two main deadlines: eradicating the worst forms of child labour by 2015 and completely eradicating it by 2020. Recently, new efforts have been agreed on the implementation of this initiative.

Since 2011, the prosecution of nationals and foreigners for sexual abuse of minors is allowed by law.

The EU's (budgetary support) programme PROSEC (EUR 13 million) focused on citizen security, and continued to be implemented in 2014 and 2015. The EU's objectives have been to improve police training, supply suitable equipment, improve working conditions and strengthen internal organisation.

Conclusions

Costa Rica has a long-standing positive record in human rights. All core United Nations human rights conventions are ratified, and implementation is undoubtedly satisfactory, through national legislation and practice. Strong human rights observance is a state policy in the country, regardless of the ruling party. The specific concerns related to the discrimination of vulnerable groups such as indigenous peoples and LGBTI as well as human trafficking and in vitro fertilisation are being seriously addressed by the government, and progress has been made. Certain general challenges, such as rising insecurity and excessive bureaucracy, may undermine ideal protection of human rights.

Internationally, Costa Rica is highly regarded for its commitment to human rights. A member of the Human Rights Council between 2011 and 2014, the country also obtained a seat in the UN Security Council for the period 2008-2009, where it played a significant

role fighting war crimes impunity in Sudan. The former Costa Rican Vice President and several times Minister Elizabeth Odio was a judge in the International Criminal Court in 2003-2012 and was elected as member of the Inter-American Court of Human Rights in June 2015. Another Costa Rican, Catalina Devandas, was appointed UN special rapporteur on the rights of persons with disabilities in November 2014.

5.2.2. ILO Labour Rights Conventions (conventions 8-15)

Status of ratification and reporting

Costa Rica has ratified all eight ILO fundamental labour conventions and maintains ratification. Costa Rica complies with all its reporting obligations under these conventions.

Status of implementation of the conventions

Freedom of association and collective bargaining (Conventions 87 and 98)

Legislation in place in Costa Rica still foresees restrictions to the right to strike, like the requirement of a high number (50 %, previously 60 %) of persons who work in the enterprise, workplace or establishment concerned to call a strike as well as the prohibition of strikes by 'workers engaged in rail, maritime and air transport enterprises' and 'workers engaged in loading and unloading on docks and quays'. Moreover, only very few strikes that had occurred in the past have been declared lawful and, according to trade union federations, the procedure to set a strike in motion could last for years.

As regards further legislative alignment, there is still a need to amend the labour code in order to remove the requirement that trade union executive boards need to be appointed every year, so as to adapt it to the practice followed by the authorities, which accept nominations beyond one year.

The Committee of Experts observed with regret that the bills submitted to the Legislative Assembly to align the legislation more closely with C087 have still not been passed. It therefore requested once again to continue to reform labour procedures along with the aforementioned bills. Bearing in mind the seriousness of the problems, and while expressing disappointment at the lack of results, the Committee of Experts expressed the hope to see significant progress in the near future regarding both legislation and practice.

In October 2012, former President of Costa Rica, Mrs Laura Chinchilla, vetoed the Labour Code Reform (Law 9076) approved by the Congress on that same year, a legislative procedure which started in 2005. This law contains new provisions related to expedite judicial labour procedures, regulations on the right to set a strike, right to set a strike on essential medical services in accordance with other jurisprudence on the matter, among others.

In 2013, President Chinchilla partially lifted her own veto, in order to expedite judicial labour procedures. In 12 December 2014 current President Solís completely lifted the veto on law 9076. However, in August 2015, the Costa Rican Constitutional Court declared the first partial veto lifting as unconstitutional; hence, Law 9076 has to be sent

back to Congress to either delete the provisions consider unconstitutional by former President Chinchilla or consulting with the Constitutional Court. Since then no progress was made on the adoption of this law.

With regard to implementation of Convention 098 on the right to organise and collective bargaining the Committee of Experts noted slowness and excessive duration of judicial cases related to anti-union discrimination acts but also efforts taken by the government and judiciary to simplify and speed up the procedures and expressed expectation that a bill on labour procedures discussed since 2005 would be adopted and implemented soon.

As regards collective bargaining the Committee of Experts requested the government to address the anomalous situation in the country: in the private sector there were only 16 collective agreements in 2012 and 125 direct agreements with non-unionised workers undermining the role of trade unions and collective bargaining. It asked the government to take measures to give effect to a ruling of the Constitutional Chamber of the Supreme Court of Justice (No 12457-2011), which clearly gives priority to collective agreements which are recognised in the constitution in relation to direct agreements with non-unionised workers. Furthermore it asked the government to intensify the promotion of collective bargaining with trade unions.

All the above mentioned issues were examined by the Conference Committee of the Application of Standards (CAS) in 2010, which discussed Costa Rica as a country case. Noting that all of them had been discussed for several years and at different occasions, the Committee of Experts expressed hope that the government, who had made some efforts to address them, would be able to report finally substantial progress and that relevant legislative acts would be adopted without a further delay.

According to the ILO Office in Costa Rica, President Solís' administration has been quite open to protecting trade union rights. ILO officers have met with the Ministry of Labour in order to train labour judges, unions and workers on the implementation of Conventions 87 and 98.

Forced labour (Conventions 29 and 105)

To address cases of trafficking which occur in the country, Costa Rica adopted in 2012 an anti-trafficking law which, among other things, aims to combat and punish trafficking as well as to establish a framework for the protection and assistance of victims, a law noted with interest by the Committee of Experts. The law also provides for the establishment of the National Coalition against Illicit Trafficking of Migrants and Human Trafficking, responsible for the development, implementation and evaluation of anti-trafficking policies, as well as the institutionalisation of the 'Immediate Response Team' (ERI), responsible for coordinating protection, assistance and rehabilitation measures for victims. The government additionally indicated that 150 cases of trafficking were brought before the authorities between 2009 and 2012, resulting in the conviction of 24 individuals. Statistical information provided by the government in response to the GSP+ scorecards further explains that 127 victims of trafficking were registered by the 'Immediate Response Team' between 2010 and 2014, more than half of which were victims of labour exploitation.

As regards effective labour migration management and protection of migrants, the government adopted a first National Integration Plan (2013-2017) and implemented additional awareness-raising campaigns. Through capacity-building initiatives training

has been provided to approximately 40 000 people involved in the investigation and prevention of trafficking in persons and exploitation of migrant workers.

Minimum age for work (Convention 138) and worst forms of child labour (Convention 182)

In Costa Rica 16 160 children aged 5 to 14 years (2.2 %) are engaged in child labour, with the large majority — 11 593 or 72 % — being engaged in hazardous work. Moreover 25 027 young persons aged 15 to 17 years (9 %) are engaged in hazardous work, according to the household survey ENAHO 2011, which was carried out by the National Statistics and Census Institute (INEC). In this regard, the Committee of Experts noted the implementation of the National Action Plan for the prevention and elimination of child labour and the special protection of young workers. It also noted that according to the government's indication, a comparison of surveys indicates a reduction in child labour from 49 229 in 2002 to 16 160 in 2011. Moreover, according to the 2011-2013 INEC census, the school drop-out rate for children aged 12 to 14 years has decreased from 20.76 % in 2011 to 1.9 % in 2013.

Overall, the Committee of Experts took due note of the efforts to implement programmatic measures to reduce child labour and increase attendance in secondary education. However, it also observed that a considerable number of children aged 5 to 17 continue to be engaged in hazardous work. Apart from this, the Committee of Experts noted with satisfaction the government's information concerning the adoption of the bill for 'Prohibition of Hazardous and Unhealthy Work for Adolescent Workers'. This act comprises many hazardous types of work, including mining and quarrying as well as activities conducted in confined or closed spaces or work involving contact with substances with character.

As regards the worst forms of child labour, according to the household survey (ENAHO) 2011, domestic work makes up one of the largest sectors of child labour with 10.3 %, with 56 753 young persons between 5 and 17 years of age performing domestic work at home including hazardous work. The aforementioned act, entitled 'Prohibition of Hazardous and Unhealthy Work for Adolescent Workers', expressly prohibits domestic work for young people where they must sleep at the job or remain beyond working hours. While taking due note of the efforts to strengthen the legislation protecting young workers, the committee requested the government to ensure effective application of this new legislation on hazardous work.

Elimination of discrimination (Conventions 100 and 111)

The average pay gap in Costa Rica amounts to 20 %, but in some sectors, such as manufacturing, it reaches 39 %. Women are those who are most widely engaged in part-time work, with two out of every 10 women workers being engaged in domestic service. The government clearly recognised the existence of pay gaps between men and women and refers to the measures taken, as for example, the National Campaign for Compliance with Minimum Wages, which seeks for a better distribution of wealth and vocational skills activities so that women can have access to more job sectors. The Committee of Experts hence asked the government to provide specific information on the impact of these measures.

With regard to equal pay for equally valued work, the Committee of Experts had been requesting amendments to the legislation for several years now to give full expression to the principle of equal remuneration for men and women for work of equal value.

The Costa Rican Government has requested the ILO's technical assistance in order to clarify the concept of equal remuneration for men and women for work of equal value. Women in domestic service have been the most affected, since they receive the lowest wages even when comparing them with other workers with no studies or professional training.

According to the Confederation of Workers Rerum Novarum (CTRN), there still exists a high level of occupational segregation, as women do not have access to better job opportunities or wages, although they reached a higher educational level. In 2014, the Committee of Experts noted statistical data provided by the government, which demonstrates the existence of occupational segregation, with most women being engaged in the commercial, teaching and services sectors.

In its 2013 report, the Committee of Experts requested legislative changes to include colour (race) as a prohibited ground for discrimination.

Future actions and priorities

Costa Rica is currently undergoing a series of social transformations. These include the reform to the labour code and the renegotiation of collective bargaining conditions in the public sector, boosted by the need of a fiscal reform that had taken the government to reduce public expenses, including salaries and remunerations.

According to the ILO office in Costa Rica, its main priority in Costa Rica is concentrated on social dialogue, since there is a growing need of creating trust between trade unions, public sector and government, especially at a moment when labour unions are questioned and have lost support.

The Costa Rican Government through the Ministry of Labour is paying special attention to the creation of programmes that promote employment for young, disabled people and women. Three such programmes are Mi primer empleo, Impulso and Emprende.

In Mi primer empleo, the Ministry of Labour and ILO aim to generate 3 000 jobs through a public-private initiative that provide incentives to enterprises that hire young people, disabled persons and women. At a second stage this project will provide training in tourism, information technology and medical industry.

Impulso is a programme to accelerate and recover Costa Rica's economy, as well as to create more and better jobs in the short term. The Central Bank of Costa Rica will take economic measures to lower interest rates that will benefit local producers. The National Learning Institute will create 21 648 additional places in 2016 for young people to acquire a technical diploma in specialised areas that are in high demand by companies established in Costa Rica, as well as in English education. Finally, Emprende aims to promote entrepreneurship among woman in vulnerable social environments.

Conclusions

Costa Rica has been taking steps to ensure effective implementation of the ILO core

labour standards, notably to combat forced and child labour. The adoption of an anti-trafficking law to combat and punish trafficking as well as to provide protection and assistance to victims and the establishment of the National Coalition against Illicit Trafficking of Migrants and Human Trafficking constitute a step forward in combating forced labour. As regards child labour, various measures to reduce child labour have been taken and the adoption of the law 'Prohibition of Hazardous and Unhealthy Work for Adolescent Workers' constitute a step forward in addressing hazardous and worst forms of child labour. More attention needs to be paid to freedom of association and collective bargaining, where there is a need to achieve full conformity with provisions of these conventions.

5.2.3. UN Conventions on Environmental Protection and Climate Change (conventions 16-23)

Status of ratification and reporting

Costa Rica has ratified all the UN conventions on environmental protection and climate change, and maintains ratification. Costa Rica generally meets all the reporting requirements.

However, Costa Rica is not fully compliant with the reporting obligations on the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), as the Annual Report for 2014 is due, as is the biennial report for 2013-2014. The 2nd and 3rd National Reports are due on the Cartagena Protocol on Biosafety. On the Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and Disposal, Costa Rica has not submitted required reports for 2008, 2010 or 2012.

Status of implementation of the conventions

Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)

Four working sessions took place in 2014 to coordinate and implement CITES. In 2015, Costa Rica intended to prepare procedures for confiscating CITES species, create tariff items for certain species, and develop opinions on the non-detriment of certain shark and cocobolo species. Measures have been put in place especially to implement the CITES listings of the five shark species included in CITES Appendix II in March 2013. The National Service for Animal Health and Phytosanitary Service of the State will carry out the role of Enforcement Agency.

In order to effectively include species living in Costa Rica in Annex II, Costa Rica requires more staff. Costa Rica also lacks data to determine whether including certain species in Annex II would harm the species or not.

Basel Convention

Costa Rica has reported to the Basel Convention that it imposes restrictions on the import of hazardous wastes and other wastes for final disposal.

Costa Rica has a National Policy for the Integrated Management of Waste (2010-2021), which guides public and private institutions on waste management. The national policy is the responsibility of the Ministry of Health, and seeks to foster shared responsibility among all relevant stakeholders. It promotes sustainable production and consumption, as well as safe waste handling.

Costa Rica also has a number of waste-related regulations, including the Regulation for Integrated Management of E-Waste, the General Regulation for Classification and Management of Hazardous Waste, the Regulation for Recovery/Recycle Centers of Valuable Residues, the Regulation on Special Management Waste Declaration, and the Regulation on Ground Transportation of Hazardous Products.

However, Costa Rica has an on-going process to draft new waste regulation initiatives. These include an update of the National Plan of Solid Wastes, an update to the policy on Sanitary Landfill Operations, improvements to the regulation for co-processing of waste in cement kilns, and a policy on co-incinerating ordinary waste.

In 2013 and 2014, Costa Rica participated in regional activities and workshops, which had enhanced capacities for implementation. It has established a National Registry of Authorized Waste Handlers and finished drafting its National Technical Guidelines for Management of Electronic Waste. Furthermore, exports totalling over 370 tonnes of hazardous waste have been performed. Costa Rica is currently implementing a project for Environmental Mercury Detection in Urban and Rural Zones and participating in the UNIDO E-waste and Persistent Organic Pollutants project.

Costa Rica has explained that its lack of compliance with reporting requirements is due to a restructuring of the Ministry of Health, and a subsequent reallocation of responsibilities for the Basel Convention. The country has since reported that it has established of clear responsibility for implementation of the Basel Convention.

However, Costa Rica still faces several shortcomings and difficulties in its compliance with the Basel Convention, including:

- a lack of funding for international transport and disposing of obsolete pesticides;
- a lack of dedicated incineration facilities and hazardous waste landfills for such substances;
- a lack of training for customs personnel to detect illicit trade;
- a lack of reporting according to the hazardous waste classifications specified in the convention, as well as using the OECD Codes for international transfers.

Costa Rica does not fully use the Globally Harmonised System for Hazardous Products, which makes it difficult to obtain detailed data on trans-boundary movements of chemical products (which could generate waste).

Convention on Biological Diversity

There were no salient shortcomings identified in Costa Rica in 2014-2015 as regards the implementation of the CBD. In 2014, Costa Rica carried out an evaluation exercise on the implementation of its National Biodiversity Strategy. The result showed that the strategy has been implemented with a score of 'average'. Costa Rica has made greatest progress on in-situ conservation, internalisation of environmental costs of services and incentives for sustainable use of biodiversity, and rules for access to genetic resources and benefit sharing. Costa Rica has also carried out activities to build technical and financial capacity in the public and private sector.

However, Costa Rica faces insufficient resources for implementing the legal framework of the CBD. The implementation of the National Biodiversity strategy is not binding. Additionally, while Costa Rica recognises that indigenous communities have an important role to play in biodiversity, funding to these communities is not sufficient. Moreover, there is a lack of national and local consultation regarding the model of development, and Costs Rica needs a new financial 'architecture' to consider biodiversity as natural capital.

Costa Rica plans to formulate a National Policy on Biological Diversity. This would be a strategy and action plan aligning national goals with each CBD target. Also under development are the National Land Use Policy and National Sea Policy, both of which link to CBD.

Stockholm Convention on Persistent Organic Pollutants

Costa Rica has complied with its reporting requirements on the Stockholm Convention on Persistent Organic Pollutants. It submitted its 3rd National Report in 2014. However, it has not provided any further information on any other measures taken to effectively implement the convention.

Convention on Biosafety (Cartagena)

Since ratifying the Cartagena Protocol on Biosafety in 2007, Costa Rica has submitted national reports in 2007 and 2011. Costa Rica has no salient shortcomings on reporting obligations.

The 2011 National Report noted that the domestic regulatory framework to implement the Cartagena Protocol was partially in place.

Conventions on Climate Change

Costa Rica is a party to all UN conventions on climate change, including the Montreal Protocol on Substances that Deplete the Ozone Layer, the Kyoto Protocol to the UN Framework Convention on Climate Change, and the UN Framework Convention on Climate Change (UNFCC).

Regarding the implementation of the Montreal Protocol, Costa Rica's import/export licensing system, covering hydro chlorofluorocarbons (HCFCs), has been in force since 2010, and the quota system has been operational since 2013. The Ozone Secretariat noted that Costa Rica was in compliance with the Montreal Protocol in 2013 and that the estimated consumption of HCFCs in 2014 was below the allowable consumption for that

year, and issued HCFC import quotas for 2015 at a level lower than the maximum allowable consumption under the Montreal Protocol. The Government of Costa Rica has continued, with progress, its activities planned under the HCFC phase-out management plan. The country has an operation licensing system (supported by an online system), which will further increase monitoring of the quota system, and sustain compliance ([21]).

Costa Rica submitted to the UNFCCC Secretariat its 3rd National Communication in December 2014. However, it still needs to finalise and submit its first Biannual Update Report. On 30 September 2015 Costa Rica submitted its Intended Nationally Determined Contribution (INDC) to the 2015 Climate Agreement, which provides for a 25 % greenhouse gas emission reduction target by 2030 below 2012 levels. Costa Rica has included an adaptation component in its INDC. The country is currently designing a road map for its National Adaptation Plan, and is committed to develop it before 2018.

In 2007, Costa Rica's National Climate Change Strategy was launched. Climate change is also addressed by the 2015-2018 National Development Plan, while the country's VII National Energy Plan 2015-2030 covers policies on energy efficiency and the promotion of renewable energies.

Two National Appropriate Mitigation Action (NAMA) projects on low carbon coffee production and livestock were submitted to the UNFCCC NAMA Registry seeking support for implementation.

Conclusions

Costa Rica should focus on ensuring that it fully meets its reporting obligations under the environmental protection conventions, by submitting the outstanding reports on CITES, the Cartagena Protocol, and the Basel Convention. As regards the implementation of the conventions, the situation is broadly satisfactory but the EU is interested in further information on the progress done by Costa Rica to implement the on-going initiatives by the authorities to improve the implementation of the Basel Convention. While Costa Rica has complied with its reporting obligations under the Stockholm Convention, more information on the specific implementation of this Convention would be welcome. Finally, the EU also encourages Costa Rica to pursue its efforts for the implementation of CITES, especially to address wildlife trafficking and to ensure that sound conservation and trade measures are put in place for CITES-listed marine (sharks in particular) and timber species.

Costa Rica is progressing regarding the implementation of the Montreal Protocol and the Climate Change Convention. The submission of the Intended Nationally Determined Contribution to the 2015 climate agreement is a signal of positive engagement in the new climate agreement, and concrete action to implement the intended contribution is encouraged.

[21] http://multilateralfund.org/74/English/1/7426.pdf

5.2.4. UN Conventions on Good Governance (conventions 24-27)

Status of ratification and reporting

Costa Rica has ratified the three UN conventions against illegal drugs, and maintains ratification. It ratified the UN Convention against Psychotropic Substances in 1970, the UN Convention against Illicit Traffic in Narcotic Drugs in 1977, and the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances in 1991.

According to the International Narcotics Control Board (INCB) 2014 Report on precursors and chemicals frequently used in the illicit manufacture of narcotic drugs and psychotropic substances, Costa Rica is compliant with the obligation to submit information pursuant to Article 12 of the 1988 Convention.

Costa Rica ratified the UN Convention against Corruption (UNCAC) in 2007, and maintains ratification. Costa Rica does not yet face any reporting requirements. Reviewing is carried out by the UNCAC Implementation Review Group, the convention's monitoring body. For Costa Rica's most recent review, no summary information is publicly available yet.

Status of implementation of the conventions

UN conventions fighting illegal drugs

Costa Rica has adopted rules for controlled chemical substances in international trade and cooperation with other states, and has rules governing the production and internal distribution of controlled chemical substances. In addition, Costa Rica has an updated register of all persons operating on these substances, and controls manufacturers' and distributors' licenses. The country performs inspections to licensed establishments and issues administrative and civil sanctions to correct infringements. Costa Rica has a competent authority with the necessary powers to coordinate actions to control the diversion of chemical precursors. The country has mechanisms for the timely issuing of pre-export notifications of controlled substances to other states and for responding to those sent by other countries.

In 2012, Costa Rica made important changes to its legal framework for the control of narcotic drugs and psychotropic substances. Regulations were adopted to improve the monitoring of the reporting requirements for pharmacies, drugstores and pharmaceutical laboratories. In addition, measures were adopted to increase the safety of narcotic and psychotropic raw materials stored by pharmaceutical retailers. Measures were also adopted to improve security when transporting controlled substances, which shortened the period allowed for the transport of controlled products between warehouses and retail facilities.

On demand reduction, there has been a shift towards treatment and rehabilitation for drug users. In May 2013, the security minister stated that drug consumption is a public health concern, and that addicts should be offered treatment instead of punishment. In February 2013, Costa Rica launched a pilot programme to offer rehabilitation to offenders who commit minor crimes under the influence of drugs.

Combating money laundering continues to be a challenge in Costa Rica. In 2013, the Public Ministry established a separate Money Laundering and Asset Forfeiture Bureau. Much of the money comes from the proceeds of cocaine trafficking, and is laundered through online gaming operations. It should be noted that investigators in Costa Rica often do not use more sophisticated investigative techniques such as cooperating witnesses, electronic surveillance, and undercover operations. This limits the scope and complexity of investigations. Costa Rica is also making substantial efforts on banking supervision, and held the XXXI plenary GAFILAT (Financial Action Task Force in Latin America) in June 2015. At this meeting, the Costa Rican banking sector backed the proposed national strategy to combat money laundering, and backed the National Action Plan Against Terrorism. The strategy includes three components: prevention, detection and intelligence, research and criminal justice. The action plan priorities are focused on promoting inter-agency coordination on research, update of existing legislation, improving investigative techniques and increasing support on international cooperation.

In 2011, the UN monitoring body INCB reviewed Costa Rica's compliance with the three international drug control conventions to which it is a party. It identified four shortcomings in relation to drug control system, prevention availability of narcotic drugs and psychotropic substances for medical purposes.

However, Costa Rica has recently made progress in a number of areas of drug control, including:

- adoption of a National Plan on Drugs, Money-laundering and the Financing of Terrorism for 2013 to 2017. This includes a number of measures to increase coordination among ministries and institutions dealing with drug control. Moreover, in 2014, Costa Rica adopted in its legislation the provisions of Articles 3 and 12 of the United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances of 1988;

- in February 2014, adoption of a decree that reforms the regulations on custody and destruction of narcotic drugs and psychotropic substances;

- in April 2014, a resolution from the General Directorate of Customs on the procedures to process chemical substances;

- in August 2013, Adoption of Act No°9161, a comprehensive amendment of Act No°8204 on narcotic drugs, psychotropic substances, illicit drugs, related activities, money laundering and the financing of terrorism;

- in October 2012, Costa Rica participated in Operation Icebreaker, a regional operation to monitor the diversion of chemical precursors used for the illicit manufacture of methamphetamines;

- in 2015, the Drug Monitoring Board of the Ministry of Health developed a Digital Prescription Drugs and Psychotropic Substance system.

In particular, the annual report of the International Narcotics Control Board (INCB) in 2014 welcomed the measures taken to increase coordination among ministries and institutions dealing with drug control, as reflected in the National Plan on Drugs, Money-laundering and the Financing of Terrorism for the period 2013-2017.

UN Convention against Corruption

As Costa Rica only ratified the UN Convention against Corruption in 2007, it does not yet face reporting requirements. Costa Rica was reviewed by the UNCAC Implementation Review Group in the 2013-2014 cycle, but no summary information is publicly available yet. Assessing progress is therefore difficult at this time.

Conclusions

The INCB's most recent review of Costa Rica's compliance with the three international drug control conventions shows some shortcomings on drug control system, prevention and availability of narcotic drugs and psychotropic substances for medical purposes. Further action is required to address these shortcomings. However, Costa Rica has made progress in relation to the Adoption of a National Plan on Drugs, Money-laundering and the Financing of Terrorism for 2013 to 2017. Costa Rica has also adopted some important legislative acts on drugs control, and is taking important steps to tackle demand for illegal drugs through treatment and rehabilitation for users.

Further information on Costa Rica's implementation of the UNCAC would be welcomed.

5.3. Trade and Economy

5.3.1. Trade Picture

Costa Rica's goods exports relies mainly on agricultural production (bananas, pineapple, coffee and sugar cane), together with a growing high technology industry. According to The World Bank, the country has a GDP of USD 49.553 million with an annual growth rate of 3.5 % for 2014; this situation creates a GNI per capita based on PPP ([22]) of USD 14 420. Costa Rica's major business partners are the United States, European Union and Hong Kong (China). The country imports come mainly from China, the EU and Mexico.

In 2014, Costa Rica exports to the EU concentrated on microprocessors, bananas, pineapples, integrated circuits, medical devices, pharmaceutical products and computer components. Total exports accounted for USD 5.010 million. Costa Rica has 13 free trade agreements with major partners, among them the Association Agreement between the European Union and Central America, USA-Dominican Republic-Central America FTA (CAFTA-DR), China-Costa Rica FTA and Singapore-Costa Rica FTA.

As a result of the EU-Central America Association Agreement, provisionally applied since August 2013, Costa Rica will be removed from Annex II of the GSP Regulation from January 2016. As consequences of this, Costa Rica will also cease to be a GSP+ beneficiary.

[22]Gross national income per capita (GNI) based on purchasing power parity (PPP).

5.3.2. GSP+ Statistics

Figures 5.1-5.3 below describe Costa Rica's utilisation of the GSP+, in the context of its overall imports to the EU. The reduction in imports benefiting from GSP+ preferences in 2014 is a result of the alternative preferences available under the EU-Central America Association Agreement.

Source for all statistics: Eurostat data, as of September 2015.

Figure 5.1

Costa Rica - Imports to the EU, 2012-2015					
Figures in thousand EUR	**2012**	**2013**	**2014**	**2015 (Q1-2)**	**Trend 2012-2014**
Total imports to EU	4,285,897	4,007,151	3,767,873	1,256,747	-12.09%
GSP+ eligible imports	784,421	743,910	872,169	539,347	11.19%
GSP+ preferential imports	745,399	637,473	159,623	71,390	-78.59%
GSP+ utilisation rate	95.03%	85.69%	18.30%	13.24%	-80.74%

Figure 5.2

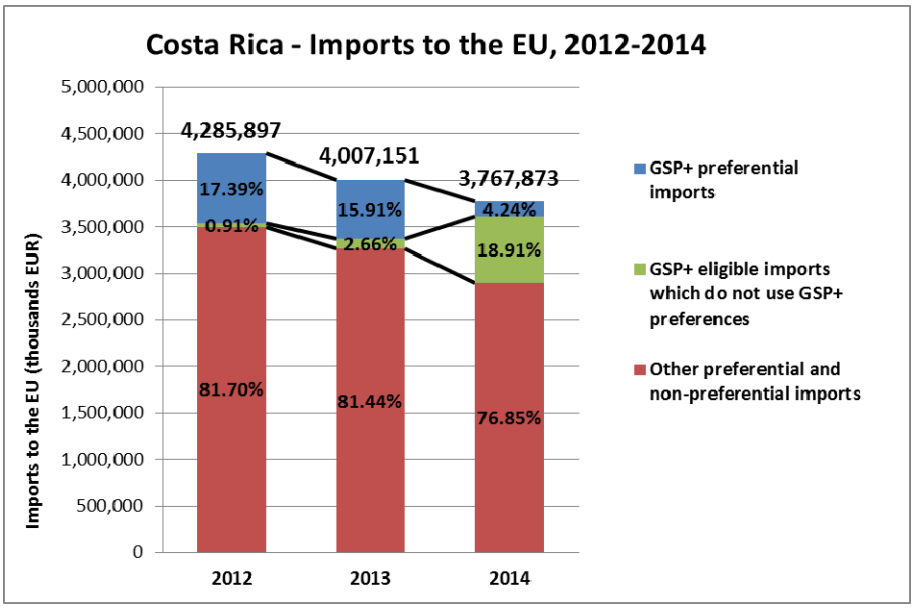
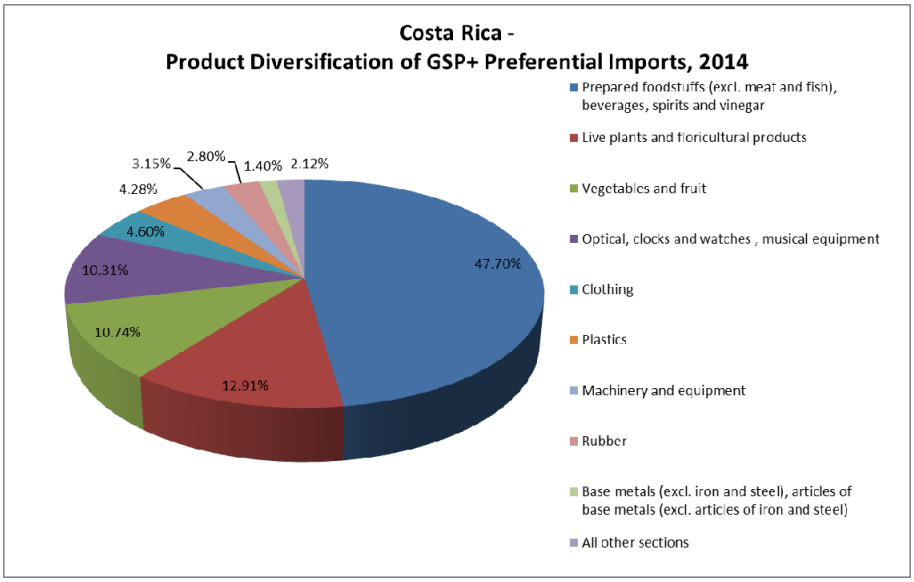


Figure 5.3


Costa Rica -
Product Diversification of GSP+ Preferential Imports, 2014
47.70%
12.91%
10.74%
10.31%
4.60%
4.28%
3.15%
2.80%
1.40%
2.12%
Prepared foodstuffs (excl. meat and fish), beverages, spirits and vinegar
Live plants and floricultural products
Vegetables and fruit
Optical, clocks and watches , musical equipment
Clothing
Plastics
Machinery and equipment
Rubber
Base metals (excl. iron and steel), articles of base metals (excl. articles of iron and steel)
All other sections

6. Ecuador — GSP+ Assessment

6.1.Country Overview

After the highly unstable political situation between 1995 and 2005 (including the impeachment of Presidents Bucaram and Mahuad, a bailout and dollarisation of the economy and an attempted coup d'état) Ecuador has been transformed during a period of political stability. This has happened in the eight years' mandate of President Correa (elected in 2006, took office in 2007), which, coinciding with a period of high commodities prices and economic growth, has brought a strengthening of the state, extensive social and public work programmes and improved social indicators. The state has also gained greater control of the economic and political spheres.

The 2008 constitution is characterised by a concentration of power in the President of the Republic, as well as by an increase in people's rights, a greater presence of the state both in institutional and in economic life, and greater control by and participation of the government in strategic economic sectors, such as oil, mining, telecommunications and water.

It includes a comprehensive bill of rights such as the rights of indigenous communities and cultures, the right to health, the right to culture and the rights of nature. It also introduces innovative concepts such as what is known as 'the right to good living', a concept that defines the desirable balance of humans with their community and with nature, in very general terms. It inspires the national plan of human rights (the National Plan for Good Living) which, in its current version, will cover the 2013-2018 period and will analyse completion with the requirements of the Universal Periodic Review.

However, some political and legal developments in Ecuador over the last 3 years represent challenges for certain areas of human rights. The most significant ones concern some civil and political rights, especially in the area of fundamental freedoms, like freedom of expression and freedom of assembly. The new Communication Law has increased state control over the media. Other concerns include the independence of the judiciary and due process as well as shrinking space for the civil society. The indigenous peoples continue to be divided on state policies over national resources, especially on the new mining law and oil concessions. Consequently social unrest and confrontations increased during the reporting period.

However, more positively, there has been some recent progress made on the legal framework for women, children and asylum seekers. The level of violence against women and impunity in this regard remains quite high, although new measures were adopted in 2014.

The ruling party is considering the possibility of changing the constitution that could allow indefinite re-election of the president (currently limited to two consecutive mandates) despite heavy criticism from the opposition.

6.2.Compliance with GSP+ Obligations

6.2.1. UN Human Rights Conventions (conventions 1-7)

Status of ratification and reporting

Ecuador ratified the seven UN human rights conventions listed in the Annex VIII of the Regulation (EU) No 978/2012 applying a scheme of generalised tariff preferences, and maintains ratification. Further details on the ratification can be found in the annex.

Ecuador complies with the majority of its reporting obligations to monitoring bodies. Nevertheless, delays in reporting have previously been observed. The most significant delay concerned the International Covenant on Civil and Political Rights (ICCPR) — Ecuador submitted the report in question on 7 August 2015, after 2 years' delay.

Status of implementation of the conventions

Convention on the Prevention and Punishment of the Crime of Genocide

Ecuador ratified this Convention in 1949 and has presented no reservations to the text. There are no salient shortcomings in the implementation of this convention and, because of the nature of its content, there is no apparent risk of violations in the current political situation.

International Convention on the Elimination of All Forms of Racial Discrimination

Ecuador ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in 1966, and in 1977 made a Declaration ([23]).

The Committee on the Elimination of Racial Discrimination has received all the reports required (the last one in 2012). The next one is expected by early 2016.

Ecuador complies with the convention overall. The new constitution of 2008 pays particular attention to the indigenous population and their rights, to the extent that it includes the terms 'intercultural' and 'plurinational' in its definition of the Ecuadorian State. However, according to the monitoring report, Ecuador lacks mechanisms for dialogue, consultation and participation of indigenous peoples in projects affecting their territories and livelihoods.

[23]The State of Ecuador, by virtue of Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, recognises the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation of the rights set forth in the above-mentioned Convention.

International Covenant on Civil and Political Rights (ICCPR)

Ecuador ratified the International Covenant on Civil and Political Rights (ICCPR) and its first optional protocol in 1969, and the Second Optional Protocol, aiming at the abolition of the death penalty, in 1993. In 1984, Ecuador presented a Declaration ([24]).

The latest monitoring body report was issued in 2009, and Ecuador presented the new one in August 2015. In April 2014 the UN Human Rights Committee submitted a list of additional questions to Ecuador, in which it requested Ecuador to describe the legislative measures that have been adopted to combat terrorism, and the extent to which they might affect the rights guaranteed under the ICCPR. This concerns mainly the broad interpretation of 'offences of sabotage and terrorism', which are applied when charging people who organise or participate in public demonstrations. The committee also requested detailed statistics on the number of people accused of terrorism or sabotage in the context of social protests and other public demonstrations.

On freedom of expression and association, the committee requested information on how freedom of expression was guaranteed in the new Organic Law on Communication. The committee also asked how many criminal proceedings had been brought against journalists, trade unionists and members of the opposition for defamation, slander or contempt. It requested information on the content and application of the Executive Decree No 16 related to the civil society organisations, especially with regard to the grounds for their dissolutions, including the information on the closure of the NGO Pachamama in 2013.

The committee also requested Ecuador to provide information on mechanisms in place to guarantee the independence of the judiciary, in particular on the procedure for appointing judges and prosecutors.

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

Ecuador ratified the International Covenant on Economic, Social and Cultural Rights in 1969, and the optional protocol in 2010.

It has presented all the required monitoring reports to the competent body, the Committee on Economic, Social and Cultural Rights. The most recent was presented in 2012, and the next is due in 2017.

Two salient shortcomings were identified in the last monitoring report. Firstly, there is no mechanism for consulting indigenous peoples and nationalities concerning natural resources development activities. There have been several high-profile cases of public consultation being rejected: most recently, the National Electoral Council rejected the

[24]The Government of Ecuador recognises the competence of the Human Rights Committee to receive and consider communications to the effect that a state party claims that another state party is not fulfilling its obligations under the aforementioned Covenant, as provided for in paragraph 1 (a), (b), (c), (d), (e), (f), (g) and (h) of that article.
This recognition of competence is effective for an indefinite period and is subject to the provisions of Article 41, paragraph 2, of the International Covenant on Civil and Political Rights.

demand presented by the Yasuni social movement for a referendum on oil exploitation in Yasuni National Park.

Secondly, girls and women remain subject to sexual violence and exploitation.

In April 2015, a series of reforms were made to the labour code. These focused on five key areas: strengthening and deepening the right to stability, further equity, modernising the wage system, democratising labour representation, and universal social security.

In spite of important progress in social policies, such as the reduction in poverty, increased literacy and more balanced income distribution, in this field there are still gaps between theoretical enshrinement of rights and their practical implementation.

Convention on the Elimination of All Forms of Discrimination Against Women

Ecuador ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1981.

It has presented all the required monitoring reports to the competent body, the Committee on the Elimination of Discrimination against Women. The last one was presented in 2008.

The latest monitoring report identified the following salient shortcomings:

- a high level of sexual abuse and harassment against girls in schools, as well as expulsion or rejection because of pregnancy and violence;

- vulnerability of migrant, asylum seeking and refugee women to sexual exploitation.

Full equality between men and women is still far from being a reality in Ecuador, despite the progress made in recent years, especially in the sphere of legislation, which is quite ahead of social practice, especially in rural areas.

The current government has made gender equality one of the core points of the new constitution’s bill of rights, and it has promoted women’s participation in political life.

There are women’s and family police stations and units, specialising in domestic violence and sexual crimes, at the prosecutor’s offices in the largest districts, as well as a programme for the protection of victims of sexual violence.

The country has made progress to establish the trafficking of persons, sexual exploitation and abuse, including forced prostitution as criminal offences. Concerned with the increase of sexual violence, it penalises sexual abuse with reclusion of 19 to 22 years old. The majority of the cases (83.1 %) occurred at the home of the victim or at the aggressor’s house. Three out of 10 children suffer from some sort of violence or abuse. In recent years, the number of complaints received increased and the authorities have installed protection institutions to assist abused victims.

The Ecuadorean authorities recognise pregnancy among teenagers as a serious problem and undertaken actions aiming at family planning and youth pregnancy prevention programs.

In March 2015 Ecuador signed an agreement with UN Women to reduce wage gaps and promote equality in the workplace. Despite the fact that wage gaps have been reduced in the last 10 years, it still represent a difference of 20 % which increases as the educational level rises.

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

Ecuador ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1988, and its optional protocol in 2010. It made a Declaration in 1988 ([25]).

It has presented all the required monitoring reports to the competent body, the Committee Against Torture. The last one was presented in 2011 and the new one should have been presented at the end of 2014, after the visit of the sub-committee on prevention of torture in September 2014.

The latest monitoring report identified the following salient shortcomings:

- a difficult situation on the northern border with Colombia, with presence of groups involved in organised crime and increased military presence;
- abuse and sexual violence against female refugees and asylum-seekers;
- human trafficking for sexual and labour exploitation;
- abuse and sexual exploitation against minors in educational establishments;
- poor conditions in penitentiary centres.

The UN Committee against Torture, in its November 2010 session, took note of Ecuador's efforts to reform its legislation in order to adopt the committee's recommendations listed in three prior reports, and to improve the implementation of international instruments. The committee also expressed its satisfaction because since the previous report Ecuador had ratified the optional protocol.

Torture and crimes against humanity were included in the new Criminal Code (COIP) in Title 4, 1st Chapter, under 'Serious human rights violations and crimes against international humanitarian law'.

[25] Reservation: Ecuador declares that, in accordance with the provisions of Article 42 of its political constitution, it will not permit extradition of its nationals (6 September 1988).
The Ecuadorian State, pursuant to Article 21 of the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, recognises the competence of the Committee against Torture to receive and consider communications to the effect that a state party claims that another state party is not fulfilling its obligations under the convention; it also recognises in regard to itself the competence of the committee, in accordance with Article 21.
It further declares, in accordance with the provisions of Article 22 of the convention, that it recognises the competence of the committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a state party of the provisions of the convention.

Convention on the Rights of the Child

Ecuador ratified the Convention on the Rights of the Child in 1990, the optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2004.

It has presented all the required monitoring reports to the competent body, the Committee on the Rights of the Child. The last one was presented in 2010 and the new one should be presented in May 2016.

The latest monitoring report identified the following salient shortcomings:

- continuation of the low legal minimum age for contracting marriage;
- unwanted pregnancies as result of rape and prohibition of some types of emergency contraception.

Ecuador made significant progress in eliminating the worst forms of child labour. Its main goal is to eradicate it by 2017. It recognises that relatively higher rates of child labour existed among the rural population and represents 15.5 % of the national figures. Currently, 8.56 % or 359 000 (of a total 4.2 million children) are still working. Around 450 000 children and adolescents stopped work in the past 5 years. The government also launched the Unified Child Labour Registration System (SURTI) and prioritised the eradication of child labour in agriculture as well as street begging.

It should be mentioned that the state removes the social development bonus (BDS) if beneficiaries have their children in the streets and are not attending the system education, this is one of other additional conditions beneficiaries must meet (e.g. medical check-ups).

The Ecuadorean authorities recognise pregnancy in teenagers as a serious problem and Ecuador has one of the highest rates in the region. Actions taken to curb down these figures include the implementation of family planning and youth pregnancy prevention programs.

Future actions and priorities

Ecuador's main official objectives on Human Rights at national and multilateral level are the following (among others)[26]:

- Promoting the development of international law on human rights, through the promotion of the international doctrine and the subscription to international instruments;
- Promoting a better protection of the human rights of specific groups such as racial, linguistic, religious, and sexual minorities; indigenous peoples; migrants and their families; women and children; people with disabilities, etc.;

[26] http://www.cancilleria.gob.ec/es/principios-y-propositos-del-ecuador-en-el-nuevo-consejo-de-derechos-humanos-de-las-naciones-unidas/

- Fulfilling with the obligations that come from the international agreements signed and ratified by Ecuador, such as the presentation of periodic reports and the follow-up of the recommendations;

- Promoting the harmonisation of the internal legislation with all the international human rights agreements, of which the Ecuador is party;

- In 2002, Ecuador formulated an invitation opened for all the mechanisms of human rights of the United Nations in order to evaluate the situation of the human rights in the country, through official visits. Up to date, the Special Relators who have realised such visits are the Special Relator on Poverty, Migrants, Indigenous Peoples, and the Working Group on Arbitrary Detention.

Conclusions

The implementation of rights recognised in the 2008 constitution remains a challenge, especially in areas such as freedom of expression, assembly and association. The new legislative framework (Communication Law, Penal Code, Presidential Decree No 16), remains the most serious concern for activities carried out by civil society organisations and the media.

Nonetheless, throughout the reporting period, Ecuador also introduced innovative concepts such as 'the right to good living', a concept that aims to ensure adequate distribution of national wealth in order to achieve full employment and improve the standard of living and life expectancy. Ecuador has advanced its policies aiming at the protection of children's and women's rights, as well as anti-discrimination. It has also a good record in poverty reduction (from 37 % in 2006 to 23.6 % in 2013). The overall compliance with the UN human rights reporting mechanisms remains correct; nevertheless Ecuador has some delays with the reporting period.

6.2.2. ILO Labour Rights Conventions (conventions 8-15)

Status of ratification and reporting

Ecuador has ratified all eight International Labour Organisation (ILO) fundamental conventions, and maintains ratification. For details please see the annexed table.

Historically, Ecuador has not fully complied with all its reporting obligations under the core labour conventions. However, at present, all required reports have been submitted.

Status of implementation of the conventions

In April 2015, Ecuador made fundamental reforms to its labour code. These focused on five key areas: strengthening and deepening the right to stability; further equity; modernising the wage system; democratising labour representation; and ensuring universal social security.

Last year, the executive proposed several labour amendments to the constitution. These are currently under scrutiny, in the framework of the dialogue held between the

government and one of its affiliated unions. The proposals include ratifying ILO Convention 151 on labour relations in the public service, ILO Convention 154 on collective bargaining and ILO Convention 184 on social security and health in agriculture.

Freedom of association and collective bargaining (Conventions 87 and 98)

In its latest report from 2015, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR, hereinafter referred to as Committee of Experts) noted with concern the government's indication that the provision that for all labour relation matters in state institutions, the labour sector shall be represented by a single organisation, seeks to prevent the formation of several organisations that pursue the same ends and to ensure the existence of a single organisation that is strong and solid. Emphasising the importance of the possibility for workers to be able to change or establish new trade unions, for reasons of independence, effectiveness and ideological affinity, the Committee of Experts requested the government to amend the constitution so as to comply with the convention, and to provide information on any developments. In light of legislative matters that have been pending for several years, it further asked the government to amend the labour code, while informing about any developments in this respect.

The Committee of Experts also noted with concern that a section of the new penal code adopted in 2014 includes the organisation of or participation in peaceful strikes as a criminal offence. The Committee of Experts asserted that no criminal penalties should be imposed on workers for participation in a peaceful strike, and therefore on no account should prison sentences or fines be imposed. The Committee of Experts has requested Ecuador to amend the new penal code in line with the convention. While noting that, in November 2014, the president announced a proposal for revision of various aspects of the labour code, the Committee of Experts hoped that the government, in consultation with representative workers' and employers' organisations, will adopt the necessary measures to reform the legal and regulatory provisions referred to above.

As regards public servants, the constitution appears compatible with the establishment of minimum services in the event of a strike in providing that the law shall set limits to ensure their functioning, the Committee of Experts again requested the government to take the necessary measures to clarify or amend certain provisions accordingly and to provide information on any developments. With regard to an article of the constitution which establishes that collective labour disputes shall be referred to courts of conciliation and arbitration, the Committee of Experts asked the Ecuadorian administration to repeal or amend this provision to ensure that compulsory arbitration is possible only in the instances cited above, and to provide information on any developments in this respect. It also requested a clarification regarding the extent to which the legislation recognises public servants' right to strike. The government was asked to reply in detail to the present comments in 2015.

In its reply, Ecuador underlined that 'it is in its power to respond or not to the observations of the Committee of Experts, and in no way not responding cannot be regarded as a failure to comply with international commitments'. The authorities stressed that there were no legislative amendment allowing the state to interfere with trade unions, and that 'the Constitution of the Republic guarantees in Article 326, the right to work, establishment of trade unions, the right to strike and collective disputes that are submitted

to courts of conciliation and arbitration. The right to strike is also guaranteed in the labour code. The constitution does not impose monopoly on trade unions (Article 326) the rights of public servants and its organisation are contemplated in the Organic Law of Public Service and the Labour Code in the case of public servants'.

In its latest report, the Committee of Experts once again requested the government to ensure that the legislation includes a specific provision guaranteeing protection against acts of anti-union discrimination at the time of access to employment. In its previous comments, it also pointed out the need to amend the labour code section respecting the submission of the draft collective agreement, so that minority trade union organisations with a membership amounting to no more than 50 % of the workers may negotiate on behalf of their own members.

Besides, the Committee of Experts recalled that various national trade union federations had alleged that the social partners were not being consulted about the draft revision of the labour code. It noted the government's information, indicating that the draft has been widely disseminated among the public and that, moreover, the president announced in November 2014 a new proposed revision of various aspects of the labour code. Therefore, the Committee of Experts requested to ensure that any draft reform is the subject of in-depth consultations with the representative organisations of workers and employers, to reach, in so far as possible, joint decisions. It further urged to take measures to ensure that legislation applicable to the public sector contains provisions which prohibit any acts of anti-union discrimination; provisions which prohibit any acts of interference; and provisions which set forth dissuasive penalties where such acts are committed.

Recalling that there are mechanisms to allow the protection of the principle of equal remuneration for work of equal value in the public sector and compliance with budgetary availability to be reconciled with the recognition of the right to collective bargaining, the Committee of Experts once again requested the government to restore the right to collective bargaining in all areas affecting the living and working conditions of public sector workers enshrined in the convention. The Committee of Experts also called on the government, once more, to take measures so that the determination of the abusive character of clauses in collective agreements in the public sector falls within the competence of judicial power. It further requested to ensure that all categories of public servants not engaged in the administration of the state enjoy the right to collective bargaining.

The Committee of Experts hopes that the Ecuadorian administration will take account of all the comments that it has been making for many years and that, in consultation with representative workers' and employers' organisations, it will take the necessary measures to amend the above laws and regulations, including those contained in the labour code that is currently under revision. The government is asked to reply in detail to the present comments in 2015.

Ecuador does not share the observations on alleged restrictive to freedom of association, replying that 'there is no anti-union discrimination in employment, since the Constitution of the Republic (Article 326 No 7) of the labour code and the LOSEP (Article 23 lit. f) guarantee the right of association. In the case of public servants, it seeks to protect citizens of the complete paralysis of public services. (Constitution of the Republic Article 326 No 15, LOSEP Article 24 lit. h, COIP Articles 345-346)'.

Forced labour (Conventions 29 and 105)

In its latest report published in 2015, the Committee of Experts encouraged the government to pursue its efforts to ensure that appropriate protection and assistance is provided to victims of forced labour, including victims of trafficking, and to provide information on the steps taken. It asked to continue to take measures to ensure that migrant workers are fully protected from abusive practices and conditions that amount to forced labour, and to provide information in this regard.

On prison labour, the Committee of Experts requested the government to inform on the provisions governing the work of convicted persons, particularly indicating whether the legislation in force allows the work of prisoners to be carried out for private enterprises. In the affirmative, it requested the Ecuadorian administration to indicate how it is ensured that such work is performed voluntarily, which necessarily requires the formal, freely given and informed consent of the prisoners concerned.

According to the information provided, the Constitution of the Republic (Article 66 No 17, 29 paragraph b) provides protection against forced labour and exploitation, the recent adoption of the Code of Criminal Integral, which defines crimes against trafficking (Articles 91-94) and includes sanctions against various forms of exploitation (Articles 95-110).

In the 2015 report, the Committee of Experts further requested the government to provide information on how the work of convicts is organised, so as to enable it to ascertain the voluntary nature of prison labour. It asked for a copy of the rules regulating the work of convicts.

Worst forms of child labour (Convention 182)

Ecuador has made significant progress in eliminating the worst forms of child labour. The government also launched the Unified Child Labour Registration System (SURTI) and prioritised the eradication of child labour in agriculture as well as street begging.

Recalling the vulnerability of street children, who are particularly at risk of being victims of the worst forms of child labour, the Committee of Experts asked the government to inform on its programmes to protect street children and to eliminate the sale and trafficking for children for begging. It also requested detailed information on the measures taken to ensure that children of indigenous peoples have easier access to the system of bilingual education so as to protect them from being engaged in the worst forms of child labour. The government should also inform about its effective and time-bound measures to protect child domestic workers against the worst forms of child labour.

Minimum age for work (Convention 138)

The Committee of Experts requested the government to strengthen its efforts to eradicate child labour, including in hazardous work, and provide information concerning measures taken, including within the framework of the national plan to prevent and eradicate child labour and the South–South cooperation project.

In the information provided, Ecuador recalled that the constitution prohibits work for children under the age of 15. The labour code confirms the minimum age for admission

to employment of children under age 15, prohibits night work for minors and establishes a list of work activities, which because of their high risk, are prohibited to young people under 18. Ecuador considers that it has made significant, internationally recognised progress, in eliminating child labour and that this is reflected in the statistics and the implementation of successful projects. National statistics show a decrease in child labour (5-14 years) to 3.8 %.

Noting the residual disparity between the net attendance rate in primary and secondary education, the Committee of Experts requested to ensure that children attend compulsory education, at least until the age of 14 years. Ecuador, for its part, informed that the net enrolment rate in 2013 was 96 % nationally. In addition, it has overcome a history of discrimination, since there is no difference in net enrolment between mestizo children, indigenous and Afro-Ecuadorians.

Elimination of discrimination (Conventions 100 and 111)

In its latest report published in 2014, the Committee of Experts urged the government to amend sections of the labour code so as to give full expression to the principle of equal remuneration for men and women for work of equal value. It further encouraged to request ILO technical assistance.

In its latest report from 2014, the Committee of Experts requested the government to provide information on the establishment of national equality councils and their areas of competence, as well as on the difficulties encountered in the discharge of their functions. It asked for evidence on the implementation of the National Plan for Good Living 2009-2013, and requested the government to provide specific information on the action taken in accordance with the above policies and plans, in particular indicating their impact on improving the access of women to employment.

Lastly, the Committee of Experts requested the government to continue providing information on the implementation of measures to prevent discrimination against persons living with HIV. Furthermore, Ecuador was asked to prove the impact of these measures on the participation of Afro-Ecuadorian, indigenous and Montubio peoples on the labour market.

In March 2015 Ecuador signed an agreement with UN Women to reduce wage gaps and promote equality in the workplace. Despite the fact that wage gaps have been reduced in the last 10 years, it still represents a difference of 20 %, which increases as the educational level rises.

Future actions and priorities

The legislative reforms of the labour code started in April 2015 are likely to continue, focusing on:

- strengthening and deepening the right to stability;
- further equity;
- modernising the wage system;
- democratising labour representation;

- ensuring universal social security.

The debated labour amendments to the constitution presented last year by the executive are currently under scrutiny, in the framework of the dialogue held between the government and one of its affiliated unions. The ratification of ILO Convention 151 on labour relations in the public service, and convention 154 on collective bargaining and 184 on social security and health in agriculture would have been part of the agreements.

Conclusions

As outlined above, Ecuador has ratified all eight ILO fundamental conventions and, in general, complies with the conventions. Nevertheless, the Committee of Experts has identified shortcomings in terms of legislative alignment and practice, and issued corresponding recommendations, in particular on Conventions 87 and 98. While it has repeatedly requested the government to amend the legislation in order to include provisions guaranteeing protection against anti-union discrimination, Ecuador does not share the observations on alleged restrictions to freedom of association in the public and private sector. Ecuador recalls its position that the comments, observations and recommendations of the Committee of Experts are not binding, so that states are free to apply them or not. Therefore Ecuador takes note of the recommendations, but in the exercise of its sovereignty decides the laws and policies that comply with international instruments signed by the state.

The European Commission and the EEAS highlight that this approach expressed by Ecuador undermines the effectiveness of ILO supervision and is not in line with the binding nature of international agreements accepted by Ecuador when ratifying them. The EU will endeavour to further clarify this approach in the dialogue with Ecuador, as it is very important for the protection and functioning and effectiveness of the ILO supervisory system.

6.2.3. UN Conventions on Environmental Protection and Climate Change (conventions 16-23)

Status of ratification and reporting

Ecuador has ratified all GSP+-relevant conventions on environmental protection and climate change, and maintains ratification.

Ecuador is fully compliant with its reporting requirements on the Convention on Biological Diversity, the Stockholm Convention on Persistent Organic Pollutants and the UN conventions on climate change.

However, Ecuador is not fully compliant with its reporting requirements for other conventions. On CITES, biennial reports for 2009-2010 and 2011-2012 are due, although Ecuador is currently preparing these reports by collecting issued permits. On the Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal, annual reports are due for 2010, 2011, 2012, and 2013.

Status of implementation of the conventions

Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)

Ecuador's national legislation is ranked as Category 2, which means that it does not fulfil the requirements for implementation. Draft legislation needs to be finalised and submitted, along with additional political engagement.

Ecuador's administrative authority has been working on the wording of the regulation for the implementation of the convention in Ecuador, aiming at establishing the necessary legal framework for the effective implementation of the convention nationwide. Currently the proposal is with the general legal coordination team of the Ministry of Environment, before being revised and approval of the presidency. However, the timeline for this is unclear.

Furthermore, Ecuador is implementing actions in support of issuance of electronic CITES permits, in cooperation with countries of the Amazon Cooperation Treaty Organization.

Basel Convention

Ecuador has carried out inventories in the provinces of greater industrial development to adopt methodologies for cleaning production and final disposal in an environmentally appropriate way, seeking to optimise production processes and using less toxic, alternative substances. The country is not a hazardous waste trans-boundary receiver.

The Ministry of Environment seeks to strengthen control of solid waste through regulations to control the industry, and forcing it to take responsibility for the waste it produces. At the level of municipalities, the regulation is rigid: local authorities must submit annual plans with their corresponding annual expenditures for the management of solid waste. If they do not comply, the Ministry of Environment directly fines the mayors. Together with these measures and others, the authorities promote education and awareness campaigns to the public about solid waste management. This is boosting recycling levels.

Ecuador has strengthened its management of hazardous and special waste by publishing standards and policies, such as the National Policy on Post-consumption of Obsolete Electronics and Electronic Equipment, and the Regulation on Medical Wastes.

Ecuador does not have a digital platform for the national system of management of hazardous and special wastes, although it intends to implement such a system. Following this, Ecuador hopes to submit its due national reports for 2010 and 2011.

Convention on Biological Diversity

There were no salient shortcomings identified in Ecuador in 2014-2015 as regards the implementation of the Convention on Biological Diversity, although biodiversity loss has not been halted, and concrete measures to implement the convention should be strengthened.

Stockholm Convention on Persistent Organic Pollutants

Ecuador has complied with its reporting obligations under this convention. However, it has not provided any other information on measures taken to effectively implement the convention.

Convention on Biosafety (Cartagena)

Ecuador has no salient shortcomings regarding its reporting obligations under Cartagena Protocol on Biosafety, according to the report of the Compliance Committee in 2014.

Concerning implementation of the Cartagena Protocol Ecuador informed in its 2nd National Report that domestic regulatory framework is partially in place. The Constitution of Ecuador, adopted in 2008, contains some provisions on living modified organisms.

Conventions on Climate Change

Ecuador is a party to the UN Framework Convention on Climate Change (UNFCC), the Kyoto Protocol on the UNFCC, and the Montreal Protocol on Substances that Deplete the Ozone Layer.

Regarding the implementation of Montreal Protocol, an enforceable national system of licensing and quotas for HCFC imports and exports is in place since July 2012 and the system is capable of ensuring compliance with the Montreal Protocol ([27]).

Ecuador submitted to the UNFCCC Secretariat its Second National Communication in April 2012. It has yet to submit its First Biennial Update Report. On 13 October 2015 Ecuador submitted its Intended Nationally Determined Contribution (INDC) to the 2015 Climate Agreement, which envisages a greenhouse gas emission reduction target in the energy sector of 20.4-25 % below the business-as-usual (BAU) scenario. A potential for reducing emissions even further in the energy sector, to a level between 37.5 and 45.8 % with respect to the BAU scenario has also been calculated. The INDC also contains an adaptation component, aiming to strengthen the adaptive capacity of at least 50 % of the most vulnerable parts of the country, establish early warning systems and risk management at all levels of government and reach zero-rate deforestation.

Climate change adaptation and mitigation have been declared state policies since 2009 via executive decree and through the Interinstitutional Committee on Climate Change established in 2010 as the governmental organ for the coordination and integral execution of national policies related to climate change. Climate change is also addressed by the National Plan of Good Living 2013-2017 and the National Climate Change Strategy 2012-2025. Ecuador is also working on a National Climate Change Plan 2015-2018, with the main objective of operationalising the National Climate Change Strategy.

Conclusions

While generally complaint with its requirements to report under the conventions on environmental protection, Ecuador should submit the outstanding reports on CITES and

the Basel Convention.

Moreover, Ecuador should be encouraged to accelerate its adoption of legislation which complies with CITES. While national plans have been developed for the Basel Convention and to some extent for the Cartagena Protocol, further information on the actions taken to effectively implement the conventions would be welcomed.

Ecuador is progressing regarding the implementation of the Montreal Protocol and the Climate Change Convention. The submission of the Intended Nationally Determined Contribution to the 2015 climate agreement is a signal of positive engagement in the new climate agreement, as is the development of a National Climate Change Strategy. However, further actions should be taken to ensure that these intentions are fully implemented.

6.2.4. UN Conventions on Good Governance (conventions 24-27)

Status of ratification and reporting

Ecuador ratified the UN Convention on Narcotics in 1964, the UN Convention on Psychotropic Substances in 1973, and the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances in 1990. As of January 2015, Ecuador maintained ratification and was compliant with all requests for monitoring information from the monitoring body of the three core UN conventions on fighting illegal drugs (International Narcotic Control Board — INCB).

Ecuador ratified the UN Convention against Corruption in 2005. Reviewing is carried out by the UNCAC Implementation Review Group, the convention's monitoring body. Neither the full report nor the executive summary of the most recent review on Ecuador is publicly available yet.

Status of implementation of the conventions

UN conventions fighting illegal drugs

Situated between two of the world's largest cocaine production countries, Ecuador is a major transit country for illegal narcotics. Cocaine and heroin from Colombia and Peru are trafficked through porous land borders and via maritime routes for distribution in the rest of the world. Ecuador is also a major transit country for chemical precursors to process illegal narcotics. It is vulnerable to transitional organised crime due to weak public institutions, permeable borders and corruption. Domestic drug consumption is rising and public treatment facilities are insufficient to treat Ecuador's drug addicts.

In 2012, INCB, the UN monitoring body, reviewed Ecuador's compliance with the three international drug control conventions. The main shortcoming identified was the need to strengthen the system of drug control.

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[27] http://www.multilateralfund.org/70/English/1/7032.pdf

The analysis provided by the INCB in its report for 2014 confirms that not only is Ecuador used by transnational crime organisations as a repository and delivery platform for drugs through airports and seaports, but various international organised crime networks are establishing themselves in the country. In spite of this, the Ecuadorian national police are becoming more effective in combating drug trafficking.

The quantity of drugs seized in 2014 demonstrates that the Ecuadorian authorities continue to be effective in this field. However, a steady rise in drugs seizures suggests that the problem has taken on a worrying dimension.

Ecuador has taken a number of measures to reduce the drug trafficking. At the institutional level, the Ministry of the Interior is planning to equip the anti-drugs directorate of the national police with state-of-the-art scanners for checking containers in ports. In August 2014, Ecuador adopted a new integral organic penal code. This classifies trafficking offences into four degrees of severity, and prescribes minimum and maximum terms of imprisonment for each category. Article 228 of the code, which decriminalises the possession of drugs for personal use, envisaged the adoption of further regulation in order to better define the discipline. This regulation has been adopted in September 2015, through the modification of a pre-existing resolution.

Moreover, the new Organic Law on Comprehensive Drug Prevention, approved by the Ecuadorian Assembly on 1 October 2015 but still not entered into force, aims for ‘comprehensive drug prevention, by establishing a legal and institutional framework to address drug consumption, and the regulation of the substances that are subject to control’. It stipulates more than 100 substances that would be ‘controlled’. The document proposes to create a technical secretariat of drugs, under the control of the president, to ‘regulate and control the activities related to the import, export, cultivation, production, marketing, distribution, transportation, and use of certain drugs’.

Although the efficiency of preventing drugs from leaving Ecuadorian territory has improved, a similar trend has not been observed for drugs entering the country. In this context, the Ministry of the Interior has confirmed the government’s commitment to reduce supply and demand through a more integrated approach.

The provinces of Guayas, Pichincha, Manabí and El Oro have the highest levels of micro-trafficking. 2014 was declared as the year for eradicating the sale of drugs in schools and educational establishments, which is expected to have a positive effect on the evolution of domestic demand. Furthermore, in November 2014, a special micro-trafficking team was set up within the anti-drugs directorate of the police.

UN Convention Against Corruption

The on-going reform of the judiciary should lead to major political improvements in terms of reduced corruption, and to increased efficiency which should reduce the alarming levels of impunity for crime, with low ratios of crimes investigated to crimes committed and even lower convictions rates. However, further information on Ecuador's implementation of the UNCAC would be welcomed, particularly as the executive summary of the most recent monitoring body review is not publicly available.

Conclusions

As a major transit country for illegal narcotics and precursors, and despite the

significant presence of organised crime, Ecuador is making efforts to maintain a zero-tolerance policy towards the cultivation, processing and trafficking of narcotics and to improve cross border counternarcotic cooperation. Ecuador has also made noteworthy improvements in surveillance capabilities along its border allowing to significantly reducing drug supply. The legislative amendments adopted will be crucial to allow Ecuador to make further progress in relation to both drug demand reduction and drug supply reduction.

While Ecuador's on-going judicial reform is an important step in tackling corruption, further action is required. Details of Ecuador's other efforts to implement the UNCAC would be welcomed.

6.3. Trade and Economy

6.3.1. Trade Picture

The Ecuadorian economy is highly dependent on its petroleum resources, which accounted for more than half of the country's export earnings in recent years. In March 2000, the Congress approved a series of structural reforms that also provided for the adoption of the US dollar as legal currency. Economic growth in Ecuador has been inclusive, which has directly reduced poverty and inequality levels and increased the middle class. However, the sharp decline in oil prices and the appreciation of the US dollar in the last few months have affected the trade balance and the competitiveness of Ecuadorian exports. The main economic indicators are showing a marked deterioration in the second quarter of 2015, regarding GDP, inflation and employment rates, credits granted, as well as trade and payment balances. The economic complexities are expected to continue in 2016.

In 2014 Ecuadorian exports to the EU amounted to more than EUR 2.6 billion. This shows an increase in exports of 2 % in comparison with 2013. Ecuador's main export products to the EU are edible fruits and nuts (worth EUR 853 million, or 33 % of total exports) and fish and crustaceans (worth almost EUR 607 million, or 23 % of total exports).

Ecuador was classified by the World Bank as an upper-middle-income country in 2011, 2012 and 2013. Accordingly, since 1 January 2015, Ecuador is no longer on the GSP beneficiary list under the current scheme. Negotiations for Ecuador's accession to the EU-Colombia/Peru Trade Agreement were concluded on 17 July 2014 and the draft Protocol of Accession was initialled by Ecuador and the EU in December 2014. In order to avoid unnecessary trade disruption pending the completion of the procedures for the approval and application of the Protocol of Accession, it was necessary to ensure that customs duties applied on the date of initialling of the Protocol of Accession were not increased and that no new customs duties were applied on products originating in Ecuador. To this end, a 'Standstill Regulation' provides for the maintenance of the level of duty rates that were applicable to Ecuador on the date of initialling of the Protocol of Accession until 31 December 2016.

6.3.2. GSP+ Statistics

Figures 6.1-6.3 below describe Ecuador's utilisation of the GSP+, in the context of its overall imports to the EU. Ecuador exited the GSP+ on 1 January 2015, so the figures below include information on GSP+ imports only for 2012, 2013, and 2014.

Source for all statistics: Eurostat data, as of September 2015.

Figure 6.1

Ecuador - Imports to the EU, 2012-2014				
Figures in thousand EUR	**2012**	**2013**	**2014**	**Trend 2012-2014**
Total imports to EU	2,438,691	2,550,390	2,616,547	7.29%
GSP+ eligible imports	1,495,329	1,547,694	1,565,221	4.67%
GSP+ preferential imports	1,476,891	1,471,451	1,463,628	-0.90%
GSP+ utilisation rate	98.77%	95.07%	93.51%	-5.32%

Figure 6.2

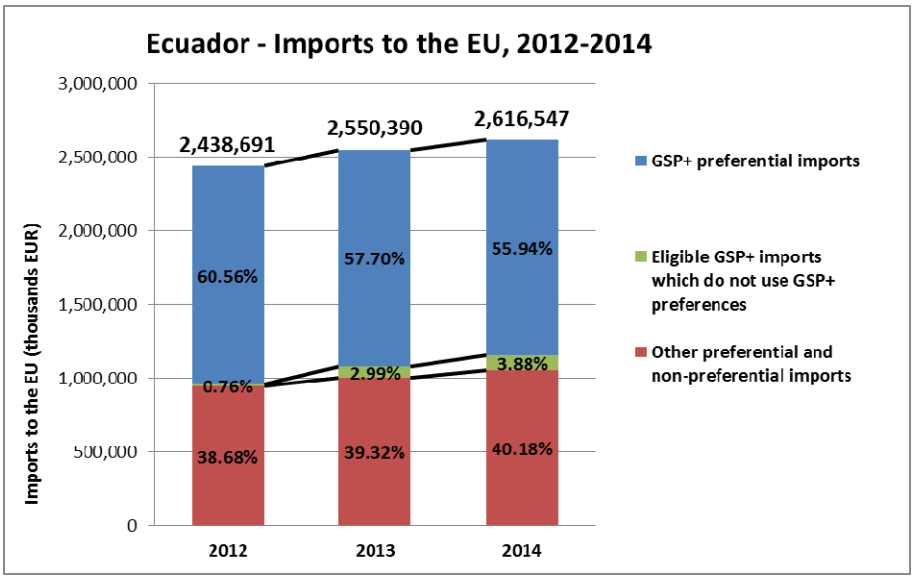
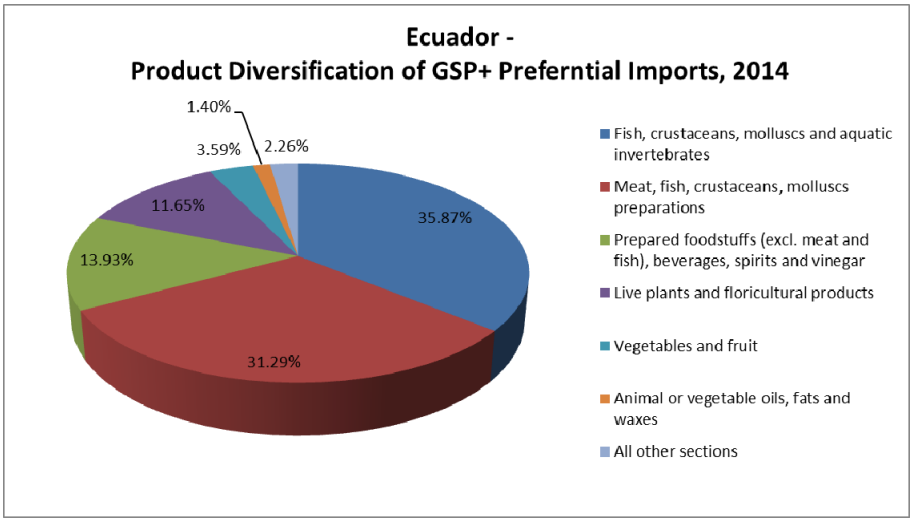


Figure 6.3


Ecuador -
Product Diversification of GSP+ Preferntial Imports, 2014
1.40%
3.59%
2.26%
11.65%
35.87%
13.93%
31.29%
Fish, crustaceans, molluscs and aquatic invertebrates
Meat, fish, crustaceans, molluscs preparations
Prepared foodstuffs (excl. meat and fish), beverages, spirits and vinegar
Live plants and floricultural products
Vegetables and fruit
Animal or vegetable oils, fats and waxes
All other sections

7. El Salvador– GSP+ Assessment

7.1.Country Overview

El Salvador still faces a number of serious structural political, economic and security challenges that affect its overall performance in the implementation of GSP+ conventions. Salvadorian economic performance is hindered by long-lasting obstacles. The country suffers from limited financial capacities, due to very low tax revenues and limited competitiveness. This has a negative effect on national income and restricts the resources available for social policies. In spite of recent progress, corruption reduces the room for manoeuvre. Moreover, some parts of the country have been historically excluded from governmental presence and therefore from state policies and access to basic social services.

Insecurity and crime are rampant and mostly related to gang warfare. Youth gangs have proliferated in the last decade but government efforts to curb their rise have proved mostly ineffective. In 2012, a truce between the two major gangs of the country brought down homicides drastically. However, the truce process ended in 2014, and the security situation has since deteriorated. The persistent culture of confrontation and violence is a significant structural constraint. The prominence of the informal sector in El Salvador is also an obstacle for the development of basic social protection. Finally, the persistence of stereotypes and social resistance against gender equality hampers progress towards the elimination of discrimination against women.

Moreover, the geographic location of El Salvador makes of the country a transit route for trafficking of drugs, arms and human beings, and money laundering. In turn, this reinforces the presence of organised criminal groups.

7.2.Compliance with GSP+ Obligations

7.2.1. UN Human Rights Conventions (conventions 1-7)

Status of ratification and reporting

El Salvador has ratified the seven UN human rights conventions listed in the Annex VIII of the Regulation (EU) No 978/2012 applying a scheme of generalised tariff preferences, and maintains ratification. Reservations were issued regarding the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women. Further details on the ratification can be found in the annex.

El Salvador complies with most of its reporting obligations to monitoring bodies. Nevertheless, delays in reporting of less than one year are observed for the International Covenant on Civil and Political Rights (ICCPR). A more significant delay, of 18 months, is to be noted regarding the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Further details on the compliance with reporting obligations can be found in the annex. The government issued a standing invitation to all UN special procedures in 2014.

Status of implementation of the conventions

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

The discrimination against the indigenous population and the shortfalls between urban and rural areas tarnish the human rights situation. Recent developments in favour of economic, social and cultural rights for indigenous peoples should be acknowledged. However, the lack of reliable disaggregated information and statistics on the composition of the population and disaggregated economic indicators hamper a comprehensive understanding of and effective response to the situation. The methodology used to collect data in the 2007 census needs to be improved for the forthcoming 2017 census.

The launch of a national plan for indigenous peoples has been put on hold by the government as it appears that broad consultation with civil society was largely omitted. It is difficult to gauge the government's commitment to ensuring proper compensation and to guaranteeing access to land, self-government, political participation and cultural rights, as well to fighting racism and discrimination.

The country has not yet ratified Convention 169 of ILO on indigenous and tribal peoples. However, the amendment to Article 63 of the constitution that was adopted in 2014 marked a positive step towards the improvement of the situation of indigenous peoples. For the first time, this amendment recognises the indigenous peoples. The article states that 'El Salvador recognises the indigenous peoples and shall adopt policies to preserve and develop their ethnic and cultural identity, world view, values and spirituality.' In addition, the implementation of the Program for Indigenous Youth Leaders has been beneficial, contributing to protecting ancestral languages (Nahuat) and promoting the revival of indigenous culture.

These positive developments align with the provisions of the CERD, although they still need to translate into a concrete and comprehensive policy.

International Covenant on Civil and Political Rights (ICCPR)

The deteriorating security situation (due to gang warfare) is one of the most worrying human rights developments. Since 2014, homicide rates have been rising, reaching record-high levels in 2015. Some months in 2015 registered the highest number of murders since the end of the civil war (1979-1992). This makes of El Salvador one of the most violent countries worldwide.

The negative impact of the poor human security situation can be felt in all layers of society and particularly among vulnerable groups (women and children). Drug trafficking, extortions, assaults, robbery and assassinations are pervasive. Impunity is a major concern and perhaps the main challenge for the effective protection of human rights in the country. Impunity averages 95 % for most serious crimes (homicides and disappearances), as only 5 % of the cases lead to formal judicial proceedings and sentences. Rates are also high for less serious offences such as assault, extortion, rape and burglary. Most crimes go unreported as victims generally fear reprisals from gangs. The police often have no other choice than to release suspected criminals, due to a persistent lack of evidence and infrequent witness accounts.

The government has shown more determination to tackle impunity for crimes committed during the armed conflict, as in the emblematic cases of the murder of Monsignor Romero, the El Mozote massacre and cases of disappeared children. This is in compliance with the requests of the Inter-American System of Human Rights. However, an amnesty law prevents further investigation into human rights abuses committed during the civil war, which is unlikely to be repealed in the foreseeable future.

The judicial body suffers from severe congestion, overload and a lack of full independence. This situation prevents swift proceedings and fuels a general feeling of impunity among the population. In addition, corruption among the judiciary is rampant. In some cases connections with organised crime have been established, although there have been few convictions. Calls for a general purge have been ignored by authorities, although the Constitutional Chamber has been more active in this respect.

However, positive developments can be noted during the period 2014-2015. Although the death penalty in peace time was abolished by the 1983 constitution, the 2014 accession of El Salvador to the second optional protocol to the International Covenant on Civil and Political Rights is a step forward. El Salvador made a reservation for crimes committed in time of international war (e.g. treason, espionage, revolt and defection) for which death penalty is foreseen in the Code of Military Justice. However, these provisions only apply to active members of the armed forces.

Noteworthy is also the consensus-building approach adopted in the National Council for Citizen Security and Coexistence (NCCSC). The NCCSC was created in 2014 and involves a wide spectrum of actors, including governmental actors, civil society, religious communities and the private sector. Pending financing, the implementation of the strategy ‘El Salvador Seguro’ (A Safe El Salvador) proposed by the NCCSC may lead towards improvements in terms of citizen security, particularly for young people most affected by gang warfare. The NCCSC, which was endorsed by the president in January 2015, proposes to implement 124 priority actions in the short term, in the 10 municipalities most affected by crime.

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

El Salvador has undoubtedly made significant progress in the field of poverty reduction, through increased investment in social programmes that seek to achieve universal access to economic and social rights, notably in support of vulnerable groups (women, children and youth). An important achievement is the adoption in April 2014 of the Law on Social Protection and Development. This establishes the right of the whole population to receive a minimum of social public services. This law aims at safeguarding the social programmes put in place by the former FMLN government (2009-2014) to support the most disadvantaged sectors of society (pensions, welfare and benefits). It is a clear positive step towards the reduction of inequalities in a country where only a very small percentage of the population benefits from the social security system.

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

The situation of women is a matter of concern. This is due to the total prohibition of abortion, the very high rate of femicides, and high levels of gender-based violence and discrimination. One of the most worrying aspects is the total ban on abortion foreseen in

the constitution and the criminal code, which is highly problematic for pregnant women or young girls when life may be at risk, or in case of rape. There is also a relative scarcity of sexual and reproductive health services, which impacts negatively on maternal mortality and teenage pregnancy rates. Overall, this makes the situation incompatible with other fundamental human rights such as rights to health and life, and respect for the dignity of women.

In spite of efforts to prevent it, domestic violence against women also remains worryingly high. The production and processing of reliable statistical information remains a problem, particularly as a large proportion of gender abuses go unreported. El Salvador remains one of the Latin American countries with the highest rate of femicides.

Finally, women remain highly discriminated against at work and are largely excluded from political decision-making processes. The overall situation is even more acute in rural areas and among disadvantaged women.

However, numerous legal initiatives and policy proposals have been launched in the past years to address the alarming situation of Salvadorian women. A legal framework composed of a Law for Equality, Fairness and the Elimination of Discrimination against Women, and of a Special Comprehensive Law for a Violence-free Life for Women, provides a legal ground for improvements towards women's rights and the recognition of the crime of 'femicide'. This national regulation has been complemented by a national policy for a life free of violence for women. A national system for substantive equality has also been created to coordinate monitoring and implementation projects. This has spurred an inter-institutional approach to tackling the issues. The budget for the institution in charge of public policies on women's rights, the Salvadoran Institute for Women's Development, has also increased.

The programme 'Ciudad Mujer' (Female City), created in 2011, has allowed the provision of specialised services for the prevention of gender-based violence. It also promotes women's rights, including sexual and reproductive health, comprehensive mother and childcare, as well as economic empowerment. It operates nationwide through a network of six centres, which cluster a total of 14 state institutions encompassing health, education, legal, and social insertion services. In 2014, the Ministry of Health started providing training courses in some hospitals for the safe management of abortions and in post-abortion assistance. The rate of maternal mortality has surpassed the target set by the Millennium Development Goals.

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

Threats and attacks against human rights defenders (HRDs) are not rampant. However, cases have been reported concerning mining projects, the investigation of forced disappearances and human rights violations during the civil war (1979-1992), and the repeal of the 1993 Amnesty Law. Other cases concern members of minorities such as the LGBTI community.

The assassination of LGTBI activist Francela Méndez in June 2015 highlighted the prevalence of exclusion and hate feelings against this community in El Salvador. LGBTI associations in El Salvador registered 13 murders of members of the LGBTI community in 2015, and consider this figure to be underestimated, because only reported cases are registered. Homosexuality is not criminalised but and discrimination and homophobia are

quite common. Numerous acts of violence were registered after the gay pride event in July 2015, including some from police forces. Investigations of HRDs attacks are sluggish and minimal, and result in very few prosecutions.

The widespread criminality in El Salvador fuels prison overcrowding, which increased in the period 2014-2015. This aggravated the already concerning detention conditions, which do not meet international standards. Prison population largely exceeds existing capacities. The population itself continues to grow quickly, with 2 000 additional inmates in the first 8 months of 2015 alone. However, new facilities and infrastructure have reduced occupancy rates to approximately 320 % instead of 331 % a year earlier, although government claims to have achieved much better results. A more proactive policy to construct detention facilities is needed.

Convention on the Rights of the Child

The situation of children is another shortcoming. In particular, the very high rate of child malnutrition, and the persistence of child violence and child labour are concerning.

Child labour remains persistently high in spite of a specific national policy (2013-2023), a roadmap, an inter-institutional work programme and diverse on-going projects to address this issue. In 2014, along with Honduras and Guatemala, El Salvador was struck by an unprecedented wave of emigration of unaccompanied children to the United States. Youths attempting to escape violence and ill-treatment and reunite with their family expose themselves to smugglers and child traffickers. Child malnutrition remains at a serious level despite several programmes launched to improve nutrition.

Nevertheless, the adoption of the National Policy for the Comprehensive Protection of Children and Adolescents for the period 2013-2023 bodes well for the improvement of the situation of children. Likewise, the Comprehensive Law for the Protection of Children and Adolescents has been approved. A national protection system reporting to the National Council for Children and Adolescents has also been established, aiming to address child and adolescent issues. Fifteen boards were created in 2014 and are in charge of monitoring alleged threats against children and adolescents and violations of their rights. To address the wave of children migration, a special law against human trafficking was adopted in October 2014. Moreover, the government has put education at the top of the reform agenda. The creation of a national council for education in 2015 represents an important step toward the elaboration of a comprehensive long-term education policy.

Future actions and priorities

El Salvador adopted in January 2015 its Five-Year Plan (FYP) that outlines the main priorities for governmental action for the period 2014-2019. It is structured around three main national priorities, namely economic growth and employment, education and citizen security that will contribute to address shortcomings in the implementation of UN human rights conventions. The government expects to tackle its main challenges through ‘national agreements’ which include the involvement of a wide spectrum of actors (e.g. civil society, international community).

In this context, three national councils have already been established: the National Council on Citizen Security and Coexistence (NCCSC), the National Council for Education (CONED) and the National Council for Environmental Sustainability

(CONASAV). The FYP comprises 11 objectives on economic growth, strengthening of government institutions and the justice system, education, fiscal policy, public security, social welfare, social cohesion, culture and regional integration, among others.

The goals to reach for the next 5 years outlined in the FYP are to increase the social security coverage by 5 %, a 0.39 Gini coefficient, to decrease the extreme poverty by 3 % and to reduce the gender inequality index to 0.34. Within the FYP, one of the most salient strategies is the plan 'El Salvador Seguro' (A Safe El Salvador), which is a comprehensive and flexible plan that aims at addressing citizen security issues in the country, including the fight against violence and criminality, the promotion of access to justice and victims' protection. Several draft public policies are also expected to be presented in 2015 and may contribute positively to the improvement of the human rights situation. This includes a draft public policy for indigenous people with a multi-ethnic approach.

A commission at the Ministry of Foreign Affairs will provide recommendations on the accession to ILO Convention No 169 on 'Indigenous and Tribal Peoples'. Moreover, the Legislative Assembly is in the process of considering ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), the Convention relating to the Status of Stateless Persons.

In 2014, for the first time in its history, El Salvador was elected to the Human Rights Council, for the period 2015-2017.

Conclusions

El Salvador has made progress in implementing the UN human rights conventions. Achievements include the accession to the second optional protocol to the International Covenant on Civil and Political Rights, the constitutional amendment recognising the indigenous population, and sustained efforts to provide protection to vulnerable groups. The National Assembly's approval in November 2015 to accede to the Rome Statute of the International Criminal Court (ICC) is also a positive step.

In 2014 and 2015, the government of El Salvador has also strived to promote a more inclusive approach to address the main issues of the country, as well as promoting deeper strategic planning and coordination among state actors. However, while much progress has been achieved in terms of processes, it remains a challenge to translate these processes into concrete outcomes.

El Salvador's second Universal Periodic Review (UPR) in October 2014 concluded with broadly positive outcomes. Countries commended progressive measures through legislation and policy, although they stressed that major challenges persist when it comes to implementation on the ground. The main recommendations of the UPR were that El Salvador should address high levels of violence against women and girls through effectively implementing existing legislation, that El Salvador should decriminalise abortion and ensure access to sexual and reproductive health services.

7.2.2. ILO Labour Rights Conventions (conventions 8-15)

Status of ratification and reporting

El Salvador has ratified all eight ILO core labour standards without reservations, and maintains ratification. El Salvador had problems to comply with all its reporting obligations under the core labour conventions in the past, but since it was granted GSP+ status, it fulfilled all reporting requirements.

Status of implementation of the conventions

Freedom of association (Convention 87)

In its 2015 report, the Committee of Experts on the Application of Conventions and Recommendations (CEACR, hereinafter referred to as Committee of Experts) deplored again the murder of the Secretary-General of the Union of Municipal Workers and Employees of the Municipality of Santa Ana in January 2010 and strongly urged the government to take all the necessary measures without delay to identify and punish those responsible. During the most recent discussion of El Salvador's compliance with Convention 87 by the committee on the Application of Standards (CAS, hereinafter referred to as Conference Committee) at the International Labour Conference (ILC) in June 2015, a government representative, while strongly condemning the incident and emphasising that it had been an isolated incident, claimed that the high level of violence in the country was keeping the public prosecutor extremely busy, delaying investigations in the case mentioned above. The worker members, for their part, added that some 20 workers had been murdered in May 2015, which is the highest level of violence since the end of the civil war in 1992 and expressed great concern especially as the violence was directed against representatives of trade unions.

As regards acts of interference the Committee of Experts took note in its 2015 report of observations of the National Business Association (ANEP) and the International Organisation of Employers (IOE), according to which the Salvadorian president is legally authorised to select members of employers on executive boards. By recalling the importance of guaranteeing the autonomy of employers' and workers' organisations to select their representatives, the Committee of Experts urged the government to give full effect to this provision. At the International Labour Conference in June 2015 employer members underlined again their position, indicating that this case was considered to be very serious and claimed that, far from being resolved the situation had deteriorated.

Other comments made by the Committee of Experts and discussed at the International Labour Conference referred to the need to amend provisions on the minimum membership required to establish an organisation which should not constitute an obstacle to the establishment of workers' and employers' organisations, legislative restrictions on the right to establish trade union organisations for certain categories of public employees and the requirement to be a national of El Salvador by birth in order to hold trade union office.

In its conclusions adopted at the ILC, the Conference Committee recalled the emphasis placed during the discussion on the fact that a climate of violence and insecurity was extremely damaging to the exercise of trade union activities. Moreover it recalled that the Freedom of Association Convention concerned the right of all workers and employers to

establish and join the organisations of their own choosing and for their organisations to carry out their activities without government interference. It therefore requested the government to:

- take all necessary measures without delay to identify those responsible for the murder of Secretary-General of the Union of Municipal Workers and Employees in Santa Ana;

- ensure the full autonomy of employers' and workers' organisations in the joint and tripartite bodies, which necessitated the convocation and immediate setting up of the Higher Labour Council where the legal reforms necessary to guarantee this autonomy should be consulted;

- revise on a tripartite basis in the Higher Labour Council the provision which created the Presidential Commission for Labour Affairs;

- accept ILO technical assistance with a view to bringing its legislation and practice into conformity with the provisions of the convention;

- submit a report to the Committee of Experts on the progress made in achieving the full application of C087 for consideration in November 2015.

Right to Organise and Collective Bargaining (Convention 98)

As to the right to collective bargaining enshrined in Convention 98, the government was requested by the Committee of Experts in its 2015 report to take measures to complete the existing provisions providing protection against acts of anti-union discrimination and interference, together with penalties that constitute sufficiently dissuasive sanctions. The government was further asked to amend the labour code to guarantee that the renegotiation of collective agreements shall be possible. There has also been an urgent need to amend certain sections of the labour code and the Civil Service Act, so as to abolish the requirement for prior ministerial approval for collective agreements to take effect.

Abolition of Forced or Compulsory Labour (Conventions 29 and 105)

Despite efforts taken by the government trafficking in persons still occurs in El Salvador and prosecution and convictions are related only to a small number of cases. The Committee of Experts requested the government to continue to take measures to combat trafficking, in particular by strengthening its law enforcement mechanism. Furthermore it took positively note of changes to the constitution which now recognises indigenous peoples and establishes the obligation of the state to adopt specific policies to safeguard their ethnic and cultural identities. In this context the Committee of Experts encouraged the government to adopt targeted measures in order to strengthen the protection of workers in rural and indigenous communities, including domestic workers, against the occurrence of forced labour and trafficking.

The Committee of Experts also noted the need for a more comprehensive law on trafficking in persons. In the meantime an anti-trafficking law was approved in October 2014, which criminalises certain acts which were not covered by the penal legislation so far (sexual exploitation, sexual tourism, slavery, forced labour, forced pregnancy, exploitation of mendacity) and provides for more severe sanctions with prison sentences

ranging from 10 to 20 years. The law also creates mechanisms to strengthen inter-institutional cooperation, especially with regard to victims' access to justice and effective remedies. A national policy to combat trafficking in persons was adopted in 2012 and different measures have been taken in the areas of prevention, capacity building, awareness raising, regional and inter-institutional cooperation and victim protection and rehabilitation.

Minimum age for work (Convention 138) and worst forms of child labour (Convention 182)

As had already been noted in previous comments, the 2015 Committee of Experts report observed that the trafficking of persons for sexual exploitation is still a serious problem, with child victims being brought from Guatemala, Mexico and other countries in the region for prostitution. It also noted the concern expressed by the Committee on the Rights of the Child with respect to the low level of prosecutions and convictions for trafficking-related crimes vis-à-vis the reported cases.

As a consequence, the Salvadorian authorities were asked to ensure that thorough investigations and robust prosecutions are carried out for cases of sale and trafficking of children for sexual exploitation; to intensify efforts to protect children working in domestic services; and to better inform on measures adopted and results achieved. The government has also been requested to inform on measures adopted to implement a dedicated roadmap in order to eliminate the worst forms of child labour; and on measures adopted and results achieved under the Decent Work Country Programme and the roadmap for eliminating child labour.

The Committee of Experts positively referred in its 2015 report to the establishment of a national council against human trafficking, which has been mandated to coordinate national policy and establish an action plan to implement the principles set out in this policy. It further understood that the Committee on Family, Children, Adolescents, Elderly Persons and Persons with Disabilities drafted a law which will impose higher penalties for crimes committed against children. Besides, the Committee of Experts took due note of the government's programmatic measures to combat human trafficking. However, it also indicated that while the national plan and the mandate of the National Council generally target trafficking in persons, they do not contain specific provisions for child victims under 18.

Equal remuneration and elimination of discrimination (Conventions 100 and 111)

Given the existing discriminatory practices against women, such as requirements to provide pregnancy tests to apply for a post or to remain in employment, as well as related dismissals of pregnant or disabled women in the maquilas (export processing zones) and also in other industrial, trade and services sectors, the Committee of Experts requested in 2013 information on inspections carried out in enterprises, penalties imposed and related judicial proceedings. Moreover, the government was asked to provide information on the implementation of an act on equality, equity, and the elimination of discrimination against women; the Special Comprehensive Act against violence to women; as well as on legislation adopted to combat discrimination due to HIV infection. Furthermore, information on concrete measures to improve rural women's and indigenous peoples' access to the labour market had been asked for.

With regard to equal remuneration, the government has been requested in 2013 to amend the legislation, given the too narrow definition for equal remuneration and to inform on any concrete measures taken or envisaged to reduce the existing occupational segregation. The Salvadorian authorities were further requested to include the equal value of work concept into the Civil Service Act and provide information on the rules governing public sector remuneration as well as training to labour inspectors in order to raise their awareness hereof.

Future actions and priorities

In the immediate future, the government intends to push for the adoption of a civil service act which would replace the current legislation that dates back to the 1960s. The bill has already been drafted and duly reviewed by the ILO. It has been found to be consistent with the rights of freedom of association and collective bargaining, as well as equal remuneration and elimination of discrimination. The updated civil service act — yet to be adopted by parliament — will increase transparency and further advance the fight against corruption within the administration.

In addition, the Ministry of Labour will keep cooperating with the ILO in the implementation of an EU-funded project aiming at the promotion and application of ILO fundamental conventions and human rights by assisting the country in meeting its reporting obligations and strengthening the institutional capacity of the country to effectively enforce labour laws, guarantee fundamental rights and enhance social dialogue.

Conclusions

El Salvador made progress with regard to implementation of the ILO core labour standards, through measures such as the establishment of a national council against human trafficking, the adoption of an anti-trafficking law and the adoption of a roadmap aiming at eradicating child labour. Moreover, El Salvador implemented various measures to improve the quality of and access to education and to increase school attendance rates including by addressing children engaged in work. However, serious problems in the practical implementation of the core labour standards remain, especially as regards freedom of association and collective bargaining, areas which moreover require legislative and practical alignment with the provisions of the core labour conventions for both employers and workers.

7.2.3. UN Conventions on Environmental Protection and Climate Change (conventions 16-23)

Status of ratification and reporting

El Salvador is party to all GSP+-relevant conventions on environmental protection and climate change.

El Salvador complied with the reporting obligations under all relevant conventions, with the exception of CITES (Annual Report for 2013 due, Biennial Report for 2005-2006,

2007-2008, 2009-2010, 2011-2012 and 2013-2014 due), the Cartagena Protocol on Biosafety (3rd National Report due on 1 November 2015) and the Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and Their Disposal (Reports for 2007, 2008, 2009, 2010, 2011, 2012 and 2013 due).

Status of implementation of the conventions

Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)

El Salvador did not provide any information regarding the update on intention to submit the missing annual and biennial reports, but it reaffirmed its commitment to fulfil the reporting requirements. However, it reported on several other events connected to the implementation, among them creation of a new internal committee of the ministry of agriculture, considered as CITES' administrative authority. Fulfilment of COP16 mandates concerning the requirement for CITES certificates in the International Trade of Species included in CITES.

On limitations related to the CITES implementation El Salvador reported on the need to strengthen the abilities of the technical and administrative personnel to handle data management and the international network of trade in wild species, and the need for support of the renewal of IT equipment at the office and provide basic field equipment, including transportation equipment. Additionally, they noted that a constraint is that CITES office does not have its own funding.

El Salvador also noted that there has been a greater dissemination of the CITES convention's objectives and purposes in the private and public sectors as well as an improvement on the coordination between scientific and enforcement authorities for the compliance of environmental laws related to the commercialisation of wild life. An internal committee inside of the Ministry of Agriculture has been established and is considered as CITES Administrative Authority.

It also observed that there is a greater control over exports, re-exports and imports of Flora and Fauna species not listed in CITES and there is better compliance with the payment of determined fees. Additionally, mandates of COP16 are being fulfilled concerning the requirement for CITES certificates in the International Trade of Species included in the Annex II and supervision over the export of specimen of hammerhead shark, *Sphyrna lewini*, started to be implemented.

Measures and priorities planned for 2014 and 2015 are e-permit mechanisms, promotion of the emission of the ban (VEDA) against exporting the Dalbergia species listed in Annex II of the CITES, creation of a greenhouse regulation, coordination with the scientific authorities regarding the creation of a preliminary list for Annex III to be suggested in a future CITES convention, and creation of a list of scientists in coordination with the country's scientific authorities.

El Salvador indicated that there are several priorities for the mid- and long-term period, namely:

- establishment of a permanent coordination mechanism with both the scientific and enforcement authorities;

- keeping an updated registry, tabulating all pertinent information to create the annual and bi-annual reports;

- strengthening the relationship amongst CITES regional offices, especially with Honduras and Guatemala;

- arranging to pay to outstanding account CITES EL SALVADOR membership contributions;

- updating charge rates for CITES certificate;

- creating a list of pet shops in San Salvador;

- conducting a CITES training programme with exporters and importers, starting with a series of meetings with the Corporation of Salvadoran Exporters (COEXPORT).

Basel Convention

El Salvador reported on the lack of a system to keep an annual record of statistical data concerning hazardous waste generation.

El Salvador informed about the establishment of a process for the issuance of environmental permits and the control of trans-boundary movements of hazardous wastes, process of implementation of the National Strategy for Environmental Sanitation, trans-boundary movement of 69.2 tonnes of pesticide waste and soils contaminated by pesticides, 23.9 tonnes of contaminated waste with pesticide residues was co-processed, as the result of illicit waste traffic from Continental China, and the National Authority and Point of Contact's information was updated.

The First National Strategy for Environmental Sanitation considers reduction on the generation of dangerous waste and the promotion of a rational environmental management of hazardous waste, whenever its disposal takes place; the restriction of trans-boundary movements of hazardous waste, except on those cases where it can be done within the principles of rational environmental management; and a regulatory system eligible for situation in which trans-boundary movements are allowed.

Among priorities for this period are promotion of comprehensive substance, residues and hazardous waste management, and development of a control and monitoring system. Additionally, work will be done regarding ideas for guidelines and directives to handle waste management in port facilities, particularly ship-generated waste. El Salvador will identify productive sectors which manage substances, residues and hazardous waste for the purposes of establishing a mechanism to report waste generation as well as hazardous waste, and create a data base of companies which count with environmental permits to handle hazardous materials within the identified productive sectors. Currently, it is also reviewing the profile for the 'Strengthening of National Initiatives and Improvement of the Regional Cooperation for the Rational Environmental Management of POPs in waste from electric and electronic equipment (RAEE) in Latin American Countries' project. The Ministry of Foreign Affairs has been asked to conduct the necessary arrangements to ratify the Basel Ban Amendment. El Salvador plans to implement a general waste law, and to develop and share technical guidelines to manage hazardous waste.

Convention on Biological Diversity

There were no salient shortcomings identified in El Salvador in 2014-2015 as regards the implementation of the Convention on Biological Diversity, although biodiversity loss has not been halted, and concrete measures to implement the convention should be strengthened.

El Salvador reported that there is a low level of progress in the integration process of biodiversity in the economy, and a low level of progress in the eradication and/or reform of incentives and adverse subsidies, as well as in controlling aquatic ecosystems.

El Salvador observed that it has an appropriate national framework, with suitable technical staff and institutions. In 2013, the national priorities were fully in line with the CBD's Strategic Plan. Three out of 10 reported Aichi goals were rated with 'slow progress' and are considered as high priority within the new Plan for Biodiversity. Priorities for the period are implementation of the National Program for the Restoration of Ecosystems and Landscapes, as well as the National Program for the Improvement of wetlands. Progress was observed within the biodiversity inventories and the implementation of a clearing house mechanism (CHM).

Stockholm Convention on persistent Organic Pollutants

Regarding the implementation of the Stockholm Convention, El Salvador reported on several activities, such as update of the National Authority and Point of Contact, update of the pesticide waste inventory and identification of sites polluted by pesticides, withdrawal for final disposal of 69.2 tonnes of pesticide waste and soil contaminated with persistent organic pollutant pesticides, environmental sanitation of a former pesticide formulating plant, disposal to date of 17 580 kg of transformer oil containing polychlorinated biphenyls and some other activities.

El Salvador complied with submission of its 3rd National Report on 1 September 2014.

Among the constraints for the implementation of the Stockholm Convention is a lack of laboratories to perform the analysis of persistent organic pollutants within the different environmental and health matrices, as well as failure to allocate the adequate financial resources to fulfil Stockholm Convention commitments.

Among priorities for the period are submission of annual reports to the secretariat, promotion of the comprehensive management of substances, residues and hazardous waste with emphasis on prevention and the remediation of sites contaminated by persistent organic pollutants. El Salvador intends to update the list of institutions related to hazardous materials management and be aware of their competences to establish inter-institutional coordination mechanisms. It will prepare a diagnosis of specific sites which may be potentially contaminated by POP pesticides in order to establish remediation and hazardous waste management alternatives. El Salvador intends to review the current legal framework on persistent organic pollutants to fulfil national commitments before the Stockholm Convention and facilitate its implementation in the country, as well as keep registry of polychlorinated byphenil and the equipment which contains it. Additionally, it will prohibit pesticides identified as persistent organic pollutants.

According to the Environmental Sanitation Directorate-General (Ministry of Environment), progress has been made towards the safe disposal of pesticide residues,

identification of potentially contaminated sites, preparation of a plan for environmental remediation of contaminated sites and a draft proposal for a total ban on highly dangerous substances. Environmental authorities are also coordinating with the Ministry of Health, the Ministry of Agriculture and other governmental institutions (Fire Department, Civil Protection, etc.) for the elaboration of hazardous substances and contaminated waste sites risk maps. The implementation of the National Environmental Sanitation Strategy is also currently underway.

Cartagena Protocol on Biosafety

El Salvador ratified the Cartagena Protocol on Biosafety on 26 September 2003, and maintains ratification.

El Salvador has no salient shortcomings regarding its reporting obligations under Cartagena Protocol on Biosafety, according to the report of the Compliance Committee of 28-30 May 2014.

El Salvador submitted its 2nd National Report due in 2011. The 3rd National Report was due on 1 November 2015.

Concerning implementation of the Protocol El Salvador informed in its 2nd National Report that domestic regulatory framework is partially in place. However less than five permanent staff members are in place whose functions are directly related to the national biosafety framework. The transit and contained use of Living Modified Organisms (LMOs) are not regulated. El Salvador has not established a strategy or put in place legislation for promoting and facilitating public awareness, education and participation concerning the safe transfer, handling and use of LMOs.

Conventions on Climate Change

Regarding the Montreal Protocol on Substances that Deplete the Ozone Layer, the 2014 report on importing and consumption of ODS is currently being drafted. El Salvador reported on lack of national resources for trainings and institutional strengthening meant for the fulfilment and follow-up of the Montreal Protocol commitments. The country's priorities, for the mid and long term, are the control over HCFC imports to comply with the 35 % agreed upon reduction by 2020; 67.5 % by 2025; and 100 % by 2030. El Salvador measures and priorities for the 2014-2015 period were to follow-up on the definition of import quotas to import substances and the verification of imports; and strengthening of institutional capacities of the border personnel and other institutions to prevent and control the illicit traffic of substances that deplete the ozone layer.

El Salvador submitted to the UNFCCC Secretariat its Second National Communication in 2013 and a Third Communication is currently under preparation. It has yet to finalise and submit its First Biannual Update Report, due by the end of 2014. On 17 November 2015 El Salvador submitted its Intended Nationally Determined Contribution (INDC) to the 2015 Climate Agreement.

At the national level, climate change was addressed by the first ever National Plan on Climate Change of 5 June 2015. In addition, a strategy to reduce emissions due to deforestation and forest degradation (REDD+) is currently being prepared and national forest inventory is being developed.

Conclusions

While El Salvador is generally in compliance with its reporting obligations under the conventions on environmental protection, it should focus on submitting the outstanding reports on CITES, the Cartagena Protocol, and the Basel Convention.

Despite resource constraints, El Salvador has generally developed national frameworks and has outlined plans to implement the conventions on environmental protection. A number of initiatives are announced by El Salvador to improve the implementation of the conventions on the protection of the environment, although the timeline for their adoption and implementation remains unclear. The EU encourages El Salvador to accelerate the implementation of these initiatives, particularly on CITES.

El Salvador complies with the UN conventions on climate change, and has developed a National Plan on Climate Change. The EU would welcome further details on El Salvador's intended steps to ensure the implementation of the national plan.

7.2.4. UN Conventions on Good Governance (conventions 24-27)

Status of ratification and reporting

El Salvador has ratified the three UN conventions against illegal drugs, and maintains ratification.

It ratified the UN Single Convention on Narcotic Drugs on 26 February 1998, the UN Conventions on Psychotropic Substances and against Illicit Traffic in Narcotic Drugs and Psychotropic Substances respectively on 11 June 1998 and 21 May 1993.

El Salvador ratified the UN Convention against Corruption (UNCAC) on 1 July 2004, and maintains ratification. Reviewing is carried out by the UNCAC Implementation Review Group, the convention's monitoring body. The executive summary of the most recent review on El Salvador has been available to the public since November 2013.

Status of implementation of the conventions

UN conventions fighting illegal drugs

The United Nations monitoring body (INCB) has appraised the situation in El Salvador in 2011 with the objective of reviewing compliance with the three international drug control conventions to which El Salvador is a party.

The following shortcomings were identified: (i) the need to monitor trafficking in pharmaceutical preparation, especially methodone and hydrocodone, and to exercise effective control over the distribution mechanism; (ii) the increasing influence of powerful drugs cartels on the ‘maras’ (local gangs); and (iii) the need to address the illicit cultivation of opium poppy.

Narcotics trafficking is a significant threat to citizen security in El Salvador. Organised criminal groups facilitate smuggling of drugs and weapons, as well as human trafficking. Through October 2013, the government of El Salvador seized 664 kg of cocaine (approximately double the amount as compared to 2012), 2 kg of heroin and 908.4 kg of marijuana. There were 460 kg of cocaine seized in one operation in July 2013 that involved a tractor-trailer transporting cocaine from Costa Rica. El Salvador reported cases involving criminal organisations trafficking in pharmaceutical preparations, in particular oxycodone, methadone and hydrocodone — medications that are used illicitly for pain relief and for the treatment of heroin addicts. At present, there is no remote sensing or ground reviews of opium poppy cultivation and eradication activities are being carried out in El Salvador (c.f. rapport 2012).

Following the United Nations monitoring body (INCB)'s mission to El Salvador in 2011, the government has taken steps to increase its efforts to comply with the three conventions. The government has adopted legislation in the framework of the implementation of its national anti-drug strategy for the period 2011-2015. The principal aim of the strategy is to reduce abuse of drugs and to combat illicit drug trafficking and drug-related crime.

Progress has also been made in the rational use of narcotic drugs and psychotropic substances for medical purposes. Legislative amendments adopted in February 2011 established the National Directorate for Medicines, which is responsible for streamlining controls on medicinal products containing narcotic drugs and psychotropic substances. Regulations concerning the control of retail pharmacies and storage of controlled substances by healthcare providers have also been strengthened and new regulations in respect of the prescription of narcotic drugs and psychotropic substances for medical purposes have entered into force. A special law is also currently being drafted concerning chemical precursors. A regulation on psychotropic narcotics, precursors, chemicals and chemical products and aggregates was adopted on 5 February 2013.

All the specific events conducted for prevention purposes have allowed a decrease in the illicit trafficking and diversion of chemical precursors in the country. An agreement has been issued to increase control over chemical precursors included in the list of controlled substances under the responsibility of the National Pharmaceutics Directorate (DNM). Likewise, the DNM implemented a digital system to keep tabs on real-time medicine dispensing in private sector pharmacies. During 2014, the DNM's Investigation and Auditing Unit created a sub-section of fraudulent affairs, that among other responsibilities has been placed in charge of keeping specific control over product fraudulently manufactured and sold. This includes internet sales also regulated by the Pharmaceutics Law.

The Anti-Narcotics Division has established to date 22 anti-narcotics sections in each of the country's police stations.

On the other hand, El Salvador's participation since 2012 in the 'Preventing the Diversion of Drug Precursor Chemicals for Latin America and the Caribbean' project (PRELAC in Spanish), financed by the European Union and implemented by the United Nations Office on Drugs and Crime, UNODC, has allowed a strengthening of the skills of the staff from agencies in charge of controlling and auditing chemical precursors. Furthermore, it has allowed for a reengineering process over existing administrative controls.

During the last semester of 2014 a first approach was held with the Assistance Program for Weapon Control and Ammunition Destruction in Central America, from the Organization of American States (PACAM/OEA in Spanish). This programme is currently providing support to various countries in the region on the issue of chemical precursors; hence, a process was started to be able to become a beneficiary of this project.

Amongst the priorities and measures to be taken in 2015 by the Anti-Narcotics Division is the implementation of stricter control along the different borders, as well as a strengthening of the personnel of the unit in charge of assisting the National Pharmaceutics Directorate (DNM in Spanish), fighting against the diversion of chemicals to manufacture illicit drugs; this would mean implementing a control and audit plan that will also include other units of the National Civil Police.

The annual report of the International Narcotics Control Board (INCB) in 2014 recommended that El Salvador make continued efforts on drug abuse prevention and treatment, particularly to ensure the availability of facilities for the treatment of drug abuse and to establish reliable data on the drug abuse situation in the country.

El Salvador's priorities for the mid and long term also include the implementation of a national-level plan which may include other police units, as well as the National Pharmaceutics Directorate, the General Directorate of Borders and the Supervisory Council of the Chemical Pharmaceutical Profession of the Public Health Superior Council.

However, El Salvador still faces many challenges. It still lacks law enforcement personnel and the resources to appropriately train existing personnel. Law enforcement agencies also lack the necessary expertise and equipment to effectively control the country's borders and conduct complex investigations and prosecutions. These efforts are also hampered by a lack of data on the magnitude of the threat — both with respect to drug trafficking and domestic consumption.

UN Convention against Corruption

El Salvador ratified the UN Convention against Corruption (UNCAC) on 1 July 2004. El Salvador presented good practices on follow-up to recommendations at the 5th Session of the UNCAC Implementation Review Group in 2014, which followed the Implementation Review Group's 2013 review of El Salvador's compliance with the convention. There, recommendations included legislation to criminalise offences relating to Articles 15, 16, 18, 21, 22 of UNCAC, on money laundering, freezing/confiscation of assets, and jurisdiction.

The government's 5-year plan (2014-2019) includes commitments to step up the fight against corruption in public administration and to improve transparency, accountability and access to public information. The document stresses the need to move away from past corrupt practices, mainly imputed to right-wing governments. As a matter of fact, authorities have put considerable efforts into investigating emblematic cases of corruption targeting previous governments (one involving former President Francisco Flores, another targeting a public-private investment partnership in the field of geothermal energies). This crackdown on former government officials was largely driven by political interests in the framework of the 2014 presidential campaign (as part of a strategy to discredit the opposition party ARENA). But routine corruption in public

administrations, the justice system and the private sector has not received similar attention and has been given very little coverage in the media (except perhaps for the online newspaper *El Faro*). Scrutiny has hardly shifted to FMLN officials, despite serious suspicions of embezzlement and illicit enrichment against high profile authorities such as Sigfrido Reyes (former speaker of parliament) and persisting doubts over on-going public procurement processes (hydroelectric plant, road infrastructure). The Law on Public Probity is outdated (1959) and, despite several initiatives by different sectors to request updated legislation, the issue has not been enthusiastically welcomed within the National Assembly.

Significant progress was achieved between 2009 and 2014 with the creation of the under-secretariat for transparency and prevention of corruption (attached to the Presidency of the Republic), the adoption of the Law on Access to Public Information and the creation of the Institute for Access to Public Information, as well as the streamlining of institutional processes for public accountability of all state institutions. Initiatives to enhance fiscal transparency of the state have been launched both by the government and civil society, in an attempt to subject the country's budget to more citizen and legislative scrutiny.

In addition, the Supreme Court of Justice's decision to restore powers to its probity section has enabled public access to the financial information of former governmental officials (including data requests for financial institutions, which hitherto had been one of the biggest obstacles to initiating investigations on alleged corruption against any public official), as well as to ensure transparency in the management of state funds. The disclosure of the declarations of assets of three former presidents (Francisco Flores, Antonio Saca and Mauricio Funes) has been hailed as a step forward in public accountability.

Major loopholes and shortcomings remain to be solved in terms of internal controls, human resources management, prevention mechanisms and effective processing of corruption allegations. Of the 150 cases involving public officials presented by the Presidency to the Office of the Attorney General between 2009 and 2014, very few have actually led to judicial proceedings. Authorities have also gone forward with efforts to purge the Ministry of Public Works from illicit practices, with some success so far. This administration, often criticised for its lack of transparency, has managed to recover some credit from the population and the private sector alike, in part thanks to the appointment of a minister known for his longstanding fight against corruption. In partnership with FUNDE (Transparency International's national chapter), the Ministry of Public Works created a citizens' observation platform for the independent monitoring of public works involving private companies, the government and other civil society actors.

Party financing lacks transparency and political parties remain very vulnerable to corruption. Regulation is insufficient as parties are not required to disclose the source of their private donations (donors can choose to remain anonymous) and provide details of their campaign expenditures. The Law on Political Parties, in force since 2014, establishes a donation ceiling per donor of 3.5 % of the global election budget adopted by the state, but the Supreme Electoral Court cannot audit parties' finances further. In addition, sanctions cannot target individuals but only parties as a whole which limits the impact of the Law.

Despite recent developments in neighbouring Guatemala and Honduras, Salvadorian authorities have not announced any significant measures to increase their efforts against

corruption. In July 2015, US authorities invited El Salvador to propose appropriate mechanisms to fight impunity (including structural corruption), and to take inspiration from the positive experience of CICIG (Guatemala), but the government has not yet proposed any concrete measure.

Reforms to the Law against Money Laundering and Assets were introduced in 2014 in order to include government officials and former politicians, as well as their families, as subject to the law and, thus, requiring them to provide asset and money transaction declarations to the attorney general's Financial Intelligence Unit.

A law on forfeiture and administration of illicit goods entered into force in 2014. A specialised court has also been created. Thus far, over ten cases of asset forfeiture are being processed by the court.

Conclusions

The government of El Salvador has made significant progress in order to meet the requirements set in the three UN conventions, strengthening its capacity to combat illegal drug trafficking in 2014. El Salvador has made encouraging advances in community policing reform and gang prevention in targeted municipalities with the assistance of international donors — these best practices should be mainstreamed within national police and justice sector institutions. However, the successes of 2014 can only be sustained if more resources are devoted to the national police and law enforcement agencies.

On the UNCAC, the El Salvadoran Government has presented a 2014-2016 action plan entitled 'Alliance for an Open Government', which contains 20 commitments related, among others, to the administration of public funds, access to public information and the fight against corruption. However, El Salvador should take further concrete steps to ensure that this action plan is robustly implemented. Greater attention should be placed on tackling routine corruption in public administrations, the justice system and the private sector.

7.3. Trade and Economy

7.3.1. Trade Picture

El Salvador's main exports are in the textile and agricultural industries, as well as leather, tuna and food preparations. According to The World Bank, the country has a GDP of USD 25.220 million, with an annual growth rate of 2.0 % for 2014; this situation creates a GNI per capita based on PPP of USD 8 070. El Salvador's major business partners are the United States, Honduras and Guatemala.

In 2014, El Salvador exported to the EU tuna, coffee, honey and sugar cane, and total exports accounted USD 222 million. El Salvador has eight free trade agreements with major partners, among them the Association Agreement between European Union and

Central America, USA-Dominican Republic-Central America FTA (CAFTA-DR), Central America-Chile FTA and Taiwan-El Salvador FTA.

As a result of the EU-Central America Association Agreement, provisionally applied since August 2013, El Salvador will be removed from Annex II of the GSP Regulation from January 2016. As a consequence of this, El Salvador will also cease to be a GSP+ beneficiary.

7.3.2. GSP+ Statistics

Figures 7.1-7.3 below describe El Salvador's utilisation of the GSP+, in the context of its overall imports to the EU. The reduction in imports benefiting from GSP+ preferences in 2014 is a result of the alternative preferences available under the EU-Central America Association Agreement.

Source for all statistics: Eurostat data, as of September 2015.

Figure 7.1

El Salvador - Imports to the EU, 2012-2015					
Figures in thousand EUR	**2012**	**2013**	**2014**	**2015 (Q1-2)**	**Trend 2012-2014**
Total imports to EU	216,778	211,561	169,599	83,136	-21.76%
GSP+ eligible imports	84,479	94,968	77,027	26,520	-8.82%
GSP+ preferential imports	67,483	67,462	339	380	-99.50%
GSP+ utilisation rate	79.88%	71.04%	0.44%	1.43%	-99.45%

Figure 7.2

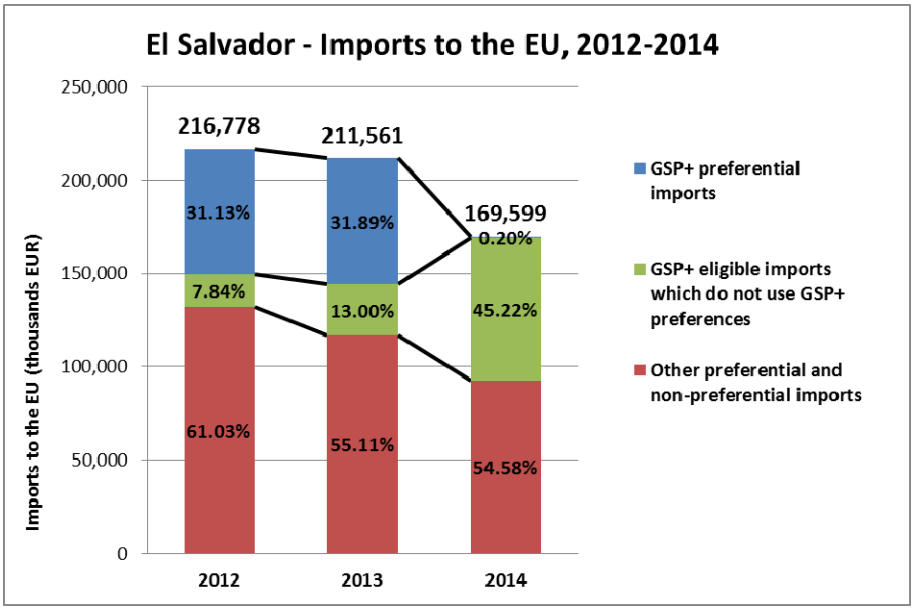
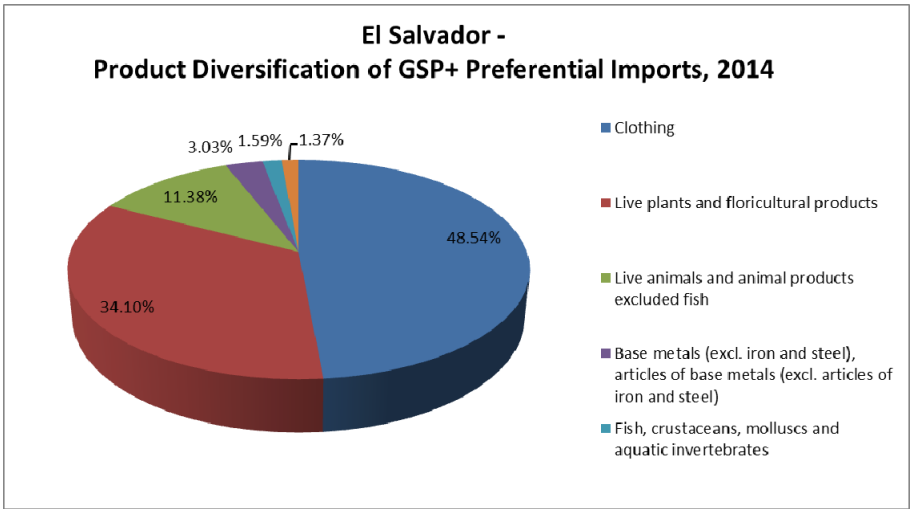


Figure 7.3


El Salvador -
Product Diversification of GSP+ Preferential Imports, 2014
48.54%
34.10%
11.38%
3.03%
1.59%
1.37%
Clothing
Live plants and floricultural products
Live animals and animal products excluded fish
Base metals (excl. iron and steel), articles of base metals (excl. articles of iron and steel)
Fish, crustaceans, molluscs and aquatic invertebrates

8. Georgia– GSP+ Assessment

8.1.Country Overview

Since its independence from the former Soviet Union in 1991, Georgia has undergone a profound political and economic transformation. In particular, following the 2003 Rose Revolution, the Georgian government quickly implemented an ambitious reform programme that combined strong law enforcement, market liberalisation and institution-building along Western lines. This resulted in dramatically reduced petty corruption and increased investments. However, reforms were implemented quickly and often lacked sufficient internal consultation. Georgian politics remained very turbulent, polarised and personality-based for several years, and in November 2007, large anti-government street protests ended with violent dispersal of opposition supporters and further aggravated tensions. Moreover, the Georgian government as well as the opposition failed to sufficiently focus on social and economic issues, such as poverty alleviation.

The 2012 parliamentary and 2013 presidential elections were key for the country's gradual political stabilisation and the start of a positive trend of solid and continued progress on political and justice reforms as well as human rights protection.

Georgia is situated in a difficult and potentially unstable geopolitical environment, influenced by the protracted crisis in Ukraine and the continuing conflict over its breakaway regions of Abkhazia and South Ossetia. The EU supports the territorial integrity and sovereignty of Georgia, as recognised by international law.

Since the Rose Revolution, Georgia has repeatedly expressed strong aspirations to integrate into Western structures, notably NATO and the EU. In 2004, Georgia was included in the EU's European Neighbourhood Policy (ENP) and in 2009 also in its enhanced eastern dimension, the Eastern Partnership (EaP). Georgia and the EU signed an Association Agreement including a Deep and Comprehensive Free Trade Area (AA/DCFTA) in June 2014. The agreement is provisionally applied by both sides since September 2014. The DCFTA component includes a chapter on trade and sustainable development (TSD) where the parties made commitments on labour rights and environmental protection issues, many of which are covered also by the EU GSP+.

Due to enjoying the benefits of the bilateral DCFTA, Georgia will exit the EU GSP/GSP+ programme after the expiry of the standard transition period at the end of 2016. Most of the issues raised in the GSP+ dialogue will nevertheless continue to be discussed in the framework of the implementation of the DCFTA's TSD chapter.

8.2.Compliance with GSP+ Obligations

8.2.1. UN Human Rights Conventions (conventions 1-7)

Status of ratification and reporting

Georgia ratified all the GSP+-relevant UN human rights conventions, without reservations, and maintains their ratification. For further details please see the annex.

In 2014-2015, Georgia made an effort to catch up with its reporting obligations to the monitoring bodies of these conventions. However, two reports remained overdue: a report under the International Covenant on Economic, Social and Cultural Rights due in 2007 and a report under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment due in 2011. According to the Georgian government these reports were to be submitted before the end of 2015. For further details please see the annex.

Status of implementation of the conventions

In 2014-2015, Georgia made overall substantial progress regarding the effective implementation of these seven conventions.

The adoption and start of implementation of the National Human Rights Strategy and Action Plan as well as of the Gender Equality Strategy and Action Plan in 2014 were particularly important and represented significant improvements in Georgia's policy in these areas. Moreover, Georgia fulfilled all the objectives set out under the 2014-2015 Human Rights Action Plan for 2014 and was progressing well also on the implementation of the goals planned for 2015, notably on the integration of minorities.

In particular, there were important achievements in terms of the proper conduct of the 2014 municipal elections, increased judicial independence (including the election of a new and first female chief judge), humanisation of criminal policies (reflected notably by proportionate sentences, a reduction of pre-trial detentions, a fairer plea bargaining system and the recognition of victims' rights), progress on juvenile justice through adoption of a juvenile justice code, prison mortality reduced to a low level and an improved treatment of prisoners. Furthermore, the role of the parliament was strengthened. Also, in line with the 2014 anti-discrimination law, a new anti-discrimination mechanism became operational in October 2014, embedded in the public defender's office. Institutional reforms of the prosecutor's office were launched in December 2014. Limited electoral reforms to prepare for the 2016 parliamentary elections were initiated.

Moreover, the Georgian authorities started to prepare the next human rights action plan (for 2016-2017), which would cover new areas such as election rights or rights to quality education and healthcare. The first draft is being consulted with civil society at the time of writing this report.

Nevertheless, despite all this progress, salient shortcomings remained in several areas covered by these conventions and further work to tackle them would be necessary also in the future. Particular attention should also be paid to media freedom and pluralism.

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

Integration of minorities, including ethnic minorities, was given a prominent position in the 2014-2015 National Human Rights Action Plan. Moreover, the authorities were working on various specific strategic documents aimed at integrating minorities, most importantly the National Concept for Tolerance and the Civic Integration Strategy for 2015-2020 and related action plan. The strategy and action plan were based on a substantial review and assessment of the previous strategy and action plan in this area and were adopted in the second half of 2015. Also, the law on elimination of all forms of

discrimination was adopted in May 2014 and some substantial efforts were conducted by the Georgian authorities (mostly the public defender's office) to raise awareness about it amongst Georgian citizens (in particular, frequently asked questions were published on the website, promotional video was put online and broadcasted on TV channels, trainings for the police officers and prosecutors as well as for journalists and school students took place). Though integration of ethnic minorities could still be improved, a lot has been done to facilitate their full-fledged participation in all spheres of public life.

International Covenant on Civil and Political Rights (ICCPR)

Concerning the implementation of the ICCPR, since the early years of its independence in 1991 Georgia had been faced with a problem of a large number of internally displaced persons (IDPs) following several armed conflicts on its territory, the latest one with Russia in 2008. In 2014-2015, despite the authorities' efforts to address this long-standing difficult issue, many challenges remained, such as providing the IDPs with adequate housing or facilitate their social and economic integration (for these issues, please see also the next part regarding Georgia's implementation of the International Covenant on Economic, Social and Cultural Rights). Also, the legislation would still need to be improved to ensure the inclusion of other groups of IDPs, such as eco-migrants.

Moreover, the 2014 and 2015 GSP+ scorecards pointed out the persisting problem of poverty and inadequacy of measures undertaken to combat it so far. Also, overall unsatisfactory situation of persons with mental illnesses continued to be reported in this period. Furthermore, the Georgian authorities were asked to step up their efforts to effectively address discrimination against women and the high prevalence of domestic violence (for these matters please see also further in the text concerning Georgia's compliance with the requirements of the Convention on the Elimination of All Forms of Discrimination Against Women). Discrimination and social stigma, hate speech and violence against lesbian, gay, bisexual, transgender and intersexual (LGBT) persons and violation of their rights to freedom of expression and assembly also continued to be regularly reported.

There also remained concerns about cases of religious intolerance, including harassment and verbal and physical assault against persons belonging to religious minorities, in particular Muslims, members of non-traditional religious minorities and Jehovah's Witnesses. The new State Agency on Religious Affairs would still have to define its priorities to play a positive role in combatting discrimination on the religious grounds. Also, only little progress was made with regard to the return of Muslim Meskhetians deported by the Soviet regime to Central Asia in 1944.

Improvements achieved in the above areas represent in particular inclusion of many of them in the 2014-2015 National Human Rights Action Plan and establishment of a secretariat in charge of the implementation of this action plan under the prime minister's office, as well as the introduction of a data protection officer. In addition to the adoption of the Law on the Elimination of all Forms of Discrimination mentioned above, several amendments to existing legislation were also adopted, aiming to ensure that persons with psychological disabilities have legal capacity in accordance with the International Convention on Persons with Disabilities. Further positive developments include the reduction of a maximum sentence for administrative detention from 90 to 15 days, the increased role of the judge in the plea bargaining agreements and the decision that the National Preventive Mechanism would have a mandate to photograph possible evidence

of torture as of September 2016. A reform of the prosecutor's office began in December 2014 with draft legislation proposed by the government and discussed in the Venice Commission in June 2015. Also, for the first time, the Georgian state provided funding to religious communities other that the Georgian Orthodox Church.

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

Regarding Georgia's compliance with the requirements of the ICESCR, increased efforts would be needed to ensure provision of adequate social protection and healthcare. Deficiencies remained concerning the right to adequate housing and registration of individuals without shelter continued to lack a consistent methodology. Establishment of a proper labour inspection mechanism with a full mandate to check working and employment conditions in all relevant areas was initiated with the Labour Inspectorate Department being created within the Ministry of Health, Labour and Social Affairs. However significant work in this field remains. Georgia ratified the UN Convention on the Rights of Persons with Disabilities in 2014 and an action plan on equal opportunities of persons with disabilities for 2014-2015 was prepared. Awareness among the population of the rights of disabled people increased and the national Council on Disabilities became more active. Overall, however, more will have to be done to ensure proper integration of persons with disabilities into the society.

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

Poverty, violence and prevailing stereotypical attitudes regarding the roles and responsibilities of women and men in the society remained the main challenges to the effective implementation of the CEDAW in 2014-2015. In particular, the growing number of murders of women by their husbands and partners and other forms of domestic violence constituted a worrying trend. Moreover, there were other important concerns such as the low rate of reporting of cases of domestic or sexual violence and the high prevalence of early and forced marriages. More efforts would also be necessary in the future to effectively protect lesbian, bisexual and transsexual women against violence and harassment, as well as to ensure equal pay for work of equal value and facilitate access to family planning services and affordable contraceptive methods.

The implementation of legislation on the elimination of all forms of discrimination against women continued to be improved, but it would need to become further more effective. A comprehensive national mechanism to coordinate, implement and monitor gender equality policies was not yet put in place within the executive branch, while it should be noted that the Human Rights Council under the prime minister was getting increasingly active on advancement of women's rights.

Overall, the government as well as the civil society demonstrated a strong commitment to tackle the persisting problems in the implementation of the convention. Violence against women was the top priority and awareness among government officials as well as the public at large regarding domestic violence and trafficking of human beings increased significantly in the reporting period, thanks to combined actions of the authorities and NGOs. Several legislative amendments related to domestic violence were also adopted. Moreover, the women's participation in the political life was raising on the agenda in the context of the upcoming campaign for 2016 general elections. Furthermore, the first ever female chair of the Supreme Court and the first female minister of defence were

appointed in Georgia in 2015. Also, 2015 was declared the Year of Women in Georgia. In November 2015, Georgia hosted a high-level conference on challenges and opportunities to achieve gender equality in the European Neighbourhood region. Moreover, Georgia signed the Council of Europe's Convention on preventing and combating violence against women and domestic violence, the so called Istanbul Convention, in June 2014 and intended to ratify it by the end of 2015. Georgia also submitted its National Review of the Implementation of the Beijing Declaration and Platform for Action for the 59th Session of the Commission of the Status of Women and UN General Assembly meeting in 2015.

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

In 2014-2015, Georgia deployed tangible efforts to comply with its commitments under the CAT. Nevertheless significant further progress in this area would be necessary also in the coming period. In particular, a fully independent mechanism for investigating allegations of torture should be created. A unit with this mission was set up within the prosecutor's office, but it is generally considered unable to perform fully the roles which such a mechanism should have. The National Preventive Mechanism under the office of the public defender became operational, but it would have a mandate to photograph possible evidence of torture only as of September 2016. Also, the use of the Istanbul Protocol on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment needs to be more widely applied and better understood. It is welcomed that the maximum sentence for administrative detention was reduced from 90 to 15 days and the role of a judge in finalising plea bargaining agreements was strengthened. Also, there was a clear policy shift from punishment to rehabilitation of offenders, especially in prisons, and corporal punishment was practically eliminated. There was also a significant decrease in the use of pre-trial detention. A new action plan was adopted to ensure full implementation of the CAT, in close cooperation with experts from the Council of Europe. Other positive developments were the adoption of a juvenile justice code and the adoption of a new drug policy reducing the relatively harsh penalties for drug use.

Convention on the Rights of the Child (CRC)

Despite some remarkable efforts to strengthen children's rights, Georgia continued to face substantial challenges in the implementation of the CRC in 2014-2015. Georgia reached its Millennium Development Goal set for under-5 child mortality, introduced basic medical services for every citizen, including children, and public funds were increasingly allocated to the health sector. Also, services for street children started to be provided. However, infant and maternal mortality rates overall remained high and the quality of education low. Also, the level of child poverty remained very high.

Several legislative amendments were adopted, addressing in particular early identification and response to domestic violence, including violence against children. A juvenile justice code covering all children in the criminal justice and administrative violations systems was adopted in June 2015. The overall legal framework for children's rights would, however, require further refinement. Efforts should also be undertaken to ratify the third optional protocol to the Convention on the Rights of the Child on communication procedures, which would enable children and their representatives to apply to the committee on the Rights of the Child with individual complaints.

Future actions and priorities

Georgia's future priorities and objectives regarding human rights protection relate to a number of policy areas. In particular, the creation of an independent mechanism to investigate allegations of torture and ill-treatment by law enforcement bodies will remain high on the government's agenda. The authorities will also continue their efforts to fight the prevailing high level of violence against women, notably through improving the implementation of the legislation on domestic violence, ratifying the Istanbul Convention on preventing and combating violence against women and domestic violence, establishing police units on gender based violence and ensuring their adequate capacity building, as well as through adopting legislation on protection and assistance to victims of sexual violence, both during conflict and peace. In the area of labour rights, Georgia plans to improve further the labour code's provisions relating to non-discrimination, in particular equal pay and sexual harassment. Addressing the situation of children and notably child poverty remains a priority. Accordingly, a proactive social protection system is planned, including child-sensitive legislation, policies, monetary benefits and social services that will promote social inclusion of most vulnerable groups. Efforts will also continue to reduce infant and maternal mortality, notably by improving the quality of health services during pregnancy, delivery and post-delivery, focusing on the most vulnerable. To improve the efficiency and equality of education from early years, Georgia intends to increase public expenditure in the education sector and invest in quality early childhood education services, including increased access of marginalised groups. Georgia will also seek to develop and implement specialised legal provisions and procedures for children in order to ensure their access to a coherent, child-friendly justice system in line with international standards. The issue of early marriages should also be addressed as a matter of priority.

Conclusions

In 2014-2015, Georgia continued to make steady progress on democracy, human rights and fundamental freedoms. At the same time, considerable challenges remained in several areas and would have to be tackled also in the next period. In particular, the lack of accountability for abuses, including use of torture and ill treatment, by law enforcement authorities remained a significant problem. Major public administration reforms were initiated, but they would have to advance tangibly before it would be possible to assess their full impact and effectiveness.

Respect for rights of persons belonging to various minorities and their integration in the society would still require attention in the future. Discrimination and violence against women, notably domestic violence continued to be of a particular concern. The government declared the fight against violence against women its top priority and thanks to combining efforts and actions with the civil society managed to significantly increase awareness of this phenomenon among officials as well as the public at large. The authorities also continued their efforts to improve protection of children's rights, notably reduce persisting high level of poverty among children as well as of infant mortality and low level of education. Focus on this area, notably improving of social protection and healthcare for children as well as of the education system will continue also in the coming period.

The signature and start of implementation of the EU-Georgia Association Agreement significantly deepened the bilateral relations, while it also put Georgia under increased scrutiny, particularly regarding strengthening of capacities, independence and effectiveness of institutions guaranteeing democracy, rule of law and respect for human rights. So far, the implementation of the Association Agreement in these areas has been smooth. Also, good progress was achieved in the visa liberalisation dialogue and implementation of the bilateral Visa Facilitation and Readmission Agreement.

8.2.2. ILO Labour Rights Conventions (conventions 8-15)

Status of ratification and reporting

Georgia ratified all eight ILO fundamental labour conventions relevant for the GSP+, without reservations, and maintains their ratification. For details please the see annex.

In 2014-2015, Georgia complied with all its reporting obligations to the monitoring bodies of these conventions. For details please the see annex.

Status of implementation of the conventions

Regarding the effective implementation of these eight conventions in 2014-2015, Georgia continued to make an overall progress following up on the adoption of the substantially revised labour code in 2013, which had brought the country back in line with the ILO core standards, a long due request from the ILO and the EU. At the same time, significant work in several areas remains ahead. To support Georgia's efforts in this regard, international assistance would remain at the authorities' disposal, notably the ILO would continue to implement its 2014-2017 project on improving Georgia's compliance with international labour standards.

Freedom of association and collective bargaining (Conventions 87 and 98)

Regarding the implementation of these two conventions, in its 2015 report, the ILO Committee of Experts on the Application of Conventions and Recommendations (hereafter referred to as Committee of Experts) welcomed Georgia's clarification that the minimum membership requirement for establishing a trade union had been set at 50 persons. However, the committee also recalled that the requirement should be fixed in a way enabling the establishment of organisations also in small and medium-sized enterprises.

Moreover, the committee noted with satisfaction that the revised labour code expressly prohibited anti-union discrimination at the pre-contractual stage as well as through the employment relationship and forbade termination of a contract based on an on anti-union ground. However, it also took note of trade-unions' allegations of numerous acts of anti-union discrimination in both the public and private sectors, and in particular of frequent non-renewal of short-term employment contracts for anti-union purpose. The committee asked to clarify whether the provisions of the labour code prohibiting anti-union discrimination apply to such contracts.

Furthermore, the committee appreciated that according to the revised labour code collective agreements would be concluded only with employees' associations and clauses in contracts would be declared null and void if they contradicted the applicable collective agreement. The committee also asked for further information on the number of collective agreements signed, number of workers covered and actions taken to promote collective bargaining in both the public and private sectors.

The committee welcomed the revised labour code which had introduced a new mechanism for collective labour dispute resolutions, including lifting of the limits on strike duration. In 2014-2015, this mechanism started to operate and its capacity building would continue with the ILO's support. However, the committee also noted that the amended labour code provides that at any stage of a collective labour dispute, the minister can terminate conciliatory procedures and requested that this is reviewed so as to ensure that the labour code promotes the negotiated resolution of collective labour disputes. The committee also noted trade-union's allegations that the definition of the grounds for collective labour disputes restricts the right to strike, and requested indications as to which strikes can be legally carried out. Furthermore, the committee noted that the right to strike is prohibited in services which do not constitute essential services and requested amendments to the labour code and other instructions as well as specification of services that cannot be suspended. Clarification is also needed as to how the suspension of the right to strike is used in practice.

The Tripartite Commission for Social Partnership (TCSP) was established on the basis of the revised labour code in May 2014. However, it did not meet since its inauguration and did not yet become operational. The labour code provides for mediation mechanisms but a proper system for the settlement of labour disputes is not in place yet. Overall, a meaningful social dialogue was not yet established in Georgia.

The Labour Inspectorate was re-established in a form of a new Department at the Ministry for Labour, Health and Social Affairs in March 2015, after overcoming a fierce reluctance from the Ministry of Economy and some businesses sectors. Its statute, taking on board the ILO's comments was approved in April. However, the creation of this Department should be seen as a preparatory phase and further work is necessary to bring the new Inspectorate, notably the enforcement powers, sanctioning mechanisms and staff resources fully in line with the ILO's standards in order to ensure full application of freedom of association and collective bargaining and other labour standards. Cooperation with the ILO would continue to elaborate the inspection tools.

Moreover, the State Monitoring Programme of the Labour Conditions was approved and its implementation launched in February 2015. However, the monitoring is voluntary and monitors were only allowed to enter employers' premises at their invitation. According to the programme's first results issued in June 2015, the major groups of violations identified were breaches to the labour law (such as unpaid leave), dangerous working condition, notably due to violations of safety rules and health associated problems and risks due to harsh working conditions (such as burn-out).

In 2014-2015, Georgia initiated preparations of legislation on occupational safety and hygiene and related issues, but only after long hesitation and the process has not yet progressed very far.

Forced labour (Conventions 29 and 105)

Regarding the implementation of these two conventions, in its 2013 report the Committee of Experts asked the government to present it copies of legislation according to which military commanders were not entitled to give instructions not linked to military purposes. The committee also noted with interest the government's clarification that work of convicts could be carried out only with their voluntary consent, while it requested a further specification how the voluntary consent of prisoners concerned to work for private workshops was guaranteed. Moreover, the committee asked the government to provide information on the application of the criminal code's provisions according to which penal sanctions of correctional work or limitation of freedom might be imposed for serious violations of procedures related to the organisation of meetings. The committee also requested amendments to the criminal code to ensure that no penalties involving compulsory labour could be imposed for the mere organisation of a peaceful strike.

As for the most recent developments on the ground, Georgia's new Labour Inspection Department would supervise law enforcement also in this area and would be entitled to impose measures to prevent forced labour and human trafficking. The relevant legislation is due to enter into force in January 2016.

Minimum age for work and worst forms of child labour (Conventions 138 and 182)

On the minimum age convention, in its 2013 report the Committee of Experts requested amendments to the labour code to extend protection on self-employed children and those working in the informal economy. The committee also requested amendments to the labour code to lay down provisions on light work allowed for children above 14 years, including the upper limit of working hours and other working conditions. Moreover, the committee noted that abolition of the labour inspection by the 2006 labour code had resulted in a lack of institutional monitoring ensuring enforcement of the existing legislation, including with regard to child labour.

As regards the implementation of the minimum age convention in practice, in 2014-2015, the government continued to take steps to reduce the relatively high number of working children reported in previous years, increase the rate of school enrolment and develop a system of vouchers for street children. Moreover, the revised (2013) labour code provided for some clarifications on the conditions under which minors under, respectively, 14 and 16 can work and introduced restrictions to the maximum weekly working time for these groups. Also, the new Labour Inspectorate will oversee implementation of labour rights, including those related to child labour. The government clarified that until the new inspectorate became operational, police and the Ministry of Labour would continue to be in charge of monitoring the rights of children, including in the labour area.

As regards the worst forms of child labour, the 2013 report of the Committee of Experts noted that according to the criminal code persuading a minor to beg or undertake any other anti-public activity or involving a minor into abusing substances shall be punishable, and requested more detailed information on these provisions. Moreover, the committee observed that the government had adopted a national action plan on the fight against trafficking envisaging several important measures for the fight against trafficking in minors by focussing on prevention, protection of the victims and prosecution of the

offenders. The committee also acknowledged that the government had introduced a number of measures to support rehabilitation of street children and asked for information on the number of street children rehabilitated as well as of those who had benefited through projects implemented by the state.

According to the information available from the ground, the government prepared a child welfare and protection action plan for 2012-2015 and established an inter-ministerial council to oversee its implementation. The action plan targeted vulnerable children, particularly those living and working on the street. It included several measures for integration of street children, including provision of psychological and social aid (e.g. a programme of shelter provision for homeless children was launched in 2014). A number of care centres and mobile teams to provide relevant services were established in the framework of the Plan's implementation.

Moreover, with the EU financial support the government operated a social rehabilitation and child care state programme for vulnerable children living and working on the street in 2013-2015, and it undertook to continue further strengthening the mechanisms established in this framework in the future.

The government also significantly increased its funding to assist victims of trafficking, including child victims. The State Fund for Protection and Assistance of Victims of Human Trafficking continued to provide services such as shelter and psychological assistance in 2014-2015. In the period from mid-2013 to mid-2015 six cases of child trafficking were investigated (two cases of labour and four of sexual exploitation).

In its 2013 report, the Committee of Experts encouraged the government to pursue its efforts in the field of education, notably to take measures to enable children to attend and complete compulsory education and ensure free basic education for all children, particularly street children.

According to the information available, in 2014-2015, the Georgian authorities did focus on making general education accessible and affordable to any child in the country. The general (secondary) education as well as school textbooks and public transport for school children continued to be free of charge. Steps were taken towards revising the National Education Plan (NEP) so that it ensured quality education to all children irrespective of their social and economic status. Particular emphasis was put on inclusion of children beyond the system of formal education, such as working children or victims of sexual exploitation. In order to ensure a proper implementation of the revised NEP a series of trainings for teachers as well a system for monitoring children not registered in schools or those who are at risk of dropping out were being developed.

Elimination of discrimination (Conventions 100 and 111)

In its 2014 report, the Committee of Experts requested the Georgian government take measures addressing the underlying causes of persisting wage inequalities and to promote women's access to a wider range of job opportunities at all levels. It also asked to promote equal remuneration for work of equal value. Furthermore, while noting that the Employment and Labour Policy Department had been established within the Ministry of Labour in February 2013, the committee re-iterated its requirement to the government to develop a concrete method of job evaluation and to provide information concerning the training for evaluators. The committee also noted with concern that there had no longer been any labour supervisory body in Georgia, and asked the Georgian authorities how

they intended to ensure effective enforcement of the principle of equal remuneration and called on them to strengthen the capacities of judges, labour officials and other competent authorities in this area.

As regards the prohibition of discrimination, the committee recalled that the revised labour code adopted in 2013 had not explicitly covered discrimination at the recruitment or selection stage. Therefore it asked the government to clarify the existing non-discrimination provisions by including into the legislation a specific definition and prohibition of direct and indirect discrimination at all stages of employment and occupation. With regard to equality of opportunity and treatment of men and women, the committee welcomed the detailed information on training activities conducted on gender equality in its 2014 comments. Given the relatively low employment rates of women in comparison to men, the committee asked the government to take measures to address the legal and practical barriers to women's access to the broadest possible range of sectors. Moreover, the committee requested statistics on situation of men and women in employment, by sector of the economy, as well as statistics, disaggregated by sex, on the situation of members of different ethnic minorities in employment.

According to the most recent information provided by the Georgian authorities, in order to improve the employment conditions of women, targeted changes were introduced in the revised labour code in 2013. In particular, the legislation now provides for maternity and childcare leaves of absence as well as leaves of absence for adopting a new-born. The revised labour code also includes provisions aiming to eliminate discrimination at workplace. Furthermore, the Law on Elimination of all Forms of Discrimination aiming at ensuring that everyone enjoys the rights declared by the Georgian legislation, including labour rights without any discrimination was adopted in May 2014. Moreover, the Ministry of Labour's department for monitoring labour conditions created in March 2015 is responsible for identification and registration of the discrimination cases at the workplace and providing recommendations to tackle those cases.

Future actions and priorities

In the framework of the 'State Program for Monitoring Labour Conditions', more attention will be given to raising employees' and employers' awareness on international labour standards as a way to prepare them for the operation of the new labour inspection mechanism. The government also intends to continue developing labour mediation mechanisms, with the support of the ILO and notably work at strengthening labour mediators' capacities and social partners' awareness. More broadly, efforts to improve compliance with the international labour standards and to strengthen institutions have to be seen as part of the 2015-2018 State Strategy and Action Plan to improve the functioning of the labour market.

Conclusions

Many shortcomings previously routinely reported regarding Georgia's implementation of the GSP+-relevant labour rights conventions, in particular those related to freedom of association and right to organise and bargain collectively, were addressed in Georgia's revised labour code adopted in 2013. The first years of practical implementation and enforcement of the revised code were 2014-2015. In particular, the first actions taken towards the re-establishment of a labour inspection system represented a major step as

regards effective enforcement of core international labour standards and labour rights in general. However, labour inspections clearly remained a politically very sensitive matter in Georgia and several important issues would still have to be solved in order for the new inspectorate to become aligned with the ILO standards. Further capacity-building and providing of adequate financial and human resources would also be crucial to ensure that the inspectorate would become able to effectively perform its tasks.

8.2.3. UN Conventions on Environmental Protection and Climate Change (conventions 16-23)

Status of ratification and reporting

Georgia ratified all the GSP+-relevant conventions on environmental protection and climate change, without reservations (Georgia only made a permissible declaration to the CBD), and maintains their ratification. For details please see the annex.

In 2014-2015, Georgia complied with its reporting obligations to the monitoring bodies of all these conventions. For further details please see the annex.

Status of implementation of the conventions

In 2014-2015, Georgia continued to make effort to ensure effective implementation of these eight conventions. Nevertheless, many issues would have to be addressed also in the future. In this context, Georgia reported that resource mobilisation and strengthening of institutions remained one of the main challenges in most areas.

Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)

As regards the implementation of the CITES, Georgia's national legislation in this area remained ranked as category 2 under the convention, i.e. not yet fully meeting all the requirements for the convention's implementation. According to the Georgian authorities the new Law on Biodiversity aiming at rectifying this shortcoming and also harmonising the Georgian legislation to the relevant EU directives was supposed to be adopted and enacted by the end of 2015. In 2015, Georgia submitted the two long-overdue biennial reports (for 2003/2004 and 2007/2008).

Basel Convention

No salient shortcomings were identified in Georgia's implementation of the Basel Convention in 2014-2015. Georgia submitted its overdue national reports (for 2012 and 2013). Moreover, the Georgian authorities reported on preparations of a new law on import, export and transit of waste into and out of the Territory of Georgia. This law was being prepared with the support of the EU technical expertise and foreseen to be submitted to the government for approval before the end of 2015. It should establish terms, procedures and control mechanisms for import of waste into, export from and transit through Georgia in accordance with the convention. This would be commendable as the legislation in place did not include any transit options (it, however, covered import of hazardous waste and radioactive residue of the production, household and other types

of waste for their utilisation, neutralisation, treatment, landfilling or any other purposes, as well as import of non-hazardous waste and non-radioactive residue of the production, household and other types of waste for their disposal).

Convention on Biological Diversity (CBD)

In 2014/2015, there were no salient shortcomings identified in Georgia's implementation of the CBD, while biodiversity loss in the country was not halted and measures supporting biodiversity should in general be strengthened. In 2015, Georgia submitted its 5th National Report and therefore complied with its reporting requirements under this convention.

The main achievement in terms of biodiversity conservation and implementation of the international biodiversity related conventions is the adoption of Georgia's second National Biodiversity Strategy and Action Plan (NBSAP-2) for 2014-2020. The document covers eight thematic areas and sets twenty-one national targets, which are in line with the Aichi biodiversity targets and strategic visions of all the international biodiversity related conventions. In order to ensure proper coordination of the implementation process, an NBSAP-2 implementation committee consisting of governmental representatives, scientists and NGOs had been established and made operational. A number of planned activities had already started to be implemented. Moreover, Georgia reported on the establishment of the National Biodiversity Monitoring System and adoption of the Law on Living Modified Organisms.

Furthermore, in cooperation with the German International Cooperation society (GIZ) Georgia had been working on the new Law on Biodiversity which would cover issues related to the nature conservation and was expected to be adopted by the end of 2015. Moreover, also with support of the GIZ, the Georgian authorities were carrying out a project on promotion of listing of species in the CITES appendices where the status of these species is considered to be at risk. This project was supposed to deliver results by the end of 2015. Georgia also continued to benefit from an EU and Council of Europe's funded project on the creation of the emerald network in the country which remained one of its most challenging goals in the area of biodiversity.

Moreover, the Georgian authorities informed about the creation of a new protected area in the north-east of the country (Pshav-Khevsureti Protected Area). This represented a major positive change related to Georgia's protected areas system and increased the share of protected areas to 8.6 % of the country's territory from the previous 7.6 %.

Stockholm Convention on Persistent Organic Pollutants

The Georgian authorities clarified that Georgia had so far been obliged to submit two national reports to the monitoring body of the Stockholm Convention and had complied with this obligation (the first national report had been submitted in November 2011 and the second one in September 2014).

Moreover, the Georgia authorities reported on several implementation measures undertaken in 2014-2015, in particular progress in fulfilling the 2011-2015 Persistent Organic Pollutants (POP) National Implementation Plan aiming to develop maximally efficient strategies of POP management in the country as well as ensure protection of human health and the environment through implementing sustainable policies. Georgia further informed on two on-going UNEP projects 'Disposal of POPs Pesticides and

Initial Steps for Containment of Dumped POPs Pesticides in Georgia' and 'Demonstrating and Scaling up Sustainable Alternatives to DDT for the Control of Vector Borne Diseases in Southern Caucasus and Central Asia', as well as on the regional project 'Improving capacities to eliminate and prevent recurrence of obsolete pesticides as model for tackling unused hazardous chemicals in the former Soviet Union' implemented by the EU and FAO.

Furthermore, the government adopted a decree on rules for the import and export of certain hazardous chemicals and pesticides, and implementation of a prior informed consent procedure, aiming to meet the requirements and procedures of the related Rotterdam Convention and envisaging commitments also in some areas covered by the Stockholm Convention itself. On the other hand, framework national legislation for the management of chemicals remained lacking.

Convention on Biosafety (Cartagena)

In its 2nd National Report submitted in 2011, Georgia informed that no measures had been taken yet to introduce the domestic regulatory framework necessary to ensure proper implementation of the Cartagena Protocol. A draft national biosafety framework had been under development with support of the United Nations Program for Environment — the Global Environment Facility (UNEP-GEF) Biosafety Project. In late 2014, Georgia adopted a new law on living modified organisms, but preparation and adoption of additional by-laws would be necessary to ensure full compliance with the protocol. The 3rd National Report was submitted in November 2015.

Conventions on Climate Change

According to the requirements of the Montreal Protocol on Substances that Deplete the Ozone Layer, Georgia has to reduce its consumption of hydrochlorofluorocarbons (HCFC) by 10 % in 2015 and by 35 % in 2020. To achieve these goals, in 2014-2015, the country continued to implement its HCFC Phase-out Management Plan (HPMP) covering several concrete activities in different fields (such as policy, regulatory and institutional support, training, capacity-building and awareness or demonstration projects) and should ensure smooth and efficient implementation of its international commitments. Under the HPMP technical assistance was provided in the solvent sector with the aim of total phase-out of HCFC-142b consumption in dry cleaning companies. In 2014, new HCFC-free dry cleaning machines were purchased and handed over to the selected companies for installation and operation. Companies' technicians were trained in new machines operation and recommendations for further sustainable economic development of the companies were offered. As a result, Georgia has already achieved total phase-out of the consumption of HCFC-142b in the solvent sector.

Concerning the implementation of the United Nations Framework Convention on Climate Change (UNFCCC), Georgia initiated preparations of its first Biannual Update Report due by the end of 2014, but it would still need to finalise it and submit to the UNFCCC Secretariat. In 2015, the Georgian authorities also informed that the Third National Communication was in its final stage of preparation. The Intended Nationally Determined Contribution (INDC) detailing Georgia's emissions reduction targets for 2021-2030 was submitted to the UNFCCC Secretariat on 25 September 2015, ahead of the 21st Conference of the Parties in Paris in December 2015. Moreover, the Low Emission Development Strategy was under preparation and expected to be finalised by

the end of 2015. By the end of 2015, Georgia also envisaged to complete the preparation phase of its two nationally appropriate mitigation actions.

Conclusions

In 2014-2015, Georgia continued to make efforts to ensure effective implementation of the GSP+-relevant conventions on environmental protection and climate change. Nevertheless, several shortcomings remained and would have to be addressed also in the future. To be successful in these tasks, Georgia would have to ensure adequate resources and capacity building of the institutions active in these fields.

Specifically as regards the implementation of the CITES, Basel Convention, CBD and Stockholm Convention, the situation was broadly satisfactory. At the same time, Georgia's national legislation for the implementation of the CITES had remained ranked as not yet fulfilling all CITES' requirements for several years. Georgia aimed at enacting legislative amendments rectifying this problem by the end of 2015; Georgia should clarify if this has happened and, if this is not the case, indicate when this will be the case.

Concerning climate change, mitigation and adaptation issues continued to be dealt with through different sectorial laws and policy documents, and Georgia would still need to adopt a flagship/framework legal act or policy in this area.

Regarding the future implementation of the GSP+-relevant conventions on environmental protection and climate change Georgia's priorities and objectives concern in particular the CBD, Stockholm Convention, Montreal Protocol and the UNFCCC.

As for the CBD, Georgia's future actions and priorities are presented in detail in the National Biodiversity Strategy and Action Plan.

Moreover, in cooperation with the UNEP Georgia intends to review and update the National Implementation Plan for the Stockholm Convention. The project envisages a new POPs inventory, assessment of the existing plan and development and adoption of a new plan, as well as public awareness raising regarding POPs during the next 2 years.

Concerning the implementation of the Montreal Protocol, Georgia intends, with the EU's technical assistance, to prepare a new law on certain fluorinated greenhouse gases, including by-laws on management and monitoring of Ozone Depleting Substances.

Under the UNFCCC, there are several priorities with regards to mitigation (empowerment of energy efficiency and renewable energy utilisation measures in rural areas of the country, reduction of emissions from transport sector through the development of sustainable urban mobility, improvement of the inventory system on F-gases, increase of carbon capture from forests with reforestation, development of sustainable forest management principles, strength supervision in order to reduce illegal logging and establishment of fast growing forest plantations in forest clearances so that timber and fuel wood can be produced and provided primarily to local communities) as

well as adaptation (e.g. introduction of new technologies against water and wind erosion and salinisation, development of proper irrigation technologies, development of an early warning decentralised system).

EU technical assistance will continue to be provided through the regional Clima East Policy project, in particular to strengthening the capacity of policy-makers to contribute to the development and implementation of the 2015 Climate Change Agreement and for the development of medium-/long-term mitigation policies. Within the provisions of the Association Agreement the strengthening of EU-Georgia climate policy dialogue and cooperation is expected to take place, as well as an increased commitment to implement the climate-related provisions of the Association Agreement.

8.2.4. UN Conventions on Good Governance (conventions 24-27)

Status of ratification and reporting

Georgia ratified the UN Single Convention on Narcotic Drugs on 27 March 2000 and the UN Conventions on, respectively, Psychotropic Substances and against Illicit Traffic in Narcotic Drugs and Psychotropic Substances on 8 January 1998. Georgia ratified all these three core international drug control conventions without reservations and maintains their ratification. Georgia ratified the UN Convention against Corruption (UNCAC) on 4 November 2008 and maintains its ratification. When accessing the UNCAC, Georgia made a permissible reservation to it. For further details concerning Georgia's status of ratification of the GSP+-relevant good governance conventions please see the annex.

In 2014/2015, Georgia made efforts to comply with its reporting obligations to the monitoring bodies of these conventions. As of January 2015, Georgia was compliant with all requests for monitoring information from the monitoring body of the three core UN conventions on fighting illegal drugs (International Narcotic Control Board — INCB). On the UNCAC, Georgia has complied with all reporting obligations. Reviewing of Georgia's compliance with the UNCAC is carried out by the UNCAC Implementation Review Group, the convention's monitoring body. The executive summary of the most recent review on Georgia has been available to the public since May 2012, and the full report is also publicly available.

For further details concerning Georgia's compliance with its reporting obligations to the monitoring bodies of the GSP+-relevant good governance conventions please see the annex.

Status of implementation of the conventions

UN conventions fighting illegal drugs

The main issues to address regarding Georgia's implementation of these conventions in 2014-2015 were the need to adopt and implement a balanced national drug strategy, the need to regularly assess the extent of drug use, incidence and prevalence, and the need to invoke the country's rights to require pre-export notification for all substances included

in Tables I and II of the Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

Georgia adopted its National Drug Strategy and Action Plan for 2014-2015 in December 2013. The goal of the strategy was to reduce medical, social and economic harm caused by illicit drug trafficking by focusing on reducing demand and harm, reducing supply, improving coordination and international cooperation and improving monitoring of the drug situation in Georgia.

In terms of countering illegal drug use and importing narcotics, Georgia implemented extensive legislative amendments to existing drug-related laws and enacted a new law on psychotropic substances in May 2014. In this law, Georgia used the experience of several European countries in terms of criminalisation of classes of chemical compounds, that overall reduced the import of new psychoactive substances in the country. In 2014, Georgia also significantly expanded the list of pharmaceuticals for which a person needs a prescription, in an effort to better control the illegal use of pharmaceuticals. Consequently, the use of home-made drugs and the import of new psychotropic substances decreased by over 90 % since 2013. As for precursors, the draft resolution of the government of Georgia on 'Approval of the Rules of import/export of precursors (except Pharmaceutical products under special control)' was elaborated and was supposed to be presented to the government for approval by the end of 2015.

In order to increase capacity in supply reduction, customs service officers, staff of penitentiary institutions and police officers were regularly trained regarding the detecting and monitoring drugs. The overall number of trained persons was approximately 1 500 in 2014. Enhanced security measures at the borders as well as more proactive approach towards investigation and control resulted in a significant increase of the amount of drugs seized at the state borders of Georgia.

Additionally the government of Georgia approved the amendments to its criminal code which are in force as of August 2015 and aim to distinguish criminal liability for drug possession and distribution, and to modify the list of controlled substances in line with international standards.

As regards prevention, progress was made across the board, e.g. in increasing young people's awareness of drugs' harmfulness and the dangers they pose. A common prevention strategy was elaborated by the authorities in cooperation with all stakeholders. A drug addiction state programme was approved by Georgia in December 2014.

In the area of harm reduction, 14 community-based service centres were fully functioning. In prisons, the methadone detoxification programme for opioid addicts was available for every prisoner.

Despite all this progress, Georgia does not have statistically reliable indicators regarding drug users and drug abusers. This is mainly due to a lack of coordinated registration and analysis. In order to regularly and comprehensively assess the national drug situation, the authorities, after consultation with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), decided to establish the National Drug Monitoring Centre, and it was supposed to become operational by the end of 2015.

A memorandum of understanding between Georgia and the EMCDDA is under negotiations.

UN Convention against corruption (UNCAC)

Regarding Georgia's compliance with the UNCAC's requirements, the most recent monitoring body review (the executive summary of which has been publicly available since May 2012) was largely positive. Continued implementation of the national anti-corruption strategy and action plan were identified as a main priority for further work, along with continued improvement of international law enforcement cooperation and addressing of cross-border crime.

The Georgian government adopted a plan for reforming the civil service in November 2014. A specialised anti-corruption unit within the office of the chief prosecutor was set up in January 2015. In February 2015, Georgia's Anti-Corruption Council adopted the new national Anti-Corruption Strategy and Action Plan for 2015/2016, and these were subsequently approved by the government. Moreover, amendments to the law by Georgia on conflict of interest and corruption in public service entered into force in April 2014.

Georgia underwent an assessment of its anti-corruption efforts within the context of the Visa Liberalisation Action Plan (VLAP), with a third progress report published in May 2015 ([28]). This review deemed that the anti-corruption benchmark had been partially achieved, with good prospects for further progress. Since the third progress report, Georgia adopted the 'Law on Civil Service', which aims among other things at the de-politicisation of the civil service. The parliament of Georgia adopted the law with the relevant package of 46 secondary laws in October 2015.

There were also three progress assessments of the country as part of the OECD Anti-Corruption Network Third Monitoring Round, with 12 out of 15 recommendations judged implemented as of March 2015.

The most recent compliance report from the Council of Europe's Group of States against Corruption (GRECO), covering incriminations and transparency of party funding, was published in August 2015. GRECO concluded that Georgia had implemented satisfactorily eight out of 15 recommendations contained in the Third Round Evaluation Report. The Georgian authorities were asked to provide additional information regarding the implementation of certain recommendations by 31 March 2016.

Concerning Georgia's future priorities and objectives in the area of fight against corruption, the government in particular intends to continue implementation of its 2015-2016 strategic priorities for the fight against corruption which include actions for prevention of corruption, measures on criminalisation of corruption and fight against this phenomenon, as well as international cooperation. Among activities directly addressing the implementation of the UNCAC are: facilitating implementation of recommendations from international organisations (GRECO, OECD, UNODC/UNCAC); amendments to the criminal code regarding misappropriation and embezzlement to include liability of legal persons; ratification of the Third Additional Protocol to European Convention on Extradition as well as signature and ratification of the Fourth Additional Protocol; elaboration of guidelines for effective conduct of international cooperation in the criminal law sphere; and carrying out of preparatory measures for signing relevant bilateral agreements.

[28] http://eeas.europa.eu/delegations/georgia/documents/visa/20150508vlap_en.pdf

Conclusions

In 2014-2015, Georgia made significant progress in implementing the national anti-drug strategy and action plan to address all shortcomings identified in its GSP+ scorecards in the drug control area and to comply with the provisions of the international drug control conventions. Important progress was registered in the normative framework aimed at strengthening the government's capacity to address drug trafficking, in drug supply, drug reduction, including in prevention and harm reduction, and in information collection and evaluation. However, Georgia still lacks coordinated registration and analysis to comprehensively assess the national drug situation. A memorandum of understanding between Georgia and the EMCDDA is under negotiation.

Georgia demonstrated significant anti-corruption efforts, including on reforming the civil service and through adoption and progress in implementation of the 2015-2016 Anti-Corruption Strategy and Action Plan. Georgia also ensured compliance with its reporting obligations to the UNCAC monitoring body and other international fora active in the anti-corruption area. Georgia is encouraged to continue its efforts to fully implement the recommendations made under several monitoring fora, in particular the GRECO recommendations.

8.3. Trade and Economy

8.3.1. Trade Picture

In 2014, Georgia's GDP at current prices totalled GEL 29 187 million, up 8.7 % year-on-year. In the same period the real growth of GDP amounted to 4.8 %. In the first quarter of 2015 this real growth of GDP amounted to 3.2 % year-on-year.

The largest share in the sectorial structure of GDP is held by trade services (17.4 %) and industry (17.1 %), followed by transport and communication services (10.5 %), public administration (9.9 %), and agriculture, forestry and fishing (9.2 %). The two main industrial sectors in Georgia are the manufacture of food products, beverages and tobacco products; and the supply of electricity.

The major challenges to the Georgian economy are currency depreciation and import dependency. Furthermore, better political stability could represent a good incentive for the economy, as could greater effectiveness of newly established bodies in areas of reforms, including competition, state procurement and IPR protection.

In January-September 2015, exports from Georgia equalled USD 1.645 million (24 % lower year-on-year), while imports to Georgia stood at USD 5.664 million (9 % lower). The negative trade balance was USD 4.019 million in January-September 2015 and its share in external trade turnover constituted 55 %. Georgia's major non-EU trading partner countries include Turkey, Azerbaijan, China, Russia, Ukraine, USA and Armenia. In the first three quarters of 2015, the EU trade share stood at 32 %.

Georgia has a free trade regime with all CIS countries and Turkey. Moreover, Georgia is in the process of negotiations with EFTA countries for signing an FTA.

8.3.2. GSP+ Statistics

GSP/GSP+ preferences had a significant economic importance for Georgia in particular before the start of application of the bilateral DCFTA in September 2014. In 2013, around 24 % (EUR 155.9 million) of Georgia's exports to the EU came under the GSP/GSP+ regime, while in 2014, it was only around 16 % (EUR 1 054.9 ml), i.e. a one-third year-on-year decrease. Also Georgia's GSP/GSP+ utilisation rate dropped from 84 % in 2013 to 47 % in 2014. Over the years, Georgia's GSP/GSP+ exports have remained heavily concentrated in a few goods with a rather low value added — in 2014, fruits, vegetables and nuts represented more than 47 % of Georgia's GSP/GSP+ exports, chemicals more than 22 % and ferro-alloys more than 13 %, meaning that these three sections formed together almost 84 % of all Georgia's imports.

Figures 8.1-8.3 below describe Georgia's utilisation of the GSP+, in the context of its overall imports to the EU. The bilateral DCFTA applied from September 2014.

Source for all statistics: Eurostat data, as of September 2015.

Figure 8.1

Georgia - Imports to the EU, 2012-2015					
Figures in thousand EUR	**2012**	**2013**	**2014**	**2015 (Q1-2)**	**Trend 2012-2014**
Total imports to EU	578,394	658,312	649,631	386,737	12.32%
GSP+ eligible imports	142,552	184,891	224,756	149,722	57.67%
GSP+ preferential imports	126,435	155,968	106,428	6,425	-15.82%
GSP+ utilisation rate	88.69%	84.36%	47.35%	4.29%	-46.61%

Figure 8.2

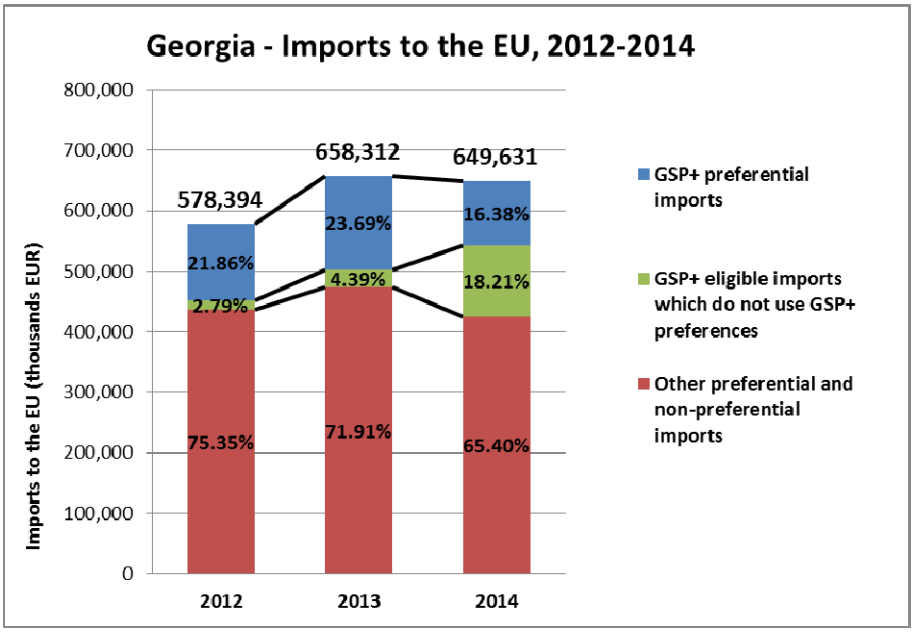
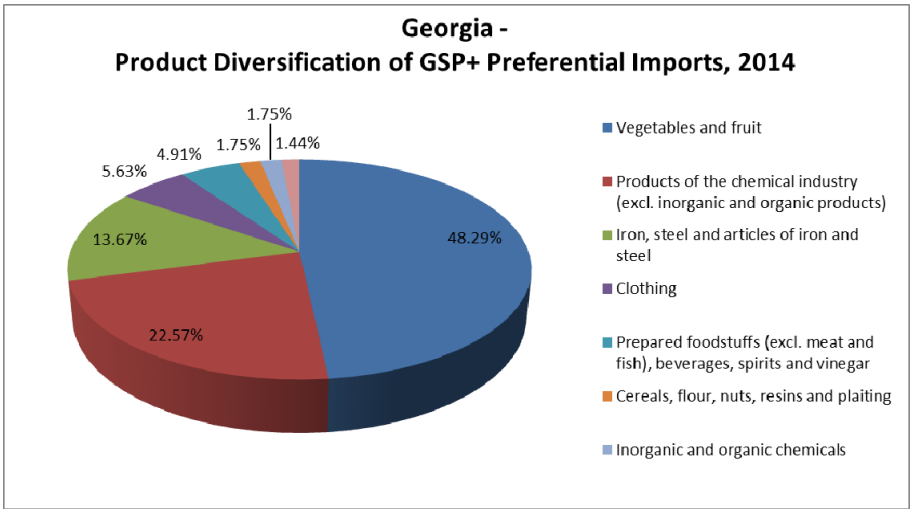


Figure 8.3


Georgia -
Product Diversification of GSP+ Preferential Imports, 2014
48.29%
22.57%
13.67%
5.63%
4.91%
1.75%
1.75%
1.44%
Vegetables and fruit
Products of the chemical industry (excl. inorganic and organic products)
Iron, steel and articles of iron and steel
Clothing
Prepared foodstuffs (excl. meat and fish), beverages, spirits and vinegar
Cereals, flour, nuts, resins and plaiting
Inorganic and organic chemicals

9. Guatemala– GSP+ Assessment

9.1.Country Overview

Guatemala is a multi-ethnic, multicultural and multilingual country, with considerable economic potential but high levels of inequality.

Between 1960 and 1996, Guatemala suffered from a long and violent internal armed conflict during which more than 200 000 people were killed. Nineteen years after the signing of the Peace Agreements, major questions around nation and state-building issues are still pending, including agreements on a national memory, and on what model of transitional justice the country wishes to pursue. This has contributed to the polarisation of society. The tenacity of stereotypes on women and indigenous people also impedes progress towards more inclusive policies. Moreover, high levels of social conflict exist over land and extraction projects that lead to strong polarisation between societal actors and the vulnerability of human rights defenders. Judicial independence remains uncertain and the security apparatus does not fully function, thereby fuelling high levels of impunity.

Guatemala has one of the lowest levels of tax collection in Central America (under 12 % of GDP in tax), which significantly affects the government's capacity to invest in policies. Consequently, Guatemalan institutions remain fragile and the civil service weak. The different line ministries do not have the necessary human and financial capacities to cope with their respective missions. In addition to the low level of state income taxes, corruption remains a major issue pervading the public administration, including in its highest positions.

In 2015, a series of high-level corruption schemes were revealed to be operating in the customs administration and the Guatemalan Institute of Social Security. This corruption was unearthed by the Guatemalan Prosecutor General's Office in coordination with the UN-brokered International Commission against Impunity in Guatemala (CICIG). These findings sparked a severe political crisis and a wave of peaceful social protests across the country.

The protests brought together traditionally polarised actors from across the ideological spectrum in a common civic call for structural reforms and transparency. They also called for the resignation of the President and the postponement of the elections. In this challenging context, Guatemala managed to uphold the constitutional order, remove the then President and a significant part of the executive, select an interim government and organise elections at four separate levels of government.

The resounding victory of newcomer Jimmy Morales in the second round of the presidential election, who championed an anti-corruption message, clearly showed the unifying effect that the fight against corruption has on traditional urban-rural and ideological divides. These recent developments are a major achievement in themselves and create a new basis for resolving the long-term structural challenges of the country.

The geo-strategic position of Guatemala has also become a major challenge by turning it into a main transit route for drugs, mainly cocaine shipped to the USA, but also methamphetamines, the production of which has increased recently. Consequently, Guatemala is now considered a major hub for a large spectrum of illicit transnational

activities (drug trafficking, arm trafficking, human trafficking, money laundering, etc.), allowing for an increasing penetration of organised crime groups. The state has made considerable efforts to regain control of the territory and address the porosity of its borders through an increased presence of the army and strengthened cooperation with neighbouring countries. These efforts combine with those of the international community to support territorial integrity, such as EU programmes and the Alliance for Prosperity of the USA.

On the economic front, Guatemala's economy has become increasingly diversified. The value added of services represents 59.5 % of the country's GDP, followed by industry (29 %) and agriculture (11.5 %). Nevertheless, agriculture remains the economic activity that provides most employment (31.2 % of the occupied population works in this sector). The distribution of income remains highly unequal, as evidenced by the World Bank's latest Gini index estimate for Guatemala (52.4 in 2011). Moreover, 53.7 % of the population lies below the national poverty line and 13.3 % of the population lives in extreme poverty (2011). Low social indicators and high levels of poverty disproportionately affect the indigenous population, who make up almost half the country's inhabitants.

Guatemala's employment rate is in line with most Latin American and Caribbean countries. The overall unemployment rate is fairly low, around 2.9 %. However, informal employment is very high (65.8 %) and the social protection system (the Guatemalan Social Security Institute — IGSS) has very low coverage, with only 28.8 % of employed workers being affiliated to IGSS. Although the monthly minimum wage rose slightly in 2014 and currently stands at GTQ 2 644.40 (USD 344), the living cost for an average family remains much higher, at around GTQ 6 245.80 (USD 812) per month. Due to a lack of economic opportunities and environmental disasters, many Guatemalans, particularly from rural areas, attempt to illegally migrate to the United States.

The trade union movement in Guatemala is considerably weaker than those of other countries. During the internal armed conflict, union leaders were systematic targets of political violence as part of the counter-insurgency effort. This destroyed much of the movement and helps explain the mistrust which exists between the movement and the political and economic elites of the country today. The movement is also highly fragmented, and there are around 20 different trade union centres and umbrella organisations nationwide. Despite this, common goals do exist, and in recent years the movement has proved capable of coming together to push for key results. Many union members and labour rights activists continue to report serious cases of threats and violence, as well as a stigmatisation, and a chronic shortage of due legal process.

Despite considerable efforts made since the signing of the 1996 Peace Accords and its considerable economic potential, Guatemala continues to face a series of underlying challenges that impede the full implementation of the international conventions it has signed up to. These include: high levels of exclusion affecting part of its population; high levels of inequality; weak institutions, in large part due to low levels of tax revenue and public financing and widespread corruption; the lack of a stable civil service; fragile judicial independence; the incomplete implementation of the 1996 Peace Accords; the absence of a proper dialogue platform for addressing the root causes of poverty and social conflict and an overall weak promotion and defence of human rights and human rights defenders.

The hope is that the above-described political developments mark a milestone towards the resolution of these challenges, provided that they are translated into a concrete action plan by the new government.

9.2.Compliance with GSP+ Obligations

9.2.1. UN Human Rights Conventions (conventions 1-7)

Status of ratification and reporting

Guatemala has accessed or ratified with no reservation the seven UN human rights conventions listed in the Annex VIII of the Regulation (EU) No 978/2012, and maintains ratification.

Guatemala generally complies with all its reporting obligations to monitoring bodies, although it has historically had some delays in meeting requirements. The most recent report on the Convention on the Elimination of All Forms of Discrimination against Women (due on 1 September 2015) has not yet been submitted. Further details can be found in the annex.

Status of implementation of the conventions

Convention on the Prevention and Punishment of the Crime of Genocide

While Guatemala made history in 2013 by becoming the first country in the world to convict a former head of state (Efraín Ríos Montt) for genocide, the Constitutional Court annulled the sentence in a divided ruling, only days after the verdict. Trial proceedings against Ríos Montt took until June 2015 to resume. Since then, numerous injunctions ('amparos') have been used by defence lawyers and have contributed to delay justice on procedural grounds. In August 2015, the Supreme Court determined that Ríos Montt is now unfit to stand an ordinary trial, due to suffering vascular dementia, and should receive special security measures. Details of these measures are not yet clear.

In May 2014, members of the Congress passed a resolution denying the existence of genocide during the internal armed conflict and statements of high-ranking government officials have been issued in favour of the applicability of amnesty. However, on 5 October 2015, an appeal courts clarified that the 1986 amnesty decree could not apply to international crimes, including genocide and crimes against humanity.

International Convention on the Elimination of All Forms of Racial Discrimination

Despite the legal and institutional frameworks ([29]) that exist to facilitate the implementation of this convention in Guatemala, indigenous communities remain

[29] Guatemala's 1985 constitution recognises, respects and protects the cultural diversity, languages, culture and customs of ethnic groups and indigenous communities. Discrimination is categorised as a crime, Guatemala has ratified ILO Convention No 169 and made the Peace Accords legally binding, among them the Accord on the Identity and

disproportionately affected by poverty, illiteracy, infant mortality, malnutrition and insufficient access to basic services.

Furthermore, of 813 attacks registered against human rights defenders in 2014, a majority were registered against defenders of indigenous rights. Indigenous community leaders remained particularly exposed to human rights violations in areas where large-scale development projects are carried out by private companies.

International Covenant on Civil and Political Rights (ICCPR)

The independence of the judiciary remains an on-going challenge. The country lacks a Ministry of Justice and does not have a proper and autonomous body to represent judges. Currently, the judicial organism is tasked with administrative and jurisdictional functions, which is not sufficiently efficient and inhibits proper independence.

In 2014, the Prosecutor General, 13 magistrates to the Supreme Court of Justice and 126 magistrates to appeal courts were renewed. The selection process was heavily criticised by civil society, who denounced irregularities, reported political interferences and deplored a lack of transparency in the nomination commissions. In a joint statement, recommendations were proposed by international stakeholders (UN International Commission against Impunity in Guatemala, the UN System, the European Union and the EU Member States), to address the procedural shortcomings and improve the selection process so that it abides by UN standards for the independence of the judiciary.

Despite this, during the 2015 political crisis both the Prosecutor General and the Supreme Court justices proved instrumental in unveiling the high-level corruption networks operating in the public administration and indicting those responsible.

Furthermore, in June 2015 the Congress created an inclusive platform to formulate and advance structural reforms to the judicial sector, involving specialised civil society and international organisations (CICIG, UNOHCHR, the OAS and embassies). At the time of writing this report, a specific reform to the judicial selection process (La Ley de Comisiones de Postulación) and two reform initiatives to the judicial career (La Ley de la Carrera Judicial) had been put forward to the relevant commissions.

In its May 2015 response, the Guatemalan government also reported normative progress in the institutional and political framework of the Prosecutor General´s Office, relevant to addressing impunity for both past and present crimes. In particular it referred to the performance of the Special Unit for Cases Pertaining to the Internal Armed Conflict, and the performance of the new criminal investigation unit DIGICRI (Dirección General de investigación Criminal).

Despite reported delays in the treatment of files concerning human rights defenders (HRDs), significant steps have been taken in the fight against impunity during the reporting period. This progress can be attributed to better coordination between the Prosecutor General's office, the Ministry of Interior, the police and the National Institute of Forensic Science, and, in some cases, also with the support of the International

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Rights of Indigenous Peoples (2005). To implement the Peace Accords, a series of institutions have been created to protect indigenous rights, including a new Cabinet for Indigenous Peoples and Intercultural Affairs created in 2013.

Commission against Impunity in Guatemala (CICIG). In April 2015 former President Pérez Molina requested the United Nations extend the mandate of CICIG for another 2 years. This was in line with the recommendations issued by the Justice Coordinating Body ('Instancia Coordinadora para la Modernización del Sector Justicia') and constitutes the fourth time that the government has requested the extension of CICIG's mandate. The EU Delegation and EU Member States present in Guatemala welcomed this decision in a local statement.

The coordination between key state institutions has facilitated considerable progress in the investigation and prosecution of large-scale corruption networks. The most prominent case is known as 'La Linea' and, as revealed in April 2015, allegedly involves high-ranking officials and members of the executive. A local statement issued by the EU delegation and the EU Member States present in Guatemala underlined the importance of this operation in the fight against impunity. Corruption networks operating in the Guatemalan Institute of Social Security, Ministry of Health, Congress, judiciary, private sector, Bank of Guatemala and political parties have also since been unveiled.

EU funding of CICIG and the 'Support Programme to Security and Justice in Guatemala' (SEJUST) have positively contributed to the institutional strengthening of the justice and security sector.

Nevertheless, various shortcomings need to be addressed. These include the use of the military in law enforcement, the role of private security companies in citizen security, as well as overcrowded and poor conditions in detention facilities. Indigenous peoples continue to face serious obstacles to access the ordinary justice system.

As far as sexual minorities are concerned, LGBTI people continue to suffer from general societal discrimination and difficulties in accessing healthcare, employment and housing.

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

Guatemala is a multi-ethnic, multilingual and multicultural country, where the 23 indigenous communities, 21 Mayan peoples (with different cultures and languages), Xinca and Garífuna represent more than half of the population. The lack of inclusive processes as well as substantial socioeconomic inequalities disproportionately affecting indigenous communities has contributed to an intensification of social conflicts. Regulation and mechanisms for guaranteeing the right to consultation of indigenous peoples generally remain weak.

Social conflicts are principally concentrated around land issues and the exploration and exploitation of natural resources. They include hydroelectric projects in the regions of Huehuetenango and Alta Verapaz, mining projects in San Marcos, the cement plant in San Juan Sacatepequez (where 11 people were killed) and the administration of a communal forest in the region of Chimaltenango.

In its 2015 response, the government reported that a process had been initiated to start regulating the right to consultations established in International Labour Organisation (ILO) Convention 169 'concerning Indigenous and Tribal Peoples in Independent Countries'. However, this process is yet to be finalised.

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

Similar to other countries in the region, femicide remains a distressing phenomenon, with 705 women suffering from violent death in 2014.

Positive efforts on tackling violence against women and girls were reported by the government in its May 2015 response. A strong legal framework exists (Law on Femicide, Law on Sexual Violence, Exploitation and Human Trafficking, Law on Domestic Violence), and specialised institutions have been created to provide a more adequate response.

The Guatemalan government also reports advancing the new Public Policy against Trafficking of Persons and on the Comprehensive Protection of Victims 2014-2024. The number of tribunals specialised in femicide and other forms of violence against women have been extended, and are playing an important role in combatting gender-related violence. Awareness campaigns and education programmes related to sexual violence and premature pregnancies have been launched at departmental level. Post-violence actions such as free legal assistance for victims, protection of victims throughout legal process and psychological and medical treatments to affected women and children are gaining more attention. Efforts have also been made to provide this assistance to indigenous women in their own language.

Child mortality improved in 2014, with an estimated mortality rate of 9.6 per 100 000 inhabitants, compared to a rate of 11 per 100 000 in 2012. Consequently, Guatemala has made considerable progress in the 2014 Gender Equality Index, ranking 89 out of 142 countries, compared to 2013, when Guatemala ranked 114 out of 136 countries.

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

Several judicial trials related to human rights violations during the internal armed conflict are awaiting conclusion and/or face important delays. In the most affected communities this fuels a feeling of de facto impunity.

Despite the pending trials, considerable positive developments were also achieved in the areas of transitional justice in 2014 and 2015. In October 2014, the High Risk Court of Guatemala ruled that two army officers would be charged for sexual crimes committed against indigenous women between 1982 and 1986 in the ‘Sepur Zarco’ case. This is the first criminal trial specifically pertaining to sexual violence during Guatemala’s armed conflict and the first time that a sexual slavery case has been heard in a national court. In November 2014, the president publicly apologised to the residents of Baja Verapaz for violations committed against them in the 1970s during the construction of the Chixoy hydroelectric dam. This was followed by the signing of a compensation agreement for the victims worth the equivalent of EUR 137 million. The Guatemalan government has since started to disburse funds.

In January 2015, a High Risk Court convicted the former head of a national police commando unit, Pedro Arredondo, for the burning of the Spanish Embassy in 1980, which resulted in the death of 37 people. On this occasion, the EU delegation and those EU Member States represented locally released a statement welcoming the unanimous

verdict and qualifying it as a means to dignify the victims and a reference for future efforts to advance in the reconciliation process.

The situation of human rights defenders (HRDs) deteriorated in 2014, with 814 attacks on HRDs recorded by the non-governmental organisation 'Unit for the Protection of Human Rights Defenders' (UDEFEGUA), compared to 657 attacks reported in 2013. This is the highest number registered since the unit began compiling figures in 2000. The worst-affected HRDs are those working on economic, social, cultural and environmental rights and individuals such as indigenous leaders, journalists, trade unionists, judges and lawyers. Despite this, national statistics regarding crime and violence improved, notably with regard to homicide rates (from 40 to 31 per 100 000 citizens) and criminal acts (from 217 to 185 per 100 000 citizens).

Numerous international organisations (including the Inter American Press Association, Committee to Protect Journalists) expressed concerns in 2014 at worsening violence against journalists, including discriminatory actions taken by the executive against the daily newspaper *El Periódico*.

To address the specific threats against HRDs, the EU has established a 'filter group' that includes EU Member States, the UN Office of the High Commission for Human Rights, and the Swiss and Norwegian embassies. The filter group aims to analyse and monitor threats and attacks against HRDs through monthly meetings, and recommends measures to be taken. Every year, the filter group organises a local dialogue with HRDs and human rights organisations to exchange on the main concerns, obstacles and specific requests.

Convention on the Rights of the Child

In 2014, along with Honduras and El Salvador, Guatemala was the source of an unprecedented wave of migration by unaccompanied minors to the US, attempting to escape violence and ill-treatment. In so doing, the children exposed themselves to smugglers and child traffickers. Though efforts have commenced, the structural factors that cause children and adolescents to migrate are yet to be fully addressed.

Despite efforts to address the issue, the number of children, specifically girls, subject to sexual violence continues to reach worrisome levels. There were 6 476 cases reported by the National Institute of Forensic Science from January 2014 to January 2015. The majority are girls of approximately 14 years of age. The number of pregnancies of girls aged 10 to 15 years in the same period reached 967. The majority of these pregnancies are a result of sexual violence in rural areas.

In an important advancement, on 6 November 2015 the Guatemalan Congress passed a law to raise the minimum age for girls to marry from 14 to 18 in an expedited vote.

In its response, the Guatemalan government also reports efforts made by the Social Welfare Secretariat to further children's rights. However details and results accomplished by other relevant institutions are regrettably not described.

Child labour continues to be a serious concern, particularly in agricultural and domestic services. Although coordinated efforts to tackle child malnutrition have intensified over recent years, its high levels remain a persistent challenge.

Future actions and priorities

After taking up duties in January 2012, former President Pérez Molina promoted an inter-institutional approach and strived to improve coordination within the state apparatus. Pérez Molina pushed for a policy mix encompassing social, security and economic aspects. He focused on three pacts: the 'zero hunger pact' to address malnutrition, the 'security, justice and peace pact' to tackle insecurity, and the 'fiscal and competitiveness pact' to increase revenues and foster job creation. Despite the crisis his government subsequently faced over widespread corruption (that ended in his removal from power), it should be noted that these three inter-institutional priorities remain relevant.

General (presidential, legislative and local) and PARLACEN elections took place in Guatemala on 6 September, followed by a second round of the presidential election on the 25 October 2015, in the context of an unprecedented institutional crisis and social distrust of political elites. A large majority of Guatemalan people elected Mr Jimmy Morales as president, and he has announced that he will prioritise four areas: health and food security, education, development opportunities and promotion of business development. A key cross-cutting issue of President-elect Jimmy Morales will be the fight against corruption.

The continuity of the actions undertaken and political priorities for the years to come will depend on Jimmy Morales' new government that will formally take office on 14 January 2016 and on the new majority in the Congress. It is possible that reforms called for by the population (including reforms to electoral law, judiciary, civil service and public procurement) will form part of the next government's agenda.

Conclusions

In the period 2014-2015, Guatemala made efforts and progress in the implementation of human rights conventions. In particular, Guatemala has made progress on addressing gender violence (the country gained 25 ranks in the Gender Equality Index in 2014), criminality (homicide and criminal acts lowered, important cases of corruption were revealed), child mortality issues and transitional justice.

At this important turning point, it is now important for Guatemala to step up efforts to address the remaining challenges. These include: strengthening the independence of the judiciary; enhancing democratic security; adopting a policy for human rights defenders; creating inclusive mechanisms for the consultation of indigenous communities; adopting concrete measures for strengthening transparency and fighting violence against women; and last but not least promoting structural reforms to address the root causes of violence and poverty.

Finally, it is important that the government complements the progress reported in terms of processes (adoption of policies, legal and regulatory frameworks, protocols, etc.) with examples of concrete implementation and tangible outcomes.

9.2.2. ILO Labour Rights Conventions (conventions 8-15)

Status of ratification and reporting

Guatemala has ratified all eight ILO core labour standards, and maintains ratification. Guatemala has complied with all its reporting obligations under these conventions. Further details can be found in the annex.

Status of implementation of the conventions

Freedom of association (Convention 87)

For many years, the ILO Committee of Experts on the Application of Conventions and Recommendations (hereinafter referred to as Committee of Experts) has raised important questions related to the application of Convention 87 on freedom of association. Guatemala has been reviewed for 16 consecutive years by the Committee of Experts, including in 2015. As of June 2015, there were 17 active cases and seven cases to follow up on Guatemala in the ILO Committee of Freedom of Association. Moreover, Guatemala's compliance with provisions of the conventions has been discussed several times as a country case at the International Labour Conference, including in June 2015.

At the International Labour Conference (ILC) in June 2012, trade union delegates filed a complaint under Article 26 of the ILO Constitution concerning non-observance by Guatemala of the fundamental Convention 87. The complaint highlighted the dire situation of trade unions in the country, with murders, threats and acts of violence against trade unionists and a general climate of impunity. There are 58 murders of unionists that remain unsolved. Since the complaint was declared receivable in November 2012, the ILO Governing Body has examined the case of Guatemala twice a year in March and November to decide on the establishment of a commission of inquiry, which is the ILO's highest-level investigative procedure.

In response to this, in March 2013, a Memorandum of Understanding was concluded between the workers' group of the ILO Governing Body and the government of Guatemala. In October 2013, the Government of Guatemala, in consultation with the national social parties, adopted a 'roadmap' with a view to accelerating the implementation of the memorandum. In September 2014, an ILO high-level mission visited Guatemala on the follow-up to this 'roadmap', underlining four urgent needs: investigation of crimes against trade unionists, adoption of measures to protect trade union officials, legal reforms to align national legislation with ILO conventions and launch of an awareness raising campaign on freedom of association.

Positive developments can now be observed in the country, such as the actions taken for effective investigation and prosecution of crimes against trade unionists, the increase in the number of trade union officials covered by state protective measures and the training activities organised, with ILO support, for various public institutions. These are also detailed in the government's May 2015 response to the GSP+ scorecard.

Other areas of progress include the setting up of a hotline for reporting acts of violence and threats against trade union officials, the launching of a wide-scale awareness-raising campaign on freedom of expression and the work of the Conflict Resolution Committee.

However, discussions at the ILC in 2015 have shown that important shortcomings remain. Violation of freedom of association continues to take place, and according to the worker members at the ILC, 16 trade unionists were assassinated in 2013 and 2014. The investigation of these murders brought limited results. Thus, the government was asked to apply the roadmap to combat violence and impunity, to strengthen the Unit for Crimes against Trade Unionists, reinforce the programme to protect trade unionist and allocate additional financial resources and to ensure trainings for investigators and prosecutors.

Discussions at the ILC and the most recent comments by the Committee of Experts have underlined the need to bring various aspects of domestic legislation into conformity with the convention, including the requirements for forming industrial trade unions, the conditions for election as a union leader, and the exclusion of various categories of public workers from the right to organise.

Certain practises of trade union registration should also be abolished. These include referring the list of trade union founders to the employer, or denying trade union registration because membership includes public employees on precarious contracts.

Finally, serious problems are observed regarding the application of the convention in relation to trade union rights in the maquila sector (export-processing zones) and in the sugar industry as reported by a document issued in 2015 by the National Federation of Christian Trade Unions in the Netherlands, Fairfood International and the Central American Institute of Social Studies.

Right to collective bargaining (Convention 98)

In years past, the Committee of Experts frequently requested the government push through the necessary procedural reforms to deal with anti-union discrimination and the slowness of the labour justice system. In its latest report, published in 2015, the Committee of Experts noted once again that trade union organisations have continued to report significant judicial delays with regard to anti-union acts. The Committee of Experts also highlighted several cases of workers, dismissed on trade union grounds, waiting years for reinstatement orders to be examined by the Appeals Court. While the Committee of Experts noted some steps being taken to speed up the system of labour justice, it also requested the government to take particular measures to significantly reduce the time taken to effect reinstatements.

Previously, the Committee of Experts had noted the low number of collective agreements in the private sector. Responding to the latest questions of the ILO experts, the government indicated that a total of 80 collective agreements were approved from 2011 to May 2014. No collective agreement has been approved in the maquila (export-processing) sector since 2013. The rate of approval of collective agreements is still decreasing, and the Committee of Experts noted with concern the very low number of collective agreements and the lack of collective bargaining in the maquila sector.

However, the Committee of Experts welcomed Guatemala’s establishment of the Committee for the Settlement of Disputes relating to Freedom of Association and Collective Bargaining. It trusts that this body, which is of a tripartite nature and directed by an independent mediator, will contribute towards settling the numerous cases of anti-union discrimination and obstruction of collective bargaining reported.

The Committee of Experts also noted with concern the large number of violations of the convention within the municipalities.

Forced labour (Conventions 29 and 105)

In its report to the ILO, the government indicated that Guatemala is a source, transit and destination country for victims of trafficking and sexual exploitation, due to its history and geographical location. Statistics provided by the government on the number of cases of trafficking in persons between 2004 and 2011 show that trafficking is increasing.

Measures to address this situation include the national strategic action plan 2007-2017 and the creation of the State Secretariat against Sexual Violence, Exploitation and Trafficking in Persons (SVET). This is the authority coordinating the various state bodies involved in combating trafficking in persons. Guatemala has also set up an inter-institutional committee against trafficking in persons, and introduced a specialised combat team within the public prosecutor's office.

As regards legislative alignment with provisions of Convention 105, the Committee of Experts urged the government, most recently in its 2013 report, to adopt the necessary legislative measures to ensure that nobody who peacefully participates in a strike or breaches labour discipline may be penalised by a prison sentence involving compulsory prison labour.

Worst forms of child labour (Convention 182) and minimum age for work (Convention 138)

The Committee of Experts has expressed concern at the large number of children in Guatemala who work and who are below the minimum age for admission to employment or work. The committee has again urged the government to intensify its efforts to eliminate child labour, and to strengthen the capacity and reach of the Labour Inspectorate, in order to prevent and combat child labour.

According to statistics based on the 2011 results of the National Study of Living Conditions in Guatemala (ENCOVI), 13.4 % of children between 7 and 14 years of age are engaged in economic activity (8.4 % of girls and 18 % of boys in this age group). The agricultural sector is the branch of economic activity with the most child workers (68.3 %), followed by services (18.3 %) and manufacturing (12 %). The 2010 UNICEF statistics indicate that 21 % of children between the ages of 5 and 14 are working.

The Committee of Experts noted that the government has developed an action plan which outlines detailed measures to implement the 'roadmap' to ensure that Guatemala is free from child labour and its worst forms. The Committee of Experts took noted the results of the *Mi Familia Progresa* programme.

As regards the worst forms of child labour, the Committee of Experts observed in its 2014 report that no sanctions appeared to have been applied for the crime of trafficking of children between 2008 and 2009. The Committee of the Rights of the Child also expressed concerns at the lack of convictions for sexual exploitation. The Committee of Experts expressed concern at allegations of complicity between law enforcement officials and human traffickers. It therefore urged the government to ensure that thorough investigations and robust prosecutions are carried out against the perpetrators of

trafficking of children under 18 years for commercial or sexual exploitation, and of officials who are complicit in such acts.

Moreover, the Committee of Experts asked the government to protect children of indigenous peoples. These children are frequently the victims of exploitation, and of the worst forms of child labour.

Elimination of discrimination (Conventions 100 and 111)

For many years, the Committee of Experts has referred to the discriminatory practice of requiring pregnancy testing and dismissing pregnant women in the maquila (export-processing) sector and the public administration. Given that this is a serious form of discrimination, the Committee of Experts requested the government to take urgent and concrete measures, including legislative measures, to secure effective protection for women against discrimination based on pregnancy in access to employment and retention of jobs, and against reprisals for reporting such discrimination.

According to the government under the *Mi Familia Progresa* (progress for the family) programme there has been an increase in school enrolment and attendance for children living in poverty, including for indigenous children. Nevertheless there is a need to continue to adopt concrete measures on education and access to employment for indigenous peoples, in order to reduce the disparity between indigenous and non-indigenous persons regarding employment, occupation and conditions of work.

Lastly, the Committee of Experts requested the government take measures to raise awareness among judges, lawyers, labour inspectors and other bodies responsible for monitoring and enforcing the relevant provisions, and to ensure that appropriate sanctions and remedies are provided.

The Committee of Experts also urged the government to amend its legislation in order to ensure that the principle of equal remuneration for men and women for work of equal value is respected.

Future actions and priorities

In conversations with the EUDEL held in October 2015, the Ministry of Labour of the interim Maldonado government (September 2015 – January 2016) set out clear priorities for tackling labour issues in the country. These included tackling stigmatisation of trade unionists; following up the investigation of cases of murders against trade unionists; promoting amendments to the labour code in line with ILO proposals; strengthening the mandate of labour inspectors; reducing barriers to trade union registration; strengthening transparency within the Ministry of Labour; and strengthening tripartite dialogue promotion at a national level.

The continuation of these priorities, including legislative reforms, will depend on Jimmy Morales' new government that will take office in January 2016 as well as the new Congress.

Conclusions

Guatemala has taken several measures to improve effective implementation of the ILO core labour standards, namely: strengthening the investigation and prosecution of

crimes against trade unionists; implementing measures to better protect trade unionists or the adoption of several roadmaps; and implementing action plans to address child labour and forced labour.

Nevertheless, several shortcomings need to be urgently addressed, including the need for further action to combat violence and impunity, in order to ensure that adopted plans and roadmaps translate into solid results. Guatemala should also effectively implement legal reforms and improve the coverage and functioning of collective bargaining and address anti-union discrimination. Guatemala should fully implement the 'roadmap' on fundamental conventions and continue cooperating with the ILO, social partners, the EU and other partners.

9.2.3. UN Conventions on Environmental Protection and Climate Change (conventions 16-23)

Status of ratification and reporting

Guatemala has ratified all major international conventions on environmental protection and climate change, and maintains ratification.

Guatemala ratified the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) in 1979. Guatemala submitted its Annual Report for 2013 in April 2015. It intends to submit its biennial report 2013-2014 by the end of October 2015. The biennial reports for 2009-2010 and 2011-2012 are prepared and awaiting authorisation.

Guatemala ratified the Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal in 1995. Guatemala has submitted the required annual reports for 2012 and 2013, but not for 2007 to 2011.

Guatemala ratified the Convention on Biological Diversity (CBD) in 1995 and is compliant with its reporting requirements.

Guatemala ratified the Cartagena Protocol in 2004. It has not submitted its first national report, but submitted its third national report in 2015.

Guatemala is also a party to the major international climate change conventions, and is compliant with all reporting obligations. It ratified the Montreal Protocol on Substances that Deplete the Ozone Layer in 1989, the UN Framework on Climate Change in 1995, and the Kyoto Protocol in 1999.

Status of implementation of the conventions

Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)

No specific problems have been reported on the implementation of CITES by Guatemala.

Guatemala has launched two projects to develop strategies to promote sustainable management and conservation of endangered timber species. A further project seeks to assess the effects of forest management on the genetics of species harvested in Biosphere Reserve Maya. Guatemala has also developed a national strategy for conservation of the Guatemalan fir. Moreover, a manual of procedures for international trade of forest species has been developed to regulate the commercial management of species included in the CITES agreement as well as all traceability measures to guarantee the custody chain and the customs controls.

On the protection of endangered fauna species, two projects are taking place on a national and regional level (conservation plans and conservation strategies). Guatemala's general hunting law and hunting calendar prohibit hunting endangered flora species.

All commercialised plants and fauna species are reproduced in nurseries registered with the CITES Management Authority. Fauna species are commercialised to a very small extent, lately solely green iguana.

Other recent progress has included:

- developing a management system for CITES permits/certificates;
- fully inspecting all wood that is traded internationally;
- strengthening the environmental judicial system;
- improving the security of the documents supporting the transport of timber from protected wildlife areas, to reduce document falsification;
- implementing an electronic system containing information on authorised exports, to strengthen monitoring of the custody chain.

However, Guatemala has mentioned several limitations hampering the implementation of the convention. These include: a lack of staff and frequent rotation, a lack of trained personnel for implementation of CITES, insufficient budget and logistical support, a lack of financial support for the participation of delegates in meetings, a lack of resources for scientific and technical projects to provide necessary data, and a lack of computer systems to allow better control of the custody chain.

Guatemala's priorities to strengthen the implementation of CITES include:

- developing a digital platform for procedures of non-timber flora and CITES and non-CITES fauna;
- developing and implementing a national strategy for the conservation of tree species included in the appendices of CITES;
- strengthening forensic wood identification to support the justice system Guatemala, and improving links between the Forensic Wood laboratory and similar laboratories worldwide.

Basel Convention

According to the database of the Basel Convention for national reporting, Guatemala submitted its national reports for 2012 and 2013.

Guatemala has ratified the Basel Convention Ban Amendment. The amendment was published in New York and signed by the President of the Republic of Guatemala in 2013. Since then, Guatemala has reported on enhanced control of export of hazardous waste as well as 10 trans-boundary movements.

Guatemala has reported to the Basel Convention that the legal framework that directs the management is the National Policy for the Environmentally Sound Management of Chemicals and Hazardous Waste in Guatemala. This includes the initiatory 'Law for the Management and Integral Managing of Residues and Waste', which was presented to the Commission of Environment, Ecology and Natural Resources of the Congress of the Republic. This covers trans-boundary movements of hazardous wastes.

Convention on Biological Diversity

There were no salient shortcomings identified in Guatemala in 2014-2015 as regards the implementation of the Convention on Biological Diversity, although biodiversity loss has not been halted, and concrete measures to implement the convention should be strengthened.

Guatemala has ratified the Nagoya Protocol and is currently working on its implementation. Guatemala has also prepared and approved a National Policy on Biosafety of Living Modified Organisms. It also continues to include biodiversity in formal and informal education through the national policy on environmental education.

The System of National Accounts now includes more elements of biodiversity and progress has been made in the management of invasive alien species through the establishment of a list of exotic species, assigned to different categories according to their invasive potential and has proposed a regulation to this list. Furthermore, Guatemala noted that their work on biodiversity is linked to their national policy on biodiversity, national strategy on biodiversity and plan of action for the period 2012-2022.

As for priorities for this period, Guatemala informed about the aims to obtain approval and begin the implementation of regulations for the management of alien species in Guatemala, and continued implementation of the Nagoya Protocol and the national biodiversity strategy.

Stockholm Convention on persistent Organic Pollutants

The Ministry of Environment and Natural Resources coordinates Guatemala's implementation of the Stockholm Convention. Guatemala has prepared a national implementation plan involving projects carried out under the EU-Guatemala Association Agreement. Much of this implementation is expensive, and relies on international support.

More than 100 workshops have been carried out, and information and teaching materials have been developed. The inventory of obsolete pesticides has been updated, following work on specific diagnostic issues.

Guatemala has not submitted its first national report, as it claims that it had no obligation to do so as it had not yet ratified the convention (which happened in 2008). Guatemala submitted its second and third national reports in 2010 and 2014 respectively.

Guatemala's priorities for implementing the Stockholm Convention are completing the activities under the national implementation plan, strengthening the legal framework on the regulation or prohibition of new persistent organic pollutants, and developing a more appropriate regulatory framework for the management of some persistent organic pollutants.

Convention on Biosafety (Cartagena)

Guatemala has no salient shortcomings on the Cartagena Protocol on Biosafety, and has fully met its reporting obligations. This is confirmed by the report of the Compliance Committee in 2014. Guatemala submitted its 3rd National Report in 2015.

The 2nd National Report noted that only a draft regulatory framework existed in 2011, although a proposal for a Safety Act of Modern Biotechnology for Guatemala was at that point undergoing the legislative process. This proposal was prepared by the National Council for Protected Areas, as part of the 'Development of the National Framework for Biosafety to Guatemala (2002-2004)' project. This received support from the Global Environment Facility (GEF) and the United Nations Program for Environment (UNEP).

Conventions on Climate Change

Guatemala is a party to all climate change conventions.

Guatemala has no salient shortcomings on the Montreal Protocol on Substances that Deplete the Ozone Layer. In 2013, Guatemala had a minor non-compliance in the area of HCFC consumption. However, Guatemala was expected to be in compliance in its 2014 reporting.

Guatemala submitted its first and only national communication to the UNFCCC in 2002. Its first Biennial Update Report has yet to be submitted.

Compliance with the UNFCCC at the national level is driven by the *Consejo Nacional de Cambio Climático* (National Council of Climate Change), created by Decree 7-2013 (Framework Law on Climate Change) and composed of government agencies, universities, indigenous peoples, farmers, the private sector and NGOs.

In September 2015 Guatemala submitted its Intended Nationally Determined Contribution (INDC) to the 2015 Climate Agreement, which contains a GHG emission reduction target of 11.2 % — and conditionally 22.6 % — in 2030 relative to the business-as-usual scenario. The INDC also contains an adaptation component, as well information on the country's political programs, legal frameworks and strategies for the implementation of targets. The INDC's contributions have been incorporated into the country's National Development Plan-KATUN 2032.

Conclusions

Guatemala has a generally strong record of reporting on the conventions on environmental protection. However, Guatemala should seek to ensure that it complies

with the reporting requirements on the Cartagena Protocol and the Stockholm Convention.

Despite a lack of staff and resources, Guatemala has made noticeable and significant progress on implementing all the conventions on environmental protection. In general, legislative and institutional frameworks have been set up to enable concrete actions, and various projects are ongoing or being planned to implement the conventions. The EU encourages Guatemala to pursue its efforts and ongoing initiatives to further improve the implementation of these conventions; in that regard, the EU would welcome more information on the timeline for the adoption of these various initiatives

Guatemala complies with the UN conventions on climate change, and has a strong legislative and institutional framework for tackling climate change. However, the EU would welcome further information on Guatemala's intentions to fully implement the conventions.

9.2.4. UN Conventions on Good Governance (conventions 24-27)

Status of ratification and reporting

Guatemala has ratified the three UN conventions on drugs control, and maintains ratification. It ratified the UN Convention against Psychotropic Substances in 1967, the UN Convention against Illicit Traffic in Narcotic Drugs in 1979, and the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances in 1991.

As of January 2015, Guatemala was compliant with all requests for monitoring information from the monitoring body of the three core UN conventions on fighting illegal drugs (International Narcotic Control Board — INCB).

Guatemala ratified the United Nations Convention against Corruption (UNCAC) in November 2006. Since then, it has not yet faced any reporting requirements. The executive summary of the monitoring body's latest review (the UNODC Implementation Review Group) has been publicly available since October 2015.

Status of implementation of the conventions

UN conventions fighting illegal drugs

Guatemala issued two reports in 2015 which provided key analysis and recommendations on its drugs problem: (i) the report of the Presidential Commission about Drugs presented to the President on 19 Aug 2015 and (ii) The National inquiry on Drugs led by SECCATID (the Executive Secretary Commission against Addictions and the illicit traffic of Drugs) on 9 September 2015.

Narcotics trafficking and associated criminal violence is a significant issue for Guatemala. Guatemala, like several other countries in Central America, must cope with a high level of criminality, insecurity and impunity, which are considered to be the main

concerns of its citizens. Guatemala is a minor, but growing, producer of opium poppy. Some illicit manufacture of amphetamine-type stimulants has also recently emerged.

Generally, Guatemala has publicly prioritised combating narcotics trafficking. In 2014, it achieved notable successes in its efforts to address salient shortcomings, and its efforts to comply with the international drug control conventions. In particular, in 2014, Guatemala made significant progress on addressing illicit poppy cultivation, monitoring pharmaceutical preparations and controlling distribution mechanisms.

In 2010, INCB, the UN's monitoring body, reviewed Guatemala's compliance with the three UN conventions on drugs control. Successive reports in 2012, 2013 and 2014 identified shortcomings in relation to the illicit cultivation of opium flower; the monitoring of pharmaceutical preparations and the need to address the increased influence of powerful drug cartels.

Since the INCB's monitoring, Guatemala has increased its efforts to comply with the conventions, particularly on law enforcement. These efforts include:

- expanding the drug control functions of the Ministry of Interior, and establishing a legal framework to exercise those functions;
- strengthening the counter-narcotics analysis and information division of the national civil police;
- authorities now regularly use the PEN Online system;
- establishing a committee on precursors in January 2012, and establishing a unit for monitoring precursors and chemical substances in 2013;
- a greater presence of security forces and better technology has helped Guatemala increase its eradication of opium poppies;
- in 2014, Guatemala began using a GPS system to measure eradicated hectares, increasing the accuracy of reporting.

Guatemala is also contributing to international efforts on alternative ways to combat drug trafficking. In 2014, it increased its public awareness efforts on the dangers of illegal drugs and poppy cultivation across society, particularly among young people.

In addition, a Health Ministry project mapped 101 treatment centres across the country. The majority of treatment centres fell short of Guatemalan government requirements. In 2014, a programme to train and certify treatment providers was launched in cooperation with the Secretariat for the Commission against Addictions and Drug Trafficking (SECCATID).

Guatemala has also investigated the increasing influence of powerful drug cartels in the '*maras*'. The government confirms that there are currently no records of any relationships between illegal activities of the '*maras*' and drug trafficking. However, the government recognises that there may be specific cases in which there are links between '*maras*' and drug-trafficking organisations.

The annual report of the International Narcotics Control Board (INCB) in 2014 noted that illicit cultivation of opium poppy in Central America was becoming of increasing

concern, with such cultivation increasing in particular in Guatemala. Furthermore, the report also noted a lack of progress on areas on which the INCB had previously made recommendations, such as the introduction of reliable data-processing systems for the control of licit activities involving internationally controlled substances, the issue of availability of opioids for the treatment of pain, as well as the prevention of drug abuse and the treatment and rehabilitation of drug-dependent persons.

UN Convention against Corruption

In coordination with CICIG, the Prosecutor General´s Office presented a series of unprecedented criminal cases against high level public officials for corruption during 2015, implicating members of the legislative, executive, judiciary and civil service. These constitute landmark cases in the fight against corruption. Incoming President Jimmy Morales has also pledged to prioritise the issue over the coming years.

On the normative front, the Presidential Commission on Transparency and Electronic Government (COPRET) is the institution responsible for coordinating actions to comply with the UNCAC. COPRET has reported several achievements in recent years. These include, in November 2012, approval of the Law against Corruption (Decree 31-2012). This law modifies several articles of the Penal Code, the Law against Organised Crime and the Law to Seize Assets Obtained with Illicit Resources.

Guatemala has also created the so-called Technical Working Group of Higher Oversight Institutions (*Mesa Técnica de Órganos de Control Superior*). The group includes the Judiciary, the Public Prosecutor's Office, the Supreme Audit Institution and other public institutions, and promotes good practice to prevent corruption.

In August 2014, they filed the country self-assessment through the Omnibus Survey Software, which assessed national legislation for compliance with the UNCAC.

Conclusions

Guatemala has made important progress since 2014 to address a number of shortcomings on drugs policy in particular on illicit poppy cultivation, monitoring pharmaceutical preparations and precursors, the launching of measures on prevention and the improvement of health treatment. Tackling illegal drugs has clearly been made a public priority. However, the increasing influence of drugs cartels continues to be a challenge for law enforcement authorities. Moreover, several of the shortcomings highlighted by the INDC would benefit from greater attention from Guatemala – including strengthening data-processing systems, and the treatment and rehabilitation of drug users.

On the UNCAC, Guatemala has made significant judicial progress and some legislative progress, setting up an oversight body to coordinate anti-corruption efforts. The EU would welcome further information on the concrete actions taken and planned to further tackle corruption.

9.3. Trade and Economy

9.3.1. Trade Picture

Guatemala's exports are focused on the food processing industry, including alcoholic and non-alcoholic beverages, with a strong component of electrical appliances, paints and pharmaceutical industries. According to the World Bank, the country has a GDP of USD 58.728 million with an annual growth rate of 4.2 % for 2014, providing a GNI per capita based on PPP of USD 7 190. Guatemala's major business partners are the United States, El Salvador and Honduras. This country imports mainly from the United States, Mexico and China.

In 2014, Guatemala exported to the EU palm oil, coffee, crude oils, non-denatured ethyl alcohol and peas totalling USD 895 million. Guatemala has eight Free Trade Agreements with major partners, among them the Association Agreement between the European Union and Central America, USA-Dominican Republic-Central America FTA (CAFTA-DR), Central America-Chile FTA and Taiwan-Guatemala FTA.

As a result of the EU-Central America Association Agreement, provisionally applied since August 2013, Guatemala will be removed from Annex II of the GSP Regulation from January 2016. As consequences of this, Guatemala will also cease to be a GSP+ beneficiary.

9.3.2. GSP+ Statistics

Figures 9.1-9.3 below describe Guatemala's utilisation of the GSP+, in the context of its overall imports to the EU. The reduction in imports benefiting from GSP+ preferences in 2014 is a result of the alternative preferences available under the EU-Central America Association Agreement.

Source for all statistics: Eurostat data, as of September 2015.

Figure 9.1

Guatemala - Imports to the EU, 2012-2015					
Figures in thousand EUR	**2012**	**2013**	**2014**	**2015 (Q1-2)**	**Trend 2012-2014**
Total imports to EU	573,061	610,600	685,734	404,921	19.66%
GSP+ eligible imports	281,240	397,223	342,628	155,959	21.83%
GSP+ preferential imports	255,929	350,222	26,755	6,374	-89.55%
GSP+ utilisation rate	91.00%	88.17%	7.81%	4.09%	-91.42%

Figure 9.2

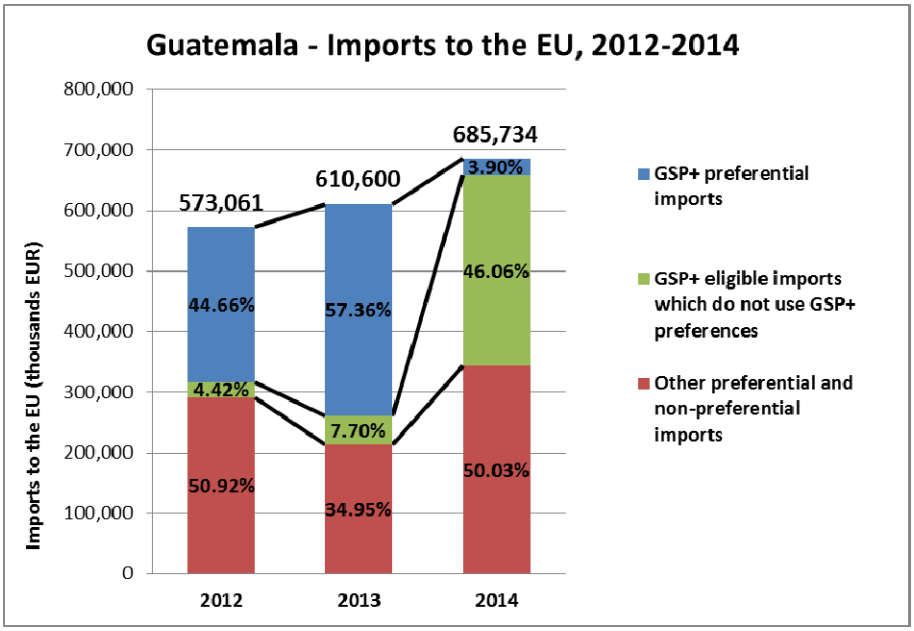
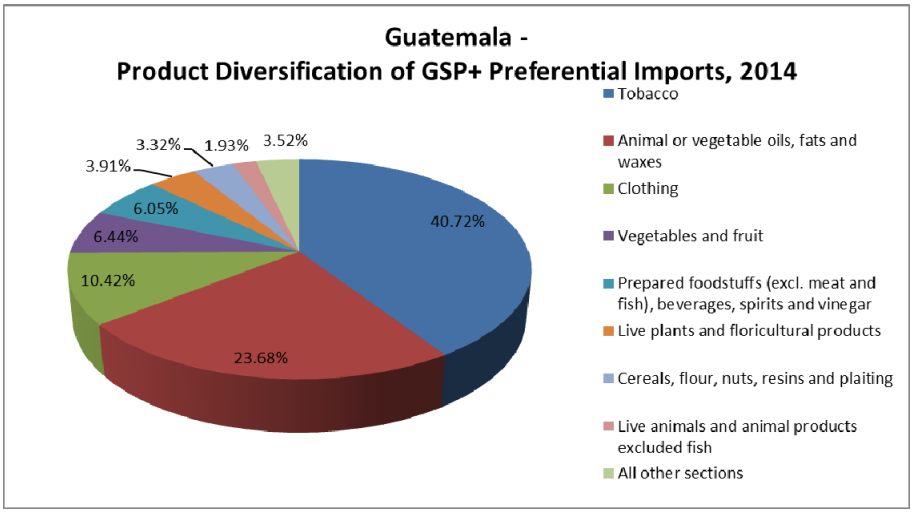


Figure 9.3



10. Mongolia– GSP+ Assessment

10.1. Country Overview

In 2015 Mongolia celebrated the 25th anniversary of its first free and fair elections. Over this period, Mongolia has consolidated its democratic system. While institutional changes introduced since the 1990s seem irreversible and the overall political situation is stable, progress is stalling due to a worsening economic situation, corruption, challenges in governance and increasing political polarisation, along with a more challenging international environment.

The next parliamentary elections in Mongolia are scheduled for mid-2016, with the next presidential elections scheduled for mid-2017. However, the governing coalition is under growing pressure — policy on foreign investment in mining sectors is a key divisive issue.

In 2014, economic growth slowed to a 4-year-low rate of 7.8 %, down from an average growth rate of 13.8 % over the period 2011-2013. The key drivers of the slowdown in Mongolia are weaker economic activity in China and a decline in foreign direct investment (FDI), along with lacklustre performance in non-mining sectors. The sharp decline in FDI has exacerbated the country's deteriorating balance-of-payments position. Additional pressures are foreseen over the next few years, as large external debt repayments are scheduled for 2017/2018.

A risk factor for Mongolia's economy is its lack of diversification, being dependent on a few export and import markets (China and Russia) and essentially on minerals, its core industry. The mining sector accounts for one fifth of GDP and close to 90 % of total exports, as well as 20 % of government revenue. The economy is therefore highly vulnerable to the boom-bust cycles of the mineral market.

More than 90 % of all Mongolia's exports go to China, whereas import from China and Russia is more than 54 %. The EU ranks as the third largest (but distant) trading partner. Mongolia is the EU's 129th trade partner, accounting for less than 0.1 % of the EU's trade with the world.

10.2. Compliance with GSP+ Obligations

10.2.1. UN Human Rights Conventions (conventions 1-7)

Status of ratification and reporting

Mongolia has ratified all the GSP+-relevant UN human rights conventions, without reservations, and maintains ratification.

There is a clear improvement in the level of compliance with the reporting obligations to the treaty monitoring bodies. Despite limited administrative resources and expertise, and some delays, Mongolia fulfils its reporting obligations for all conventions other than the International Covenant on Civil and Political Rights.

Status of implementation of the conventions

In the period under consideration, Mongolia has undertaken a number of legislative and policy measures to implement the GSP+-relevant human rights conventions, and to disseminate information on human rights in the country. In general, the human rights situation in Mongolia within the covered period has been improving. The overall environment for civil society is good, and civil society organisations are active and involved in shaping policies.

The National Human Rights Commission of Mongolia (NHRCM) prepared its 13th report on human rights and freedoms in Mongolia in 2015. Moreover, Mongolia underwent its second Universal Periodic Review (UPR) in May 2015. The main recommendations of the 68 intervening delegations (including 20 EU Member States) included: abolishing de jure the death penalty for all crimes, preventing and investigating all allegations of torture, protecting women's and children's rights and ensuring full respect of the right to freedom of expression. Mongolia was commended for its new legislation on domestic violence and for the ratification of a number of major human rights treaties (CAT-OP, CCPR-OP2-DP and CED). Mongolia pronounced itself on the 164 recommendations received ahead of the adoption of the report at HRC30 and accepted 150 of these (which is a very high number). Its next review will be in January 2020. Mongolia will be at mid-point in January 2018.

Mongolia's Independent National Human Rights Commission is considered objective and independent. Recommendations in NHRCM reports are considered by the Parliament and many then adopted as parliament or government resolutions. The NHRCM has been granted 'A' status by the International Coordinating Committee of National Institutions for the promotion and protection of human rights, which indicates full compliance with the so-called Paris Principles on independent NHRIs (National Human Rights Institutions). Mongolia was admitted as a full member institution at the Asia Pacific Forum of National Human Rights Institutions (APF) in 2001. It hosted the APF's biannual conference and annual meeting in August 2015.

Mongolia is also active in promoting human rights regionally and globally. In 2012-2013 it held the presidency of the Community of Democracies. It became an OSCE member in 2012, and it hosted the 2015 Freedom Online Conference. Mongolia has been elected as a member of the Human Rights Council for the period of 2016-2018.

Moreover, efforts continued to bring legislation in line with international human rights obligations. In December 2015, Mongolia's parliament voted in favour of amendments to the country's criminal code, which included abolition of the death penalty. Although the full details of the amendments to the criminal code have not yet been established, together with a new police law, they should also include provisions on improving protection of witnesses and victims.

International Convention on the Elimination of All Forms of Racial Discrimination

There are no salient shortcomings relating to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Within its capacities, Mongolia continues to undertake measures to prevent racial discrimination.

International Covenant on Civil and Political Rights (ICCPR)

There are no systematic media restrictions. However, there are some reports of politically motivated interference and cases of intimidation against journalists.

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

There are no salient shortcomings relating to the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Although Mongolia's GDP growth in recent years has been remarkable, the level of poverty is slowly decreasing, and reached 27.4 % in 2012 (according to Mongolia's official statistics). The current economic crisis may have a negative impact on measures needed to fight poverty. Limited financial and institutional resources, as well as particular conditions on the ground, limit the effective implementation of ICESCR.

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

Under CEDAW, Mongolia has seen progress regarding the elimination of discrimination against women with a strategy developed by the National Committee on Gender Equality to ensure the implementation of the Law on Gender Equality by 2022.

In 2013, the government approved a midterm strategy on implementation of the Law on Gender Equality 2013-2016. The National Statistical Office, in collaboration with ministries, developed 216 indicators for the purpose of systematic collection of gender-disaggregated data, in areas including population, education, health, poverty, gender based violence, labour, decision-making, governance, human rights, media, environment, gender-sensitive planning and budgeting, gender index. The government is making efforts to institutionalise the reporting on these indicators. From 2014, all government agencies were requested to report according to these indicators. However, gender-based discrimination, including gender-based violence, remains quite common. Domestic violence is an acute problem.

The parliament adopted a law on combating domestic violence in 2004, with limited success. Therefore, in April 2015, a new draft law on combating domestic violence was submitted to the Mongolian parliament. Moreover, in the draft of the revised criminal code, domestic violence was defined as a crime subject to a criminal punishment.

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

There are still reports about torture and ill-treatment of detainees at police stations and detention centres. At the same time, Mongolia has no independent mechanisms to investigate allegations of torture, which should be established in line with the requirements of the recently ratified OPCAT.

The Mongolian authorities have recently been restructured so that those accused of torture are investigated by their peers. For example, the special unit in the state general prosecutor's office investigates acts of torture committed by law enforcement officials. This arrangement hinders accountability for cases of torture and ill treatment committed by law enforcement officials. In its recent UN-UPR, Mongolia received a number of

recommendations encouraging it to establish an independent mechanism, including an effective national preventive mechanism. Mongolia was also encouraged to adopt a definition of torture as a crime in accordance with the relevant UN convention.

Moreover, efforts to bring legislation into line with international human rights obligations continue with the revised Criminal Code adopted by the parliament in December 2015. Reforms of the judicial system and law enforcement organisations (including police and penitentiary personnel) have improved, however the level of professionalism and independence is still insufficient.

Beyond these steps, considerable efforts has been undertaken in providing training, education and raising public awareness, especially on preventing torture, rights of suspects and prisoners and gender equality. However the real impact of those activities, especially within law enforcing agencies, remains unsatisfactory. Limited implementation and enforcement capacities remain the biggest culprit. In many cases, legislation remains also vague, without a proper harmonisation within the legal framework. Another important shortcoming is the lack of efficient mechanisms at the working level to monitor legislation implementation and the lack of budget. This is particularly relevant for programmes to protect victims of domestic violence or victims of torture seeking compensation. Another issue is the lack of a mechanism to address psychological violence.

In December 2015, the parliament voted to abolish the death penalty, as part of a range of revisions to Mongolia's criminal code.

Convention on the Rights of the Child

Mongolia joined the Convention on the Rights of the Child in 1990. However, only violence in educational establishments, rather than more widely, has been legally banned. Currently, Mongolian law does prohibit the general corporal punishment of children.

However, on 11 May 2015, draft laws on children’s rights and on children’s protection were submitted to the parliament. These are expected to be adopted by the end of 2015.

In addition, in April 2015, Mongolia ratified the Third Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OP3 CRC). This enables children to challenge violations of their rights committed by Member States.

Moreover, in conjunction with the new draft law on children’s protection, a bill on children’s rights has been elaborated. This determines children’s rights as well as responsibilities, and regulates the relations in power and duties of state organisations, citizens and entities in ensuring children’s rights.

Further efforts have been made to address rights of children, especially those living in vulnerable economic conditions. A number of children and family development centres have been established mainly in Ulaan Baatar districts.

However, the rates of violence against children, economic exploitation of children, and incidents causing death or severe injuries involving children are not declining. In some cases, such incidents are rising.

Future actions and priorities

There is an appropriate legal framework and in general the state authorities recognise and are committed to furthering the application of human rights. It is part of Mongolia's strategy to adhere to democracy and market economy. The country needs assistance, knowledge and expertise and in general it is welcoming recommendations. Implementation and maintaining consistency between different government's activities and initiatives remains a problem. Close attention should be paid to the follow-up on commitments already taken by Mongolia's authorities, establishing a truly independent mechanism to investigate cases of torture and ill treatment committed by law enforcement officials. The implication of the new provisions in the revised criminal code will be analysed. Pervasive corruption is another problem which undermines efforts to address human rights and needs a close follow-up. Mongolia's authorities should be strongly encouraged to continue and implement reforms in order to combat this phenomenon. Mongolia should be also encouraged and helped in voluntarily submitting its mid-term UPR report early 2018.

Conclusions

In the period under consideration, Mongolia made overall progress, especially in improving its legal framework in line with international human rights obligations, institutional reform and efforts aimed at capacity-building and HR awareness-raising. Mongolia has independent national human rights institutions and generally an enabling environment for civil society. There is general commitment by the parliament and the government to the protection and promotion of universal human rights standards. This was confirmed by the adherence to additional human rights instruments, the general compliance with international reporting obligations and the constructive participation in the 2015 second UN-UPR.

The UN-UPR exercise addressed many of the remaining shortcomings, which are often linked to the lack of capacity and funds and require further legislation and bolder steps (e.g. the prosecution of all allegations of torture and ill-treatment as well as of domestic violence and discrimination). The explanations provided regarding rejected recommendations reveal that they still have issues with the competence of CERD and CAT committees and give preference to the establishment of a national preventive mechanism, namely by assigning this task to the NHRC of Mongolia. In December 2015 the EU and Mongolia agreed to launch Human Rights Dialogue. One of its objectives is to enhance bilateral cooperation with a view to support Mongolia in its ratification of and adherence to the international human rights conventions and instruments.

Finally, Mongolia is closely aligned with the EU in its negotiating and voting positions in the United Nations human rights fora (HR Council as well as the UNGA 3rd Committee). It is active in its region and beyond to foster the advancement of human rights and democracy.

10.2.2. ILO Labour Rights Conventions (conventions 8-15)

Status of ratification and reporting

Mongolia has ratified all eight ILO's fundamental conventions, and maintains ratification.

Despite the government efforts in responding to the official comments and observations made by the ILO in 2014 and 2015, as well as answering to the GSP+ scorecard by April 2015, the country has persistent problems with meeting its reporting obligations, including on the fundamental conventions. This is partially due to the relatively recent creation of the Ministry of Labour in 2012 and the enlargement of its mandate. Moreover, the ministry has been particularly affected by the various political changes during the observed period. The leadership instability reduces the capacities of the ministry to implement reforms and to properly report under the conventions.

Status of implementation of the conventions

Freedom of association and collective bargaining (Conventions 87 and 98)

The Mongolian Constitution and both the Law on the Rights of Trade Unions and the Labour Law guarantee workers the right to establish trade unions to protect their legal rights and interests, and make agreements on the basis of trade union association. These laws do not contain any provisions preventing certain groups of workers from associating with trade unions and making collective agreements. However, the Law on Public Service states that public servants are prohibited from participating in the activities of political, non-governmental and religious organisations in respect of issues not related to their official duties, as well as taking part in strikes directed to disrupt the normal activities of public organisations.

Nevertheless, the National Human Rights Commission of Mongolia (NHRCM) outlined in its 14th Report on Human Rights and Freedoms in Mongolia (2015) that, according to participants of the study "Operational guarantee of the human rights defenders working in trade unions", employers show defiance for the work of trade union members and make attempts to dissolve trade unions. The participants of the study pointed out that employers have negative views and cause various issues such as discriminations, pressure, obstacles in organising demonstrations, attempt to influence in decision-making process and reluctance to understand the activities of elected officers.

As regards assessment of the implementation of the conventions, Mongolia did not provide the ILO with a report on Convention 87, a report which was due in 2014. In its previous comments, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has noted that the labour code provides that a strike organised as a result of a collective labour dispute must be considered illegal if the strike has been organised in connection with matters not related to relations regulated by the collective agreement.

In these circumstances, the Committee of Experts requested the government to confirm whether, under the labour code or the constitution, trade unions can use strike action to support their position in the search for solutions to problems posed by major social and economic policy trends and have recourse to sympathy strikes.

The Mongolian Employers' Federation is currently discussing the draft Law on the Legal Status of Employers. For the first time in Mongolia, it will establish a legal framework for employers to form associations to engage with other parties, such as trade unions, professional associations, state bodies, NGOs, and individuals. Under the draft, employers have the right to establish and join employers' associations without prior permission from government authorities. The draft highlights the importance of the independence of these employers' organizations, which should be independent from political parties and religious movements, representing the legitimate interests and protecting the rights of their members.

Forced labour (Conventions 29 and 105)

As regards enforcement of the domestic legislation and Convention 29, it has been noted that the major part of cases of human trafficking is either dismissed by the courts in Mongolia or considered as cases of prostitution and therefore related with lighter sanctions.

Limited reporting on implementation of the conventions on the abolition of forced labour by the Mongolian government limits the Committee of Experts' possibilities to assess whether existing national provisions are in line with the conventions. Thus the Committee of Experts repeatedly requested further information from Mongolia, including information concerning the rules of work for persons sentenced to prison labour and in particular whether and under which conditions they can perform work for private companies. Moreover the Committee of Experts has been asking the government for several years to supply information on the kind of sanctions that may be applied for participation in strikes declared unlawful analysis of these texts should enable the Committee of Experts to assess whether the legislation in Mongolia is in line with the convention.

There have been concerns expressed in the media over the situation of Democratic People's Republic of Korea (DPRK) workers in Mongolia. At this stage, the ILO has not conducted any formal investigation into this issue. However, reports by the International Trade Union Confederation, the US government (in its Trafficking in Persons Report) and various human rights networks describe a pattern of employment that would amount to forced labour.

A revised version of Mongolia's criminal code was adopted by the parliament in December 2015. Although the full details of the amendments to the criminal code have not yet been established, when drafting the code, the Ministry of Justice worked closely with the ILO with the aim of improving provisions related to forced labour to bring them in line with Conventions 29 and 105. The Ministry of Justice also considered best practices from other countries, and sought advice and recommendations from NGOs and citizens.

Minimum age for work (Convention 138) and worst forms of child labour (Convention 182)

The Committee of Experts took due note in its 2015 report of Mongolia's recent efforts to adopt national programmes to combat child labour, but it also points to the lack of sustainable investment in children's rights, including a lack of funding, which hampers implementation of the adopted programmes. According to statistical data provided by the National Statistics Office on child labour in Mongolia from 2011 to 2012, 15.9 % of the survey respondents were engaged in various forms of economic activity, 10 398 (i.e.,

11.1 %) children were engaged in dangerous and difficult jobs. The committee therefore urged the government to intensify its efforts to implement the national programmes and plans, to ensure the progressive abolition of child labour.

Moreover, Mongolia should strengthen its efforts to ensure that the protections provided under the labour code are extended to children working outside of a formal employment relationship.

The Committee of Experts also encouraged Mongolia to amend the legislation to increase the penalties for those employing children (in particular in hazardous conditions), as the current level does not sufficiently deter breaches of the convention.

As regards the worst forms of child labour, the Committee of Experts expressed concerns over the low number of convictions for trafficking of children and reports on the increasing incidence of trafficking and exploitation of women and girls, the low rate of prosecutions, and the high number of dismissed trafficking cases. Furthermore the committee expressed concern over the increasing number of street children living in very harsh conditions.

Another point of concern mentioned by the Committee of Experts to the high number of children under the age of 18 involved as jockeys in horse racing, which may be harmful for their health and safety. While Mongolia has taken measures to increase protection of child jockeys (e.g. protective clothes), there remain a large number of incidents. Hence the repeated call to ensure that those children younger than 18 years of age do not participate in activities detrimental to their health and safety and to ensure appropriate protection of the participants.

To address cases of the worst forms of child labour Mongolia adopted a national programme for the elimination of the worst forms of child labour for 2011-2016. The programme was set to eliminate the worst forms of child labour in all categories by 2016 through improving legal protections, increasing children’s access to healthcare and education, and intensifying activities prohibiting, limiting and fighting the worst forms of child labour.

Mongolia is implementing together with the ILO a range of projects to tackle child labour, including two research projects, relating to child horse jockeys and child labour in construction work.

Furthermore a survey is being conducted aimed to provide information on the economic activities and working conditions of children. Moreover, Mongolia has adopted a range of other national programmes and policies that aimed to remove children working in the mining sector and rehabilitate them.

As regards crimes against children, Mongolia has appointed special investigators to deal only in crimes related to children.

Concerning cases of child prostitution, Mongolia has amended its criminal code so that penalties foreseen for offering a child for prostitution are now higher as penalties for committing this crime against other persons. A development positively noted by the Committee of Experts, as prior to the amendment the sentence imposed by the criminal code for committing a crime involving a person under the legal age was lower than when the crime was committed against other persons.

In June 2015, the Minister of Labour submitted a revised draft of the Labour Law (1999) to the parliament. The revised draft adopts the language of Convention Nos. 138 and 182 on the minimum age for light work and the prohibition of the worst forms of child labour. It also proposes a definition of "employment relationship" covering employees and employers in both the formal and informal economy. The draft law also proposes to link the statutory minimum age for admission to employment with the age of completion of compulsory schooling, as an attempt to ensure that all children can complete compulsory education before beginning work. The parliament is expected to consider the draft law by early 2016.

Elimination of discrimination (Conventions 100 and 111)

In 2011, the Parliament in Mongolia enacted the Law on Promotion of Gender Equality (LPGE) to provide a legal framework to realise the equal rights of women and men. The Law provides that men and women engaged in the same type and quality of work should receive equal pay. However, statistical data shows that female workers continue to be paid less than male workers in most sectors. While the concept of equal pay for equal work is widely understood, the concept of equal pay for work of equal value is less commonly understood.

In order to implement the LPGE, a Mid-Term Strategy and Action Plan on the Implementation of the LPGE (2013–2016) was launched in 2013. This seeks to mainstream gender in policies and strengthen national capacities to implement the LPGE.

There is not yet a concrete measure to ensure that job evaluation is free from gender bias. However, as of November 2015, a Mongolian version of the ILO manual *Gender-Neutral Job Evaluation for Equal Pay: A Step-By-Step Guide* was under review. The Ministry of Labour has approved the methods and principles of gender-neutral job evaluation for equal pay, as outlined in the manual.

The Ministry of Labour and social partners have worked with the ILO to revise the Labour Law to reflect the principles under Convention No. 100. The current draft labour law has been amended to fully reflect the principle of equal remuneration for equal value work. It addresses many of the issues previously raised by the Committee of Experts, including the exclusion of women from certain occupations, restrictions relating to the inherent requirements of the job, which allows for sex-specific job recruitment 'based on a specific nature of some workplaces such as in pre-school education institutions', the protection of workers with family responsibilities and protection against sexual harassment. The Cabinet considered the draft on 2 June 2015 and endorsed its submission to the parliament. The parliament will consider the draft law by early 2016.

Future actions and priorities

The new 'National Employment Policy' (NEP), and the revision of the labour law is under preparation. Its adoption by the parliament has been postponed due to the reshuffling of the government end of 2014, but the parliament is expected to consider the proposed revisions to the labour law by early 2016. The implementation of the NEP and the revision of the labour law should address many of the salient shortcomings. The EU will support its implementation, review, and evaluation. Mongolian Employers' Federation (MONEF) and Confederation of Mongolian Trade Unions (CMTU) will also be part of this process.

The EU-funded project called 'Support to Employment Creation in Mongolia (SECiM)' was signed in May 2015. A technical assistance (TA) to the Ministry of Labour should be in place during the first semester of 2016. This technical assistance will assist the

government in improving the functioning of the labour market and enhancing quality employment.

Conclusions

As outlined above, Mongolia has ratified all eight ILO fundamental conventions and its authorities have been taking steps to ensure alignment of the domestic legislation with the conventions. To that end, legislative acts have been adopted or amended, such as the Law on Combating Human Trafficking, Law on the Promotion of Gender Equality and the Law on State Employment. However, further amendments will be needed, in particular to the labour code.

The country has persistent problems with meeting its reporting obligations, including on the fundamental conventions. Moreover, the Committee of Experts will need to analyse a number of legislative acts in order to assess to which extent they are in line with the conventions. Given that Mongolia did not provide full reports some of the conventions, information on recent developments in this area, including an assessment by the ILO supervisory system on legislative alignment, is partly missing.

Moreover, the labour inspectorate is lacking in capacity and data with which to carry out and guide interventions.

However, the revisions to the criminal code adopted in December 2015 and the proposed revisions to the labour law affirm Mongolia's commitment to aligning its labour governance to international standards and norms. The EU will closely monitor the binding undertaking given by Mongolia to observe the reporting obligations under the relevant conventions.

10.2.3. UN Conventions on Environmental Protection and Climate Change (conventions 16-23)

Status of ratification and reporting

Mongolia has ratified all the GSP+ relevant conventions on environmental protection and climate change, and maintains ratification.

Mongolia is non-compliant with is reporting obligations under CITES (Annual Report for 2011, 2012, 2013, and 2014 due, Biennial reports for 2005-2006, 2007-2008, 2009-2010, 2011-2012, and 2013-2014 due), the Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and Their Disposal (Annual reports for 2007, 2008, 2009, 2010, 2011, 2012 and 2013 due), the Cartagena Protocol on Biosafety (1st and 3rd National Reports due), and under the Stockholm Convention on Persistent Organic Pollutants (1st and 3rd National Reports due).

Status of implementation of the conventions

The Ministry of Environment, Green Development and Tourism of Mongolia has re-established the organising and working groups for the each convention ratified in the field of environment and its protection by the decree of the minister in 2015. The focal points and working groups are in charge of the inter-sectoral coordination, implementation and reporting of each convention and its protocols at the national level.

Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)

Regarding the status of the proposal for a national regulation regarding the implementation of CITES and the timing foreseen for the finalisation, adaption and enactment of this proposal, Mongolia reported that a national programme on biological diversity will be approved. Furthermore, focal points, scientific and working groups for CITES are established and the national report on the convention implementation is published. The national focal point will submit to the working and scientific groups the action plan proposal how to integrate the activities in a holistic approach.

Mongolia's national legislation was ranked as category 2 under the convention, which means that it does not yet fully meet all the requirements for the implementation of the convention.

Mongolia has also repeatedly failed to comply with its reporting obligations under CITES. The CITES Secretariat reported in November 2015[30] that Mongolia had failed to submit its annual reports for three consecutive years and, pursuant to CITES Resolution Conf. 11.17 (Rev. CoP16), invited the CITES Standing Committee to consider the adoption of a recommendation for the suspension of all trade in CITES products from and to Mongolia at its 66th meeting in January 2016, which is the most severe compliance measure under CITES.

Basel Convention

Mongolia is non-compliant with is reporting obligations under the Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and Their Disposal (Annual reports for 2007, 2008, 2009, 2010, 2011, 2012 and 2013 due).

Mongolia reported that national level regulations and action plan still need to be improved. Regarding the reasons for the lack of reporting, Mongolia explained that this is due to the lack of resources.

In 2016, the Ministry of Environment, Green Development and Tourism of Mongolia intends to conduct inventory of e-waste, chemical and hazardous waste.

Convention on Biological Diversity

There were no salient shortcomings identified in Mongolia in 2014-2015 as regards the implementation of the Convention on Biological Diversity, although biodiversity loss has

[30] https://cites.org/sites/default/files/eng/com/sc/66/E-SC66-30-01.pdf

not been halted, and concrete measures to implement the convention should be strengthened.

Stockholm Convention on persistent Organic Pollutants

Mongolia reported that the National Programme on Persistent Organic Pollutants was approved in 2014 together with an action plan. Furthermore, capacity building trainings are organised to the stakeholders both in public and private sectors. The Ministry of Environment, Green Development and Tourism of Mongolia, in collaboration with donor organisations, successfully conducted inventory on POPs and their containers.

Mongolia's national programme on persistent organic pollutants has ambitious goals and targets to secure the environment, health and human wellbeing. The national programme is to be completed by 2030.

Of the three national reports that were required to be submitted by Mongolia under the convention, it has only submitted its second report which was done in 2010. Mongolia stated that the absence of the other reports was due to lack of the number of officials working in the field, the time and inappropriate resource allocation.

Convention on Biosafety (Cartagena)

Mongolia stated in its 2nd National Report that domestic regulatory framework is partially in place. Mongolia has one permanent biosafety staff in the National Biosafety Committee, and government has allocated some budget for the committee. From May 2010, the Ministry of Nature, Environment and Tourism of Mongolia together with the Global Environment Facility (GEF) and the United Nations Program for Environment (UNEP) started the implementation of the Capacity Building for Biosafety Implementation for Mongolia Project. In 2011, the National Biosafety Committee was in the process of regulating the development regarding transit and contained use of living modified organisms (LMOs).

According to Mongolia, the main challenges it faces in the implementation of the protocol are the lack of general public understanding about LMOs; the lack of human and technical capacity including laboratories; and the lack of domestic regulations and guidelines. Risk assessment and risk management concepts are new to Mongolia, which creates a challenge for the implementation of Articles 15 and 16 of the convention. The institutional capacity exists but it is very limited. Lack of financial resources is the main obstacle for a better implementation of the protocol.

Conventions on Climate Change

Regarding the implementation of the Montreal Protocol, an import licensing and quota system is operational and will enable consumption reductions in line with the Montreal Protocol's phase-out schedule. A ban on the imports of HCFC-22 for use in extruded foam manufacturing is in place. Activities for the servicing sector have been developed with the participation of key stakeholders. Strengthening the training centres will ensure the long-term sustainability of the activities under the hydrochlorofluorocarbon (HCFC) phase-out management plan.

Mongolia ratified the UN Framework Convention on Climate Change (UNFCCC) in 1993 and the Kyoto Protocol in 1999. Mongolia submitted to the UNFCCC Secretariat its

Second National Communication in 2010. It still needs to finalise and submit its First Biannual Progress Report, which was due by the end of 2014.

Two national appropriate mitigation action (NAMA) projects, 'National Energy Efficient Lighting Program in Mongolia' and 'Transforming construction in Mongolia using Supplementary Cementitious Materials' were submitted to the UNFCCC NAMA registry seeking support for the implementation.

On 24 September 2015 Mongolia submitted its Intended Nationally Determined Contribution (INDC) to the 2015 Climate Agreement, which envisages a -14 % reduction of GHG emissions by 2030 compared to BAU scenario, excluding land use, land use change and forestry (LULUCF). Policies and measures that compose Mongolia's INDC related to the energy, industry, agriculture and waste sectors. Mongolia's INDC also has an adaptation component due to the country's high degree of vulnerability to climate change. It includes long and short-term adaptation visions, goals and targets and a summary of quantified adaptation needs.

Climate change is also addressed by Mongolia's 2010 National Action Programme on Climate Change, endorsed by the parliament in 2011 and which includes concrete measures in response to climate change covering all principal sectors of economy. Domestic legally binding legislation addressing climate change includes the green development policy (2014-2030), the state policy on energy (2015-2030), and national agriculture development policy (2010-2021), among others.

Conclusions

Mongolia systematically fails to comply with its reporting obligations under CITES, Basel and Stockholm Conventions, and its legislation does not fully meet the requirements for the implementation of CITES.

Mongolia referred in its reply to the scorecard to a number of initiatives, but there are no clear indications on the timeline for the implementation of these initiatives or clear guarantee that they will achieve the required objectives. Mongolia needs to provide more information and guarantees that it will take the necessary measures to effectively implement the CITES, Basel and Stockholm Conventions, and the Convention on Biological Diversity.

Mongolia complies with its commitments under the UN conventions on climate change. It has developed a comprehensive National Action Programme on Climate Change, and is developing a strong range of legislation to address climate change. Mongolia should be encouraged to continue such actions, and ensure their full implementation.

10.2.4. UN Conventions on Good Governance (conventions 24-27)

Status of ratification and reporting

Mongolia has ratified all GSP+-relevant conventions in the field of good governance, and maintains ratification.

Mongolia has not yet been appraised by the United Nations monitoring body (INCB).

As of January 2015, Mongolia was compliant with all requests for monitoring information from the monitoring body of the three core UN conventions on fighting illegal drugs (International Narcotic Control Board — INCB).

Mongolia ratified the UN Convention against Corruption in 2006. Monitoring is carried out by the UNODC Implementation Review Group, which published the executive summary of its most recent review on Mongolia in 2011.

Status of implementation of the conventions

UN Conventions fighting illegal drugs

Drug trafficking and abuse are not widespread in Mongolia, but continue to rise and draw the attention of the government. The government of Mongolia continues to implement the national programme for fighting narcotics and drugs adopted in March 2000. In response to the GSP+ scorecard (issued on June 2014), no shortcomings were announced by Mongolia.

Mongolia faces important challenges in combating narcotics trafficking due to weak public institutions and a lack of resources. Mongolia has not yet established a national programme and national committees on combating narcotic drugs and psychotropic substances. The lack of techniques for detecting narcotic drugs and psychotropic substances in Mongolian borders is also an important challenge.

The annual report of the International Narcotics Control Board (INCB) in 2014 noted that while the abuse of and trafficking in narcotic drugs and psychotropic substances in Mongolia are minimal, there are indications that Mongolia is being increasingly targeted by drug traffickers. This is particularly the case for the diversion and manufacture of ephedrine, from ephedra, which grows wild in Mongolia.

In the 2014 International Narcotics Control Board (INCB) report on precursors and chemicals frequently used in the illicit manufacture of narcotic drugs and psychotropic substances Mongolia was flagged for 2009, 2010, 2011 and 2013 as one of the governments failing to report as required under Article 12, Paragraph 12, of the 1988 convention.

UN Convention against Corruption

Mongolia participated in the Pilot Review Programme. The executive summary of the assessment is available publicly, but the full report is not. Mongolia is due to prepare a self-assessment on Chapters II and V in the near future.

Corruption remains a major problem in Mongolia, though it has not worsened in in recent surveys. The June 2015 Asia Foundation survey found that pessimism about corruption is increasing among citizens. Referring to campaign financing, 53 % of respondents said that campaign financing would not be ‘at all’ fair and transparent. Fall in voter turnout is another indicator of importance in this context.

On 11 August, a new law was passed in a closed door session, without the presence of the opposition parties, which would effectively grant amnesty to numerous politicians

under investigation. This would include former President N. Enkhbayar. However, the current president has partially vetoed the law. This veto will be discussed in parliamentary session as according to the Mongolian constitution, the vetoed parts should be annulled or amended.

No measures have been adopted with regard to Article 16 (bribery of foreign public officials) and some measures adopted are incomplete, including with regard to Article 15 (bribery of national public officials). Moreover, according to the UNODC review further legislative and regulatory improvements are needed, as well as institutional capacity building.

On the positive side, discussions of the national anti-corruption programme are on-going, after submission to parliament by the office of the president.

Conclusions

Mongolia faces significant challenges in combating narcotics trafficking due to weak public institutions and a lack of resources. In particular, techniques for detecting narcotic drugs and psychotropic substances should be strengthened. Mongolia is flagged by the INCB as a country failing to report according to its obligations under the 1988 conventions on drugs. Further action to implement Mongolia's commitments under the three UN conventions is required, including the development and implementation of a national plan or national committee to fight illegal drugs.

A wide range of legislative and regulatory improvements are needed for Mongolia to implement the UNCAC. In particular, the lack of measures on Articles 15 and 16 of UNCAC remains a major problem. Other specific priorities might include increased transparency in public service, public procurement, the judiciary, and business.

10.3. Trade and Economy

10.3.1. Trade Picture

In 2014 Mongolian exports to the EU amounted to more than EUR 75.6 million. This shows an increase in exports of almost 8 % in comparison with 2013. Mongolia’s main export products to the EU are textile and textile articles (worth almost EUR 50 million, or 66 % of total exports), mineral products, raw hides and skins, and other animal products.

Mongolian exports eligible for GSP+ represent 24 % of overall exports to the EU (or more than EUR 18 million), of which 82.5 % is actually utilised. GSP+ confers quite significant preferential margins over other countries. For example pullovers made of cashmere enjoy 0 % tariff from Mongolia instead of 15 % from China. In terms of actual gains for Mongolia in 2014, exports eligible for GSP+ have increased by more than 16 % in comparison with 2013. Figures show a high utilisation rate of the preferences: 82.5 % of them have been exported with GSP+ preference (worth EUR 15 million). The clothing, textile cashmere sectors are the main beneficiaries and users of the GSP+. The entire clothing sector is eligible for GSP+ preferences. Hence, 97 % of it is traded under

GSP+. Articles of leather, although a tiny portion of Mongolian exports (EUR 307 000), are also all traded with the GSP+ preference, but not used to its fullest potential.

Despite the economic difficulties that the country is currently facing, this is an excellent trend to be further encouraged, including by further help to the private sector to develop its capacity to use GSP+.

Nevertheless, it is important not to forget that Mongolia's economy relies essentially on natural resources exploitation (such as mining of ferrous minerals, coal, rare earths), with a high risk of 'Dutch disease'. It depends on a few export and import markets (China and Russia). The policy on foreign investment in mining sectors remains a key divisive issue. Despite positive growth rate (especially significant in 2010-2012), economic prosperity has not been inclusive and has not translated into a significant reduction in poverty. Mongolia ranks 103 out of 187 countries in the 2014 Human Development Index. Poverty is becoming entrenched, not only in rural areas, but also in urban centres.

10.3.2. GSP+ Statistics

Figures 10.1-10.3 below describe Mongolia's utilisation of the GSP+, in the context of its overall imports to the EU.

Source for all statistics: Eurostat data, as of September 2015.

Figure 10.1

Mongolia - Imports to the EU, 2012-2015					
Figures in thousand EUR	**2012**	**2013**	**2014**	**2015 (Q1-2)**	**Trend 2012-2014**
Total imports to EU	67,034	69,952	73,280	41,355	9.32%
GSP+ eligible imports	13,441	16,051	16,876	5,763	25.56%
GSP+ preferential imports	12,496	14,212	14,482	4,242	15.90%
GSP+ utilisation rate	92.97%	88.54%	85.81%	73.60%	-7.70%

Figure 10.2

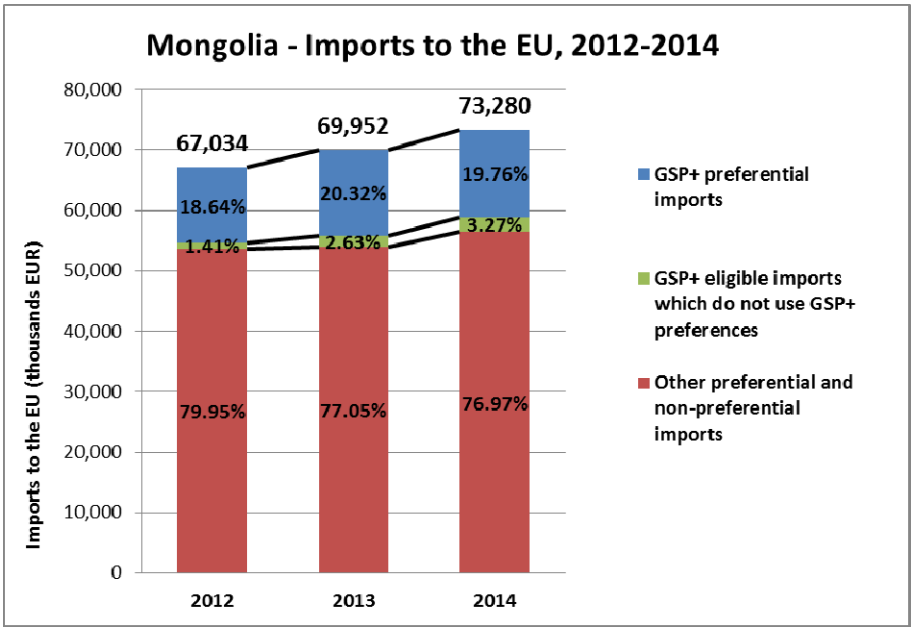
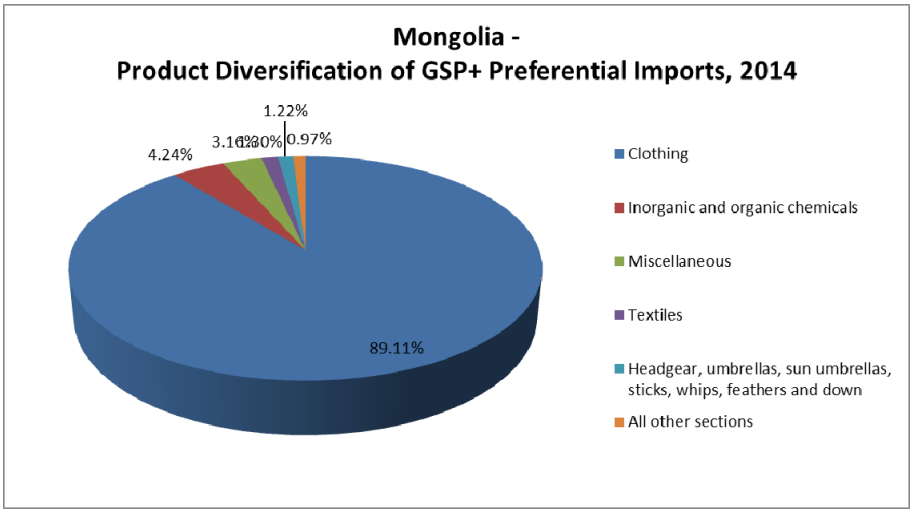


Figure 10.3



11. Pakistan– GSP+ Assessment

11.1. Country Overview

Pakistan is a culturally, economically and socially diverse and constitutionally complex country, with a population of nearly 200 million people. The applicability of the constitution and federal legislation and the jurisdiction of the Supreme Court (SC) vary between the different geographic units that make up the federation, as does the ability of provincial governments and authorities to respect, protect and promote human rights. For example, the Supreme Court has no jurisdiction over Azad Jammu and Kashmir, Gilgit-Baltistan and the federally administered tribal areas (FATA). Pakistan is facing considerable political, economic and security challenges and has limited public financial resources due to a narrow tax base and low taxation levels. It is prone to natural disasters and has in recent years been the victim of several earthquakes and severe floods.

Following the adoption of the 18th Constitutional Amendment in 2010, substantial power has been devolved to the provinces. This has created challenges, notably in terms of legislation, coordination and reporting. Although the provinces have received greater power in key areas for GSP+, their lack of capacity, including when it comes to collecting relevant data and statistics, remains a cause for concern. Basic information, such as the size of the population, the number of children going to school or the size and composition of the work force, is missing, and a national census is long overdue. At the same time, devolution offers opportunities to better adapt legislation and supportive measures to specific needs and realities. The government has established a GSP+ task force and treaty implementation cells (TIC) at federal and provincial level, with the task of coordinating monitoring and implementation. Awareness of GSP+ varies between provinces and sectors.

Pakistan is a fragile democracy, with the army ruling for more than half of the country's history. The year 2013 saw the first ever transfer of power from one democratically elected government to another. Over the last years, Pakistan has suffered a lot, as it has witnessed a deteriorating security situation, and the state and notably the military is heavily engaged in a 'war against terror'. Large-scale military and security operations have been launched in FATA and Karachi. In the framework of the national action plan to fight terrorism adopted after the terrorist attack against a school in Peshawar in December 2014, the parliament has also adopted constitutional and legal amendments, including a temporary widening of the mandate of military courts to try civilians accused of terrorism, and a lifting of the moratorium on executions in place since 2008.

While the menace of terrorism and the decision to fight it create constraints and may shift the attention to what some may consider to be more urgent issues, the need to respect, protect and promote human rights remains as acute as ever. The civilian leadership must be able to make the adequate policy decisions to ensure effective implementation of international and domestic commitments. Legislation adopted to protect citizens from violence and ensure the security of state institutions must not compromise human rights. Respecting, protecting and promoting human rights can be an effective tool to address root causes of extremism and militancy, e.g. by ensuring that all children, through access to education, become aware of human rights issues and grow up with tolerance and appreciation of plurality in terms of gender, ethnicity, nationality, religion or sexual orientation. Both terrorism and the fight against it — through military operations in

remote areas with little civilian oversight, poor and unequal rule of law, restrictions on media freedom, and shrinking space for civil society or restrictions on the individual rights of citizens — bring additional and specific human rights challenges that require immediate attention.

Pakistan hosts a large number of refugees and is a country of origin and transit of migrants to the EU. The EU-Pakistan Readmission Agreement has been in force since December 2010. Pakistan and the EU are currently discussing strengthening their cooperation to implement this Agreement.

11.2. Compliance with the GSP+ obligations

11.2.1. UN Human Rights Conventions (conventions 1-7)

Status of ratification and reporting

Pakistan has ratified all seven HR conventions listed in Annex VIII of the GSP+ regulation, and maintains ratification ([31]). The Convention on the Prevention and Punishment of the Crime of Genocide does not foresee country reports or a specific monitoring mechanism. After some delays, Pakistan is now up to date with its reports on CEDAW, CRC, ICCPR, ICESCR and CERD. Pakistan submitted its initial report on CAT on 4 January 2016.

A cross-cutting issue, not restricted to human rights, is the poor implementation and enforcement of legal safeguards provided for in the constitution and in domestic legislation. Problems related to implementation are multifaceted and include prejudice and entrenched stereotypes, for example on the role of women, running contrary to basic human rights, the weakness of state institutions (notably the police and the judiciary), and the legal uncertainties and capacity gaps emanating from the devolution of power through the 18th Amendment. Altogether, this means that the work done to adopt new legislation may not always translate into tangible improvement on the ground.

Status of implementation of the conventions

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

The measures taken by the government to implement ICERD include, among others, reserved seats for minorities in the senate, national and provincial assemblies and local government, strengthening the National Commission for Minorities, establishment of an independent national commission on human rights and inclusion of human rights education in school curricula. However, given that curriculum development falls under the purview of provinces, it is unclear to what extent measures to raise awareness,

[31] In 2011, in the period leading up to the granting of GSP+, Pakistan withdrew significant reservations on ICCPR (on Articles 6, 7, 12, 13, 18, 19 and 40) and on CAT (on Articles 3, 4, 6, 12, and 13). At the time of ratification, Pakistan made its accession to CEDAW subject to the provisions of the Constitution (reservation to Article 29).

incorporating educational objectives of tolerance and respect with a view of achieving true social cohesion — as recommended by CERD — have been taken.

International Covenant on Civil and Political Rights (ICCPR)

Serious concerns exist related to implementation of the **right to a fair trial** as enshrined in ICCPR, article 14. There are widespread allegations of the use of torture to extract evidence in violation of obligations under CAT. At the same time access to qualified legal representation for indigent defendants is very limited, making it difficult for them to mount an adequate defence. It is also reported that courts are susceptible to pressure or intimidation from powerful individuals and, in addition the practice of *Diyat*, allows those rich enough to pay restitution, and thus avoid legal repercussions.

Pakistan maintains the **death penalty** for a large number of crimes, some of which do not fall into the category of "most serious crimes" to which the death penalty should be limited according to ICCPR. It is estimated that Pakistan has more than 6,000[32] people on death row. In December 2014 a moratorium on executions in place since 2008 (with the exception of one case, where a soldier was hanged in 2012) was lifted – initially only for terrorist charges, later for all charges. The Pakistani Government argues that capital punishment is necessary to fight terrorism. By early December 2015, over 300[33] persons had been executed. Although many of those executed were sentenced by anti-terrorist courts the overwhelming majority were convicted for common, albeit serious, crimes.

The fundamental weaknesses of the police and the judicial system combined with the use of the death penalty carry a very high risk of irreversible miscarriages of justice. The decision to carry out executions could, therefore, result in arbitrary deprivation of life and be in breach of Pakistan's international obligations. Also, in a number of cases there is uncertainty about the age of the convicts; this is partly due to the absence of reliable birth registration in Pakistan. Execution of juveniles constitutes a continued violation of Article 6 of ICCPR and article 37 of CRC.

Under the 21st Amendment to the constitution and a further amendment of the 1952 Pakistani Army Act, military courts have been given jurisdiction during 2 years to try civilians accused of terrorism related offenses. A vague definition of 'terrorism-related offenses' is problematic and the criteria for transferring cases have not been made public. Moreover, hearings have been held in camera and verdicts have not been made public, making it impossible to ascertain if the defendants' right to a fair trial has been respected. While ICCPR does not prohibit the trial of civilians in military courts, it requires these trials to be fully in conformity with Article 14 (34).

The legality of the 21st Constitutional Amendment was challenged before the Supreme Court, which in a verdict in early August 2015, upheld the amendment, but stressed that all aspects of the military court system, including the rules of procedure, the selection of persons for trial and the verdicts themselves would be subject to appeal to the High

[32] In a speech to the Senate on 6 October 2015 Minister of State for the Interior, Mr Baleeghur Rahman, gave the figure of 6,016 death row prisoners nationwide. Other sources have quoted figures as high as 8,000.

[33] According the NGO, Human Rights Commission of Pakistan (HRCP).

[34] According to the General Comment 32 (by the Human Rights Committee) to Article 14 of ICCPR, this article also applies to military courts.

Courts and the Supreme Court. While not making up for the secrecy surrounding the military trials, this verdict provides some degree of legal safeguards for the defendants. Given the temporary nature of the 21st Amendment, Pakistan will need to take swift and decisive action to ensure that the civilian legal system stands fully equipped to address terrorist cases when these are handed back to civilian courts in 2017. During a visit to Pakistan in 2012, the UN Special rapporteur on the independence of judges and lawyers made a series of recommendations on the need for training of judges, lawyers and prosecutors. While no information on the follow-up to these recommendations is available, Pakistan refers in its ICCPR report (see para 30 of report) to training modules on human rights conventions. However, so far no follow-up to the recommendations of judicial reforms has been initiated.

Media, including social media, are more diverse and vibrant than in the past. On specific issues, they play an active role by stimulating debate and putting pressure on the government. However, despite constitutional provisions to protect the freedom of speech, thought, information and media, freedom of expression is under considerable stress. Threats, violence and killing of journalists are the most extreme examples, which reinforce the habit of exercising self-censorship. Pakistan steadily ranks between position 150 and 160 on the World Press Freedom Index ([35]). Fourteen journalists and media workers were reported to have been killed in Pakistan in 2014 ([36]). According to Reporters Without Borders, Pakistan remains one of the most dangerous countries in the world to be a journalist. It has been repeatedly confirmed that criticism of the military establishment is not tolerated. On 19 March 2014, the prime minister promised to appoint special prosecutors to investigate attacks on journalists. However, the appointment process has not yet been concluded. Pakistan has announced that a commission on the protection of journalists is in the process of being established.

According to information by civil society and UN sources, human rights defenders are also exposed to censorship, threats, violence and even murder. Two prominent examples are Rashid Rehman, a lawyer killed by gunmen in May 2014 for taking the case of a person accused of blasphemy and Sabeen Mehmud, a human rights activist killed in Karachi in April 2015, after having arranged a forum on disappearances in Balochistan.

Enforced disappearances remain a very serious concern, despite attempts made by the Supreme Court (SC) to investigate the matter. Reliable information is difficult to obtain, and accusations and counter-accusations are often heard against the security and intelligence agencies, militant nationalists (primarily in Balochistan and Khyber Pakhtunkhwa) and criminal organisations. While not denying that enforced disappearances occur, Pakistan insists that the real numbers are not as high as sometimes claimed. The government explains such phenomena as being linked to its war on terrorism and of the ensuing need to protect the population. Victims of disappearances are reported to go missing and sometimes re-surface, but no one is brought to justice for these crimes. A Commission of Inquiry on Enforced Disappearances was established in March 2010 and has examined some of the cases. This commission has located 982 people while 1 273 cases are still pending.

The Protection of Pakistan Act adopted in 2014 (replacing the Protection of Pakistan Ordinance) is a matter of concern in relation to disappearances, since it allows the

35 Reporters Without Borders, Freedom House.

36 Human Rights Commission of Pakistan, State of Human Rights in 2014, 142.

security forces to detain suspects without trial for prolonged periods of time and to keep them in secret detention facilities without informing their families or providing access to legal representation.

Freedom of religion and minority rights are being protected by the constitution and minimum quotas for minorities in public employment exist at federal and province level. Despite this, serious concerns remain about such critical issues as hate speech (including in Friday sermons), inter-sectarian violence, and negative stereotypes of ethnic or religious minorities in school textbooks. In 2015, as part of the national action plan against terrorism the government has taken some action against hate speech, including the arrest of a number of individuals responsible for inciting religious hatred. Intention has also been voiced to reform the madrassa system, but progress on this is limited.

Violence against religious minorities, including Ahmadis, other Muslim minority sects and Christians, was recurrent throughout the reporting period. Minorities' places of worship have on several occasions been the direct target of large-scale terrorist attacks. On 2 June 2014, the UN High Commissioner for Human Rights called on Pakistan to 'stop faith-based killings'.

A SC ruling of 19 June 2014 on the rights of people belonging to minorities directed the government to set up a national council for minorities' rights, develop appropriate curricula to promote religious and social tolerance, take measures against hate speech, and establish a special police force to protect the places of worship of minorities. A national commission of minorities was established in 2014 under the Ministry of Law, Justice and Human Rights. The commission has been tasked with developing a national policy on inter-faith harmony, look into grievances by members of any minority community, including individual complaints, and make recommendations to the government.

Sections 295 (B) to 298 (C) of Pakistan's penal code, often referred to as the blasphemy law, are frequently misused to settle personal animosities or to seize property. While Section 193 of Pakistan's penal code makes the culprit of false and fake evidence liable to be punished with 7 years' imprisonment, there is no known case where this section has been successfully applied to somebody making false allegations under the blasphemy law. It is highly questionable whether blasphemy could be seen as falling under the category of most serious crimes for which the death penalty may be allowed in accordance with ICCPR. Since 1990, at least 60 persons have been murdered after being accused of blasphemy. At present, 17 persons convicted of blasphemy are on death row, while 19 others are serving life sentences ([37]). Many persons convicted of blasphemy are kept in detention for long periods waiting for a trial. Because of the fear of reprisals, lawyers are very reluctant to defend a person accused of blasphemy. In addition, the mere existence of the law seems to promote a culture of hatred and fear, whereby even making public statements about the possibility of amending the legislation has proven extremely dangerous.

Misuse of the blasphemy law has continued largely unabated. In a SC ruling in October 2015 the court recognised this and declared that it is the obligation of the state to ensure that no innocent person is compelled or constrained to face an investigation or a trial on the basis of false or trumped up allegations regarding commission of such an offence. It

[37] Human Rights Watch, World Report 2015.

further ruled that criticising the misuse of the blasphemy laws and calling for introduction of legal safeguards does not constitute blasphemy.

Some measures have been introduced to strengthen the procedural safeguards against misuse of the law. For example, no officer below the rank of superintendent of police shall investigate the offence against any person alleged to have committed offence under Section 295 (C) of the penal code.

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

Pakistan ratified the ICESCR in 2008 and submitted its first report to the Committee on Economic, Social and Cultural Rights in October 2015. The review by the committee has not yet taken place. Many challenges remain in the area of economic, social and cultural rights.

With regard to the obligation to ensure equal rights of men and women in Article 3 of the Covenant some progress has been made, but considerable shortcomings persist. There is still a wide gap between men and women when it comes to access to education, as well as participation in the labour market and representation in political life. Further information can be found below in the section dealing with the CEDAW.

Likewise, in relation to Article 10 concerning marriage of free will, protection of mothers before and after childbirth and protection of children, including from economic exploitation, important problems can be noted. These relate inter alia to practices of forced marriage, poor maternal health and prevalence of child labour, including in its worst forms. Further details are included in the section on the CRC.

Article 12 enshrines the right to health. However, basic health indicators in Pakistan remain poor. According to WHO statistics, life expectancy at birth is 65, the infant mortality rate is 69 per 1 000 live births and the under-five mortality rate is 86 per 1 000 live births. With regard to the right to education in Article 13 it is noted that the net primary school enrolment rate in 2013-14 was only 57%. There is a significant gender gap with an enrolment rate at national level of 60% for boys and 53% for girls. This gap is considerably wider in some provinces; Balochistan scoring lowest with only 30% enrolment for girls. The low enrolment rates may be attributed to lack of access to schools, costs associated with books or uniforms, the need for children to engage in work to help the family, or in the case of girls, religious, tribal or cultural prejudices.

In the report, Pakistan outlines steps taken to promote the progressive realisation of the rights enshrined in the covenant. These include drafting of new legislation to protect women and promote their rights, actions against forced marriage and child labour and increased spending in the health sector. On education, the Government has also committed to increase spending from 1.8% to 4% of GDP, but this has yet to materialize. Capacity-building and human rights awareness raising will also be needed to achieve implementation of the obligations under the covenant.

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

Violence and discrimination against women is frequent, with reports of domestic abuse, rape and honour killings. Brutal violence against women remains widespread, with 70

cases of acid attacks in 2014 and 30 cases in January-May 2015 reported to the Acid Survivors Foundation, although the real numbers are likely to be higher due to lack of reporting. The Human Rights Commission of Pakistan, a local NGO, assessed a total of 159 acid attacks in 2014. In 2014, there were 923 reported cases of 'honour killing' ([38]), out of which 82 targeted minor girls. Women are subject to widespread discrimination, in the home, the educational system and the workplace and lag far behind men in virtually all social indicators, including education and health. They also have special difficulties obtaining recourse through the justice system, because of gender biases and the practice of *Diyat*. The overall situation for women tends to be better in urban centres and higher social strata.

A significant effort was made in 2010-2012 to adopt new legislation in the field of rights of women, which in many cases represents considerable progress. Examples include the Domestic Violence Act (2012), the Elimination of the Custom of Ghag ([39]) Act (2012) and the Punjab Protection of Women against Harassment at the Workplace Act (2012). More recently, legislative efforts have primarily focused on the provincial level, with examples such as the Khyber Pakhtunkhwa Elimination of Customs of Ghag Act (2013), the Sindh Domestic Violence Act (2013) and the Balochistan Domestic Violence Act (2014). As in other areas, implementation has so far been a problem.

Efforts to empower women are also made through policy initiatives, such as the Benazir Income Support Programme, the Punjab Education Fund and the Punjab Self-Employment Programme. Quotas are also used to encourage women to apply for public employment or to engage in politics. By way of example, 17 % of the seats in the national assembly and 33 % of the seats in the provincial assemblies are reserved for women, whereas 10 % of the public jobs at federal level are reserved for women in addition to the jobs they can apply for on open merit. In July 2006, the SC called for effective implementation of the quota in public employment. There is no female judge in the SC. Despite quotas, men still occupy more than 80 % of the seats in the senate and more than 75 % of the seats in the national assembly. A national commission on the status of women (NCSW) was established in 2012, through the Status of Women Act. The government has announced the strengthening of the NCSW, which is known to be underfunded, and it only received a small number (48) of individual complaints between January 2013 and August 2014. An inter-provincial ministerial group (IPMG) for women development has been constituted.

Despite some positive developments, the rights of women remain an area of very serious concern. Major international studies on gender equality rank Pakistan at the bottom of their charts. The Gender Gap Index 2013 of the World Economic Forum has Pakistan as number 135 out of 136 countries (down from 112 in 2006).

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

Although Pakistan ratified CAT in 2010, the practice of torture and cruel, inhuman and degrading treatment and punishment persists in the country. The penal code does not define torture in line with the definition of CAT, and legislation to implement CAT has

38 Human Rights Commission of Pakistan, State of Human Rights in 2014, 218.

39 Ghag refers to the public compelling or demanding by force the marriage of a woman without her free consent or that of her parents.

not yet been enacted, although a draft torture, custodial death and custodial rape bill is currently being discussed. Reports from various civil society organisations ([40]) provide information about torture and cruel, inhuman, degrading treatment and punishment — both absolutely prohibited under the CAT — being widely used during the investigative process to obtain a confession or information, as well as in detention facilities as a form of punishment. Such practices have been confirmed by Faisalabad District Standing Medical Board (DSMB), which was set up to conduct medical examinations in response to allegations of torture. The DSMB found conclusive signs of abuse in 1 424 of 1 867 cases examined.

Current legislation does not provide meaningful redress for victims in line with Article 14 of CAT including restitution, rehabilitation, satisfaction and guarantees of non-repetition. Pakistan has failed to provide any substantial information about action taken to address this very serious issue. As an example there is no information available suggesting that anyone has been prosecuted for torture in any of the 1 424 cases identified by the DSMB.

There is in many cases — including for persons sentenced to the death penalty — evidence suggesting the use of torture to extract confessions. Investigations into these cases are not always carried out properly or sometimes not at all, which constitutes a violation of Article 12 of CAT.

Convention on the Rights of the Child (CRC)

According to estimates, more than 40 % of Pakistan's population is under 18 years of age. The Pakistani authorities have taken measures to address children's rights, but significant difficulties and capacity challenges remain. Several laws have been adopted in recent years, most of them before GSP+ was granted. One example of more recent legislation is the Sindh Rights of Children to Free and Compulsory Education Act (2013). Other legal bills are pending adoption, which is often a lengthy process. The Child Marriage Restraint Amendment Bills (Balochistan and Khyber Pakhtunkhwa) and the Prohibition of Corporal Punishment Bill (2014) are some examples. As in other areas, much greater emphasis will have to be put on implementation. Two examples among measures introduced to respect, protect and promote children's rights are the National Child Protection Centre and 'Sweet Homes'. The establishment of a national commission on the rights of the child, a requirement according to CRC, has been debated since 2001.

Lack of access to education and healthcare for children remains a serious problem. Education was made a fundamental right in 2010 ([41]), and a national plan of action (2013-2016) to accelerate education-related MDGs was adopted in September 2013. A commitment by the prime minister at an international conference on education in Islamabad in March 2014 to raise spending on education from 1.8 % to 4 % of GDP by 2018 should be welcomed. Despite this, 25 million children are still out of school in Pakistan, 55 % of whom are girls. Attacks on school buses and schools, in particular girls' schools, have continued in some parts of the country. Punjab has set a target of 100 % sustainable enrolment at primary level for 2018. While access and enrolment are two important objectives the quality of education is also crucial. In the concluding

40 Various reports by the Human Rights Commission of Pakistan, the Justice Project Pakistan, Amnesty International and Human Rights Watch.

41 Article 24.a. of the constitution.

observation 81b of the CRC report (CRC/C/PAK/CO/3-4), Pakistan was asked to 'take concrete action to eliminate teaching religious or sectarian intolerance; promote human rights, human rights education, including children rights, peace, tolerance and dialogue between different religions and beliefs' (Article 29 of the convention).

Sexual exploitation of children remains a serious problem throughout Pakistan, although difficult to document and largely absent from the public debate. Child and forced marriage, sometimes combined with forced conversion, constitutes a specific and widespread problem. Abductions continue, often of under-aged Hindu or Christian girls. Judicial courts are reported to admit the testimony of under-aged victims even when these speak clearly under duress. As a result, defendants are almost always acquitted and victims declared to have spontaneously eloped. This leads to court rulings that victims must remain with their captors pending judgment; kidnappers are seldom punished; the police often refuse to register such cases. As positive developments in terms of legislation, the Sindh Child Marriage Restraint Act (2013) was passed in 2013 to prevent forced marriages, and in May 2015 the Hindu Marriage Act was passed with the aim to seek an end to forced marriages of Hindu girls. In March 2015 Punjab enhanced punishments for the parents of wedded children and introduced a fine for the religious minister overseeing such ceremonies.

Pakistan is one of the countries with the highest prevalence of child labour. However, there is a growing political will to address the problem (see below).

With respect to the death penalty (see above), in a number of cases it is uncertain whether convicts were under eighteen when they committed the crimes they were convicted of. In such cases, executions constitute a violation also of Article 37 of CRC.

Future actions and priorities

A framework is gradually being put in place with key institutions designed to respect, protect and promote human rights. Many of these are still finding their way in terms of filling their mandate with real content or having the staff, offices and equipment they need to be able to work effectively. After the adoption of the National Commission for Human Rights Act in 2012, the commission was established in May 2015 with the appointment of its chairperson and members. It has the powers to take suo motu action on cases of violation of human rights, and has begun its work although still severely hampered by lack of resources and staff. A commission on the status of women was established in 2000, but it is still seriously underfunded. A proposal for the establishment of a commission on the rights of the child is still under discussion.

The role of the SC also merits mentioning, by way of two examples referred to above — the ruling on the rights of persons belonging to minorities and the decision to look into the 21st Amendment. The SC has established a human rights cell to receive complaints and following this example similar cells have also been established at the high courts throughout the country. The government has made some efforts to make human rights more accessible by translating all the UN human rights conventions into Urdu.

Pakistan has announced that a national action plan on human rights has been drafted and is awaiting approval by the prime minister. It reportedly consists of six thematic areas: (i) policy, legal reforms and access to justice, (ii) strengthening national human rights institutions, (iii) implementing key human rights priorities, (iv) human rights education

and sensitisation, (v) implementation of international treaties, and (vi) implementation and monitoring.

Adopting such a framework would be a significant step forward in terms of demonstrating real commitment to human rights, and would facilitate a more structured dialogue with the EU. Such an action plan should give a clear indication of priorities, responsibilities for implementation (at federal and provincial levels), expected 'deliverables', and resource allocation to ensure success, over the next few years. It would need to focus on interventions which are realistically achievable, the realisation of which can be objectively ascertained and which can improve the implementation on the ground of international obligations.

As priorities beyond 2015, Pakistan has indicated its intention to implement the national action plan, to build the capacity of the treaty implementation cells, to improve coordination with relevant stakeholders at federal and provincial level, to carry out a gap analysis to design legal, administrative and policy measures required to implement ICCPR and to consider legislation on the right to information in Balochistan and Sindh (legislation already being in place in Khyber Pakhtunkhwa and Punjab).

Conclusions

While the authorities have launched a number of constructive initiatives, human rights violations remain widespread in the country despite some of the initiatives underway.

Progress has been made in strengthening the institutional framework for human rights, including by establishing a National Commission for Human Rights and a series of other institutions, and establishing the GSP+ Treaty Implementation Cells. The EU remains willing to offer technical assistance, to support such institutions. The attempts by the Supreme Court to play an independent role, efforts by authorities to facilitate access to information about human rights, and the important role civil society plays in promoting human rights both domestically and in international forums should be acknowledged. Some progress is also seen in legislation, both at federal and provincial level, notably on children's and women's rights. During this monitoring period, Pakistan made commendable efforts and submitted all due reports on the human rights conventions.

Poverty, feudalism or a tribal culture in different parts of the country, entrenched discrimination of women, wide-spread ethnic intolerance, religious and militant extremism, and a powerful military highly involved in politics are some of the root causes of human rights abuses. A sense of impunity prevails, due to weak institutions and lack of awareness.

The situation of women remains a serious concern, but some progress was made to adopt new legislation in the field of rights of women.

In addition, the fight against terrorism has created new human rights challenges that need to be urgently addressed. Respecting, protecting and promoting human rights can be an effective tool, in the medium term, to address root causes of militant extremism. A number of developments that occurred during the period since GSP+ was granted are

matters of serious concern. The over 300 executions carried out since the lifting of the moratorium, raise questions concerning likely violations of ICCPR, CAT and CRC, with respect to executions of juvenile defenders, denial of fair trial, and the systematic use of torture. The selective transfer of civilian cases to military courts without clear criteria, without information about the procedures, and with non-transparent court hearings, is another serious source of concern, notably with respect to the obligation to provide fair trial, as affirmed under ICCPR. Other areas where the situation has remained particularly worrisome over the last 2 years relate to torture and the failure to protect journalists and human rights defenders. In other areas, grave human rights violations including extra-judicial killings, enforced disappearances and failure to protect minorities continue to occur. The Pakistani authorities should make significant efforts to comply with their international obligations.

Lack of capacity and awareness continue to hinder the full implementation of Pakistan's international commitments. The devolution of power to the provinces following the 18th Amendment has created challenges but also opportunities for taking action. Pakistan's intention to adopt a national action plan on human rights is a step in the positive direction but needs to be followed by effective progress. The successful implementation of such a policy framework will depend on a strong institutional framework, adequate resource allocation and political will. The intention to develop a policy on minorities — also in line with the SC recommendations — must be welcomed and action in this area should be supported.

11.2.2. ILO Labour Rights Conventions (conventions 8-15)

Status of ratification and reporting

Pakistan has ratified all eight International Labour Organisation (ILO) core conventions, and maintains ratification. Pakistan complies with all its reporting obligations under these conventions.

Status of implementation of the conventions

Pakistan is estimated by ILO to have the ninth largest workforce in the world, but a relatively low labour marked participation rate, with only 51 % of the population aged 15-64 employed, totalling around 60 million. Most employment is found in the informal sector (estimates range between 70 and 80 %, and formal employment is limited to a few sectors, in particular oriented towards exports, including textiles, leather and footwear. In the informal economy agriculture is by far the largest source of employment. The rate of unionisation is very low.

Pakistan has ratified 36 ILO conventions, including the eight core ILO conventions which are in the scope of GSP+ monitoring. Following the adoption of the 18th Amendment to the constitution in 2010, the responsibility for implementation of labour standards has been devolved to provincial labour departments, with the federal oversight allocated to the Ministry for Overseas Pakistanis and Human Resource Development.

This has required the enactment of a large number of provincial labour laws. Until this process is complete existing federal labour laws remain in force at provincial level.

The work to approve new provincial legislation is substantial, but considerable progress has been made. A total of 55 new laws have been drafted in the four provinces. Out of these, 23 have been approved, while the rest are in different stages of legislation. The largest and most populous province of Punjab and the province of Khyber Pakhtunkhwa have made the best progress, while the provinces of Sindh and Balochistan are lagging somewhat behind. However, key pieces of legislation such as the industrial relations act have been approved in all provinces.

At a federal level the government in 2010 issued a national labour policy. Some of the listed priorities included: preserving workers' rights to form unions, improve labour productivity, strengthening social insurance schemes, abolish bonded labour and eliminate child labour. However, this was to a large extent overtaken by the decision to devolve responsibilities to the provinces, and now the provincial labour departments have or are in the process of developing policies in various areas, to support implementation of new provincial legislation.

Implementation remains a problem for all laws and policy areas in Pakistan. For the labour laws a system of labour inspection has been put in place, with adoption of a labour inspection policy and labour protection policy in 2006, but results have been limited. Only about 340 labour inspectors cover the entire Pakistan and they have been accused of corruption and of collusion with employers. Efforts have recently been initiated to strengthen the system with a significant investment in equipment and training for labour inspections with assistance from ILO and the Netherlands.

Pakistan is covered by the ILO technical cooperation framework Decent Work Programme (2010-2015). Through this programme, ILO together with competent federal and provincial authorities have identified a series of key interventions into four broad priority areas: (i) labour law reform, (ii) human resource development with a focus on employable skills, (iii) social protection, including in the informal economy and (iv) promotion of tripartite consultations and social dialogue. The government is with ILO actively pursuing the next generation of this programme for the period 2016-2020.

Freedom of association and collective bargaining (Conventions 87 and 98)

Concerns have been expressed in Pakistan on a number of areas related to freedom of association and collective bargaining both by the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), and by trade unions.

These have included legislation excluding employees in certain public sectors and 'essential' service sectors from forming unions, including agriculture, health, education, banking, security and employees in special economic and trade zones. Concerns have also been expressed that while unions in principle can be formed in the large informal sector there is an absence of a legal framework regulating unionisation and collective bargaining in this sector, since the Federal and Provincial Industrial Relations Acts only covers the formal sector.

Trade unions have also highlighted that many workers in the formal sector do not receive legally required appointment letters, making them unable to join unions or register for

social benefits. Other complaints include complex and restrictive registration procedures, lack of capacity of the provincial labour departments to ensure proper registration, instances of collusion between employers and registrars, including by registering false unions, and some instances of intimidation and even violence against workers to dissuade them from forming or joining unions or striking.

However, the last few years have seen what appear to be genuine efforts on the part of the federal and provincial governments to begin to address the shortcomings. The fact that many stakeholders within Pakistan as well as international delegations have highlighted the potential benefits of GSP+ might have played an important factor in this development.

In 2012 the national assembly passed a federal industrial relations act to close a vacuum created by the 18th Amendment, re-establishing the National Industrial Relations Commission (NIRC), the apex body that adjudicates trans-provincial industrial disputes and deals with the registration of national industrial and trade union federations. The federal government also formed tripartite consultative councils, which have met regularly both and federal and provincial level to discuss key labour market issues. Other tripartite mechanisms such as the Workers Welfare Fund and Provincial Minimum Wage Boards are also in place. It has also been indicated that a forum for bilateral discussions between workers and employers (WEBCOP) have proved increasingly effective.

At provincial level there has also been some forward movement. Provincial industrial relations acts have been adopted in all four provinces. The Punjab IRA initially included a restriction on the formation of unions to factories with more than 50 employees, but this has since been removed. The Sindh IRA has included the agricultural workers and workers in the fisheries sector, which is another positive development since GSP+ has come into effect. Regulation and unionisation is also making progress in other parts of the informal economy, as legislation and implementation policies are under preparation in Punjab for both home based workers and domestic workers. The first union for domestic workers in Punjab has already been registered.

Meanwhile, there are serious efforts by the workers movement in Pakistan to overcome its weaknesses from the past, with improved coordination and cooperation between different trade union federations. Hitherto the picture has been somewhat fragmented, with a large number of factory-based unions and a total of 14 trade union federations at the national level. Now, the Pakistan Workers Confederation has been formed comprising the most important trade union federations. GSP+ has provided a framework for the unions to come together to discuss the implementation of social standards and to develop strategies for a stronger unionisation.

Forced labour (Conventions 29 and 105)

Pakistan ranks third in the world on the 2014 Modern Slavery Index. Bonded labour is common in various sectors of the economy, most notably agriculture and brick kilns, but also carpet weaving, fisheries, mining and likely other sectors. Brick kilns, which are located on the outskirts of most major cities and towns in Pakistan, operate almost exclusively on the basis of debt-bondage.

Geographically speaking, the most widespread problems are found in the southern Sindh and Punjab, but anecdotal evidence suggests that bonded labour exists in all four provinces. There are currently no reliable statistics on the number of bonded labourers.

Some estimates suggest that there are over one million men, women and children employed as bonded labourers in brick kilns and that over 1.8 million sharecroppers (agricultural workers) are bonded to landlords in Pakistan.

The Committee of Experts has urged Pakistan to take the necessary measures to ensure that each of the provinces adopts legislation aimed at eliminating bonded labour and implements the legislation effectively. The Committee of Experts has also urged Pakistan to discard with laws which give the authorities wide discretionary powers to order the dissolution of associations, subject to penalties of imprisonment which may involve compulsory labour.

Progress has been made in the preparation of provincial legislation. The Khyber Pakhtunkhwa Bonded Labour System (Abolition) Act was passed in 2015. It prohibits slavery and debt bondage and regulates matters leading to this. The Punjab Bonded Labour System (abolition) Act is in the last stages of approval. Baluchistan and Sindh are currently drafting similar legislation. New policies covering the informal sector, such as the Punjab labour policy for home based workers and the new union for this group may also contribute to the improvement in the situation for bonded labourers.

In a speech on first May the Chief Minister of Punjab pledged to eradicate bonded labour and child labour from the province. To this end the provincial labour department has begun implementation of a USD 50 million project funded by its own resources addressing the problem in brick kilns and the agricultural sector. The provincial government of Balochistan has decided to implement a similar project and has set aside USD 400 000 from its own budget and sought funding from the federal government and support from ILO to further expand this effort.

Worst forms of child labour and minimum age for work (Conventions 182 and 138)

No dedicated child labour survey has been carried out in the Pakistan since 1996 (when it was estimated that there were 3.3 million underage labourers in the country). However, all available evidence indicates that the incidence of child labour is still considerable despite, most likely, showing a declining trend in recent years. A higher share of boys is estimated to be involved in child labour, especially in the 10 to 17 age bracket and in the provinces of Balochistan and Sindh. Reliable data is also not available either on the situation of hazardous child labour or the worst forms of child labour. However, it is relatively certain that this takes place across the country, in particular in the agricultural economy and in brick kilns.

The Committee of Experts has urged Pakistan to effectively guarantee the prohibition of employment of children less than 14 years of age in all provinces, and also less than 18 years of age in hazardous types of work.

Progress is being made to address these problems. The federal government has established a focal person in the Ministry of Overseas Pakistanis and Human Resource Development (responsible for labour market issues at the Federal level) to (i) develop an inventory of all previous work done on child labour (and bonded labour) at federal and provincial level, (ii) develop a national strategy for the elimination of child labour in Pakistan and (iii) advocate with the provincial governments to adopt the necessary provincial legislation and to conduct local child labour surveys.

A federal law is in place that prohibits some forms of child labour (Employment of Children's Act (1991)), but provinces are working to adopt provincial legislation to fully meet international obligations. The government of Khyber Pakhtunkhwa has adopted a law on elimination of child labour and allocated funds to improve labour inspections with a special focus on child labour. In Punjab the bill is pending in cabinet, after which it will be submitted to the provincial assembly for approval. Legislative action is still pending in Sindh and Balochistan.

In terms of programmatic support the government of Punjab has initiated a 'crash' programme to eliminate all child labour from brick kilns in the province. Implementation is underway. The USD 50 million project to eliminate bonded labour and child labour and the smaller sister programme in Balochistan mentioned in the previous section are also expected to make a significant contribution to addressing the problems of child labour in Pakistan, and can serve as important models for similar activities in other provinces.

Elimination of discrimination (Conventions 100 and 111)

In the area of equal opportunity and treatment in employment, considerable gender inequalities between men and women persist. Substantial challenges include lack of access to better employment, with a growing and significant share of women working in the low productivity agricultural occupations, lack of education and employment opportunities for women workers and ensuring equal pay for work of equal value. The absence of any legal framework for ensuring equal remuneration for men and women outside of public sector employment represents an important gap that has been noted with disapproval by the Committee of Experts.

However, this is an area where there is also progress to report. The federal government has developed a 'model law' against discrimination and has carried out tripartite consultations on this in all four provinces in 2015. The intention is to submit legislation based on the model law to each of the provincial assemblies for legislation in the near future. The Federal Ombudsman's Secretariat, Pakistan Workers Federation and the Employers Federations of Pakistan also organised a series of training/seminars and awareness raising sessions with duty bearers resulting in effective use of existing online complaint mechanism on sexual harassment at the workplace.

All four provinces have nominated gender focal persons within the departments of labour to work with relevant departments and coordinate efforts around gender issues.

As a result of the government of Punjab's tripartite deliberations a draft domestic workers policy has been formulated. This policy is expected to inform the on-going legislative process. The first domestic workers trade union in Punjab, formed in 2015, is comprised of 90 % women workers, and 95 % of the office bearers are also women. Piloting day care centres in the workplace, establishment of a provincial commission on the status of women and a fair representation of women act (2014) are other new initiatives put forward by the provincial government of Punjab.

The Higher Education Commission is working to mainstream gender in the business and media curricula of the nine national universities. Approximately 750 media journalists/editors have been trained on gender-sensitive reporting, non-discrimination and issues of women in the world of work. This can further assist the on-going trend that

the Pakistani media increasingly is highlighting issues of discrimination and sexual harassment at the workplace through gender-sensitive reporting.

Future actions and priorities

Despite some good progress, Pakistan continues to be confronted with a number of pressing issues with regard to protection of labour rights. This relates to both the adoption of the still outstanding legislation at provincial level and most importantly to improving the implementation of existing and new legislation. This pertains to all areas of the eight conventions. Trade union density and collective bargaining coverage remain very low. Only a small fraction of labour is unionised in Pakistan, and there are still significant challenges for the unions to register and to freely promote the rights and interests of their members, including through strikes. While bonded labour is illegal in Pakistan, there are still millions enslaved according to the 2014 Global Slavery Index. In addition, child labour is prevalent in all provinces; in Khyber Pakhtunkhwa alone there are approximately 1.5 million children labourers according to the Society for the Protection of the Rights of the Child (Islamabad). The gender gap also remains significant, and action is required to improve women workers rights. The priority should be to stay the course and to strengthen the on-going efforts demonstrated in the first 2 years of GSP+ implementation to address these shortcomings.

Conclusions

Despite the many challenges it must be concluded that in the last 2 years considerable and increasing efforts have been demonstrated by the federal government and the provincial governments to improve labour laws and their implementation across the country. This assessment is shared by the ILO country office in Pakistan, which is working closely with all actors. While no proof exists, anecdotal evidence suggests that GSP+ has been an important incentive for all actors to further promote compliance with ILO standards. The government, the employers and the trade unions have welcomed GSP+ as a useful instrument and it seems to have improved cooperation and dialogue among all parties on the labour market. Efforts at provincial levels, especially in Punjab, should be recognised. At the same time, these need to be sustained to address the still serious challenges. Part of this effort should be to address the discrepancy between the implementation from province to province, allowing those provinces who are currently lagging behind to catch up.

11.2.3. UN Conventions on Environmental Protection and Climate Change (conventions 16-23)

Status of ratification and reporting

Pakistan has ratified all GSP+-relevant conventions on environmental protection and climate change, and maintains ratification. Pakistan complies with all reporting requirements, with the exception of:

- CITES — lack of compliance (biennial reports for 2003-2004, 2005-2006, 2009-2010);

- Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and Their Disposal — lack of compliance (reports for 2008, 2010 and 2011 due);

- Cartagena Protocol on Biosafety — 1st and 3rd National Reports due;

- Stockholm Convention on Persistent Organic Pollutants — non-compliant (no reports submitted to date).

For full details please see the annexed table.

Status of implementation of the conventions

Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)

Pakistan has a rich biodiversity and flora and fauna, but this is under increasing pressure from a rapidly growing population, economic development and climate change. The CITES convention was signed and ratified by Pakistan in 1976. In 2012 Pakistan enacted the Pakistan Trade Control of Wild Fauna and Flora Act, which serves as the primary implementing legislation for CITES. The 2012 act places restrictions on the export, re-export or import of specimens listed in the appendix to CITES through a system of permits/no-objection certificates and creates offences relating to the same. The 2012 act further establishes a management authority and scientific authorities to ensure implementation. The Ministry of Climate Change is designated as the management authority.

At the 65th meeting of the CITES Standing Committee in July 2014 Pakistan was listed under the category of countries requiring attention as a priority with regard to the need to enact a legislation complying with CITES requirements. It was remarked that the law had been enacted and that implementing regulations were under development. There was an agreement between Pakistan and the Secretariat on a revised legislative analysis. In May 2015 Pakistan was identified by the CITES Secretariat and UNEP as one the 17 countries that require attention as a priority for strengthening their legislation to implement the CITES Convention. The Ministry of Climate Change has informed that the work to develop implementing rules and regulations is making good progress with assistance from IUCN and that this is expected to be finalised by end 2015. The CITES Secretariat reported in December 2015[42] that, while Pakistan has taken step towards preparing new legislative provisions to implement CITES, the country remains in a situation of non-compliance and needs to accelerate its efforts to enact adequate legislation by the 67th meeting of the CITES Standing Committee in September 2016.

Pakistan is a member of the regional network SAWEN (South Asia Wildlife Enforcement Network). Pakistan's customs authorities closely collaborate with provincial wildlife departments and during the last year, 2014/2015, were able to confiscate a number of consignments of CITES-listed species, which were to be exported/imported illegally. The main part of the intercepted consignments seems to have been of turtles and certain types of snakes. These consignments were rehabilitated back

[42] https://cites.org/sites/default/files/eng/com/sc/66/E-SC66-26-01.pdf

to the wildlife of Pakistan. Community-based wildlife management is also being promoted, through a scheme for trophy hunting of ungulates implemented by the provincial authorities in collaboration with the CITES Management Authority. The local communities get 80 % share of the revenue generated, which is used for social uplift, while 20 % goes to the provinces for administration.

In recent years there has been controversy surrounding the import/export of falcons and the hunting and export of the rare Houbara bustard. Pakistan has informed that it only issues permits in line with the CITES Secretariat Guidelines. Pakistan has also informed the CITES Secretariat in April 2015 that it had not issued export permits for specimens of peregrine falcons (*Falco peregrinus*) and saker falcons (*Falco cherrug*) during 2014. In August 2015, the Supreme Court of Pakistan has banned the hunting of the Houbara bustard. The provincial government of Khyber Pakhtunkhwa has implemented this ban in provincial law while this is still not the case in Balochistan.

Basel Convention

Pakistan acceded to the Basel Convention in July 1994 with no reservations. The amendment to the convention (Decision III/1) has not yet been ratified, but Pakistan has informed that it is in the process of consultation with relevant stakeholders on this. The Pakistan Environment Protection Act 1997 is the national legislation that controls movements of hazardous wastes and their disposal. Sections 13 and 14 of the act ban the import of hazardous waste into Pakistan and its export in any form (including transit). Hazardous waste rules (2003) are in place that lay down safety precautions for transportation and storage of hazardous substances and gases.

Pakistan has a sizable shipbreaking industry concentrated mainly in the coastal area of Gaddani in Balochistan province. The Basel Secretariat has in 2015 funded a project on hazardous waste generated by this industry. The project focused on developing the downstream hazardous waste management capacity. Under this project incremental steps are taken to improve environmental and worker health and safety standards in the industry, particularly at the recycling facilities themselves. The ship recycling process cannot be environmentally sound unless a suitable downstream infrastructure for the hazardous and other wastes arising from ship recycling is established.

Another area of focus is the import of scrap/waste tyres for fuel. Pakistan in 2013 issued an import policy and developed guidelines for the import and use of waste scrap tyres as tyre-derived fuel, which is used particularly by the cement industry. Import licenses for scrap/waste tyres are required and Industrial visits are conducted by the Ministry of Climate Change and Environmental Protection Agency officials in the provinces and the use of scrap/waste tyres for fuel are thoroughly checked. Other planned activities include the formulation of a national waste management policy, which will ensure environmentally sound waste management in Pakistan, and a project for environmentally sound management of electronic waste in Pakistan.

Convention on Biological Diversity

Pakistan has one of the world's most varied ecosystems ranging from the Arabian Sea to peaks of the Himalayas in the North. The diverse topography and climatic conditions manifests in a wide range of habitats and species many of which are of global significance. Four ecosystems of Pakistan are included in the Global 200 most biologically outstanding eco-regions in the world. However, many habitats and species

are under pressure. The main threats include overgrazing, firewood collection, illegal hunting, habitat destruction due to infrastructure development, pollution from municipal and industrial waste and overfishing. Pakistan ratified the Convention on Biological Diversity in 1994 (CBD). The Ministry of Climate Change (MoCC) is the focal point for implementation of the CBD.

Under the 18th Constitutional Amendment of 2010 environmental pollution and ecology was made the exclusive domain of the Provinces. The Pakistan Environmental Protection Act of 1997 (PEPA) had been the key environmental legislation instrument for the entire country until the 18th Amendment. Responding to the need, some of the provinces have now enacted provincial environmental protection acts, while others are in the process of doing so. All the provincial governments and federating units have laws and regulations governing forestry, wildlife and fisheries. The primary policy instrument in Pakistan relating to implementation of actions on biodiversity is the biodiversity action plan. The first version of the BAP was prepared in 2000. The BAP provides a brief assessment of the status and trend of the nation's biodiversity; outlines strategic goals and objectives and identifies suitable actions.

In its 5th National Report Pakistan recognised that the implementation of the BAP has been uneven. However, some results have been achieved. Of significance is the establishment of a protected area system, which covers more than 10 % of the country's territory, a number of botanical gardens and herbaria have been established in various universities and progress has been made to control soil erosion in catchment areas of large dams and well as sustainable use of water for irrigation. Awareness campaigns have been carried out and a centre for biodiversity conservation was set up in 2009 to undertake advanced research in this area. Pakistan has also made efforts to align with international legislation. The CBD Secretariat has noted that Pakistan has made 'reasonable progress' towards reaching 2020 biodiversity targets, but has noted that the country has not yet reached the threshold level necessary for making 'significant progress'.

An updated national biodiversity strategy and action plan is being drafted with assistance from IUCN. It is in the final stages of preparation, and Pakistan has indicated that it is expected to be finalised within this year. The public draft of the plan includes priorities and targets within areas such as terrestrial ecosystems, forest ecosystems, wetlands, costal and marine ecosystems sustainable agriculture and environmental protection. The draft plan also includes action to strengthen awareness raising and capacity building, mainstreaming of biodiversity, gender and poverty, coordination, resource mobilisation and monitoring and evaluation. Pakistan has also indicated that it has prepared an access and benefit sharing act on biodiversity resources and that it intends to accede to the Nagoya protocol in the very near future.

Stockholm Convention on persistent Organic Pollutants

The Stockholm Convention on Persistent Organic Pollutants (POPs) was signed by Pakistan on 6 December 2001 and ratified on 14 April 2008. The main legal framework governing implementation includes the Environmental Protection Act (1997), the National Environment Policy (2005), the Agricultural Pesticides Rules (1973) and provincial environmental regulations.

Pakistan has banned use of all severely toxic and hazardous pesticides included in the PIC and POP list in the early 1990s. In addition to PIC/POP pesticides, several other

pesticides have also been banned. Based on the inventory survey conducted in 2009 there are considerable stockpiles of obsolete POPs pesticides. However, there is not yet a complete regulatory system on POPs in Pakistan. The existing regulation only concerns the restriction of the first list of POPs covered by the Stockholm Convention before 2009, with specific reference to pesticides. Provisions on PCBs management, hazardous waste management and disposal, as well as environmental quality standards for disposal facilities are very weak and not compliant with the Stockholm convention.

Continuing efforts are being made to improve the existing policy and regulatory systems, and to strengthen enforcement, monitoring and compliance. A national implementation plan (NIP) for phasing out and elimination of POPs was submitted on 16 July 2010. Pakistan has in 2015 launched a project with GEF funding implemented by UNDP with three main components: (i) development and implementation of a regulatory, policy and enforcement system to reduce POPs releases, (ii) capacity building of local communities and public and private sector stakeholders to reduce exposure to and releases of POPs, (iii) collection, transport and disposal of PCBS and POPS pesticides. Efforts are also underway to update the National Implementation plan and to review 10 new POPs.

As of December 2015, Pakistan has not submitted any reports under the convention, but it has indicated that it is in the process of preparing a national report to be finalised shortly. The mandatory payment of the financial contribution under the convention, which has been pending for several years, is expected to be released by the Finance Division by December 2015.

Convention on Biosafety (Cartagena)

Pakistan ratified the Cartagena Protocol on Biosafety on 2 March 2009. Pakistan has no salient shortcomings regarding its reporting obligations under the Protocol, according to the report of the Compliance Committee of 28-30 May 2014. Pakistan submitted its 2nd National Report due in 2011. The 3rd National Report was due by all Parties by 31 October 2015.

The import of GMOs and their products is currently governed by the Pakistan Biosafety Rules, 2005. Limited detection facilities are available for detection using quick identification methods. The procedures for sampling are under development. A national biosafety centre (NBC) has on a project basis been established to oversee implementation of the obligations under the Cartagena Protocol. The main objectives of the NBC are to provide safeguards against the undesirable effects of genetically modified organisms, including their effect on the environment, plants, animals and human health, to implement biosafety rules and guidelines and to regulate import, export, production, storage, handling and trade in GMOs. The institutional setup includes a national biosafety committee, a technical advisory committee and an institutional biosafety committee.

According to Pakistan, additional financial resources are needed for the effective implementation of the biosafety rules and guidelines. The capacities of the human resources involved in the implementation of biosafety regulations also needs to be enhanced for the further improvement of the mechanisms and streamlining of procedures to address protocol requirements and obligations. Planned next steps includes the establishment of the NBC on a regular budgetary footing (as project funding has expired), finalisation of a national biosafety act (a draft is in the process of being

prepared), establishment of a national biosafety laboratory and efforts to enhance capacity of all stakeholders and create awareness in the wider population.

Conventions on Climate Change

Pakistan is one of the most vulnerable countries in the world to the adverse effects of climate change. According to the international NGO 'German Watch' it ranks third, among the 10 most vulnerable countries. At the same time Pakistan is one the lowest emitters of greenhouse gases (GHGs), both on per capita (ranked 135th in the world) and total emissions basis (0.8 % of the global emissions). Pakistan is not among the polluter countries, yet it has a demonstrated a resolve to contribute in the global efforts for safeguarding global environment and climate. However, Pakistan has low technical and financial capacity to adapt to adverse impacts of climate change. The responsible national authority is the Ministry of Climate Change (MoCC).

A national climate change policy (NCCP) was adopted in 2012. It provides policy measures for climate change adaptation and mitigation. The main objectives are: (i) to pursue economic growth by appropriately addressing climate change, (ii) to integrate climate change policy with other related national policies, (iii) to facilitate and strengthen Pakistan's role as a responsible member of the international community, (iv) to focus on pro-poor gender sensitive adaptation while also promoting mitigation to the extent possible in a cost effective manner, (v) to ensure water security, food security and energy security, (vi) to minimise the risks arising from expected increase in frequency and intensity of extreme climatic events, (vii) to strengthen decision-making and coordination, (viii) to facilitate effective use of the available opportunities, particularly financial, (ix) to foster the development of appropriate economic incentives to encourage public and private sector investment, (x) to enhance the awareness, skill and institutional capacity of relevant stakeholders and (xi) to promote conservation of natural resources and long term sustainability.

The government of Pakistan has taken the following key steps to achieve the objectives under the NCCP: (i) a framework for implementation of the NCCP has been prepared. It sets out actions for mitigation, adaptation and vulnerable sectors. Implementation is being ensured through the federal and provincial ministries and departments/authorities, (ii) a reporting mechanism has been introduced to record progress or status of implementation on each action mentioned in the framework. The progress will be reviewed in the NCCP Implementation Committee meetings on a regular basis, (iii) MoCC has helped provinces establish national climate change policy implementation committees for effective implementation of NCCP at provincial level and (iv) a climate finance unit has been activated and all activities relating to climate finance have been centralised to provide focus, drive, fairness, policy direction, provide opportunity for MRV and access to different international climate finance related institutions/set ups.

Pakistan finalised its Green House Gas (GHG) inventory in 2007-8 and the next is under preparation. This will be completed in the end of this year. The current GHG inventory is being prepared under the new guidelines issued by UNFCCC. Pakistan has also made efforts to comply with the decisions taken during conference of parties meetings. Pakistan submitted its Intended Nationally Determined Contribution (INDC) to the 2015 Climate Agreement on 12 November 2015, which was prepared by the Ministry of Climate with the assistance of the World Bank and a consortium of experts and other relevant partners. The Ministry of Climate Change has also initiated several mitigation

and adaptation projects in partnership with other ministries and civil society organizations.

For the purpose of the Kyoto Protocol to the UN Framework Convention on Climate Change, the only relevant element is the clean development mechanism (CDM), as it is the only part involving the participation of developing countries. The Director General (Environment) at the Ministry of Environment is the designated national authority for CDM in Pakistan under the Kyoto Protocol. The ministry has set up a specialised CDM cell responsible for facilitating and approving CDM projects in line with the national sustainable development goals. The CDM cell works with public and private sector partners in the CDM process for attracting investments to potentially suitable projects, together with technology transfer and capacity building.

Conclusions

In general, Pakistan has made reasonably good efforts to implement the commitments under the conventions related to environmental protection and climate change. In particular, a renewed commitment to address the effects of climate change despite the fact the country is a very low per capita emitter of greenhouse gasses can be highlighted. However, a considerable effort is still required to ensure full compliance with the international obligations in a number of areas.

One issue is the need to amend national legislation to fully meet the requirements for the implementation of the CITES Convention. The information provided by Pakistan on this point does not clearly show how and when this problem will be remedied. Another is the lack of progress on the implementation of the Stockholm Convention where Pakistan so far has not complied with its reporting obligations and there is no clear indication how the authorities intend to improve the situation.

11.2.4. UN Conventions on Good Governance (conventions 24-27)

Status of ratification and reporting

Pakistan ratified the three United Nations Conventions on Narcotics Drugs, on Psychotropic Substances, and against Illicit Traffic in Narcotic Drugs and Psychotropic Substances respectively on 9 July 1965, 9 June 1977, and on 25 October 1991. Pakistan ratified UNCAC on 31 Aug 2007. It has maintained ratification of all four conventions.

Pakistan is a full member of the Convention against Corruption and is among the first countries which signed the convention in 2003. It was ratified in August 2007. Reviewing is carried out by the UNODC Implementation Review Group, the convention's monitoring body. The first UNCAC review of Pakistan is currently under way, and no conclusions or summaries have yet been made public.

Status of implementation of the conventions

UN conventions fighting illegal drugs

Pakistan is geographically vulnerable to drug trafficking, sharing a 2 430 km-long, porous border with Afghanistan, the world's largest producer of illicit opium. According to the United Nations Office on Drugs Crime (UNODC) 45 % of Afghan heroin is trafficked through Pakistan. Although drug use in Pakistan is a known — and likely increasing — problem, credible research into use and the distribution of drug users is limited. The flow of heroin from Afghanistan poses big security challenges for Pakistani Law Enforcement Agencies and healthcare system, and has a destabilising effect as it fuels terrorism, organised crime and corruption.

The United Nations monitoring body, the International Narcotics Control Board (INCB), has made an assessment of the situation in Pakistan in 2012 with the objective of reviewing compliance with the three international drug control conventions. The INCB review identified inter alia the following shortcomings: (i) a need to strengthen the institutional capacity to ensure the adequate availability of narcotic drugs and psychotropic substances for medical and scientific purposes, (ii) the need to establish a monitoring mechanism for movement of precursors, (iii) the need to provide updated and reliable information on drug demand reduction and increase drug demand reduction structural framework.

The government of Pakistan is endeavouring to implement its national drug control master plan as a matter of priority. Recognising the challenges related to health and security it has made advances in some areas, most notably in the field of supply reduction and law enforcement. Through the establishment of an inter-agency task force on narcotics control and other mechanisms, the government has improved the coordination of various law enforcement agencies in combating drug trafficking. The government has also made increased efforts to counter drug abuse at various levels. Institutional changes, as well as legislative and administrative measures and policies, have also been adopted at the federal and provincial levels to address the emerging challenges in drug control in the country. The Drug Regulatory Authority of Pakistan (DRAP) has been established and has assumed responsibility for regulating the availability of narcotic drugs and psychotropic substances for medical and scientific purposes.

In the INCB's 2014 annual report it is also noted that the situation is improving with wider awareness amongst law enforcement agencies, improved capacity of Pakistan's Anti-Narcotics Force (ANF) and active role of the Narcotics Control Division of the Ministry of Interior. At the border with Afghanistan the security agencies have reportedly seized drugs using UNODC drug testing kits. Trainings have been imparted to the customs and ANF staff deputed at 12 international airports. In addition, the intelligence-sharing between Afghan, Iranian and Pakistani anti-narcotics authorities have also improved. Iranian authorities alone seized 7.5 tonnes of narcotic drugs due to sharing intelligence with maritime neighbours in the first 10 months of 2013. Likewise, seizures of heroin at seaports by Pakistani authorities more than doubled from 2012 to 2013 (approaching 1.2 tonnes).

The Ministry of Interior (the narcotics control division) has also established a drug demand reduction cell, with the following objectives: (i) coordinate all the matters relating to drug demand reduction, (ii) liaise with provincial governments in preparing strategy and projects relating to drug demand reduction, (iii) develop a database of NGOs

and other organisations dealing with drug addiction/treatment and (iv) treatment and rehabilitation of drug users.

UN Convention against Corruption

The NAB Act of 1999 is by and large in conformity with the requirements of the convention. Pakistan participates in UNCAC Conference of States Parties and actively presents the achievements.

The framework for action against corruption is elaborated in the National Anti-Corruption Strategy (NACS), which was formulated in 2002. The strategy identifies four key factors responsible for corrupt practices (including misuse or abuse of powers): economic, social/cultural, developmental and legal/judicial. The government of Pakistan has designated the National Accountability Bureau (NAB) as its central anti-corruption authority and for the purpose of international cooperation under the provisions of the UNCAC. NAB has its own dedicated judicial system. Accountability courts work independently and only deal with accountability cases mainly focusing corrupt practices or abuse of public authority. NAB court decisions are challengeable in high courts and in the Supreme Court of Pakistan. NAB has regional offices in all four provinces.

Since its formation steps have been undertaken to strengthen the capacity and efficiency of NAB's operations (including an elaborate training scheme and internal oversight). According to information from NAB 1 517 inquiries were initiated in 2014 out of which 585 have been completed. In the same year, 462 new investigations were started while 188 cases met their logical conclusion. In 44 cases punishment was awarded while the verdict of 26 cases was announced in favour of the accused. In terms of performance this is an increase of 54 % compared to 2013. Among new cases launched are some high profile investigations against former officials at both federal and provincial level belonging to the previous government. Complaints have been made by some that the investigations are biased against members of the opposition.

The first UNCAC review of Pakistan is currently under way (September-October 2015), conducted by the UNCAC Member States peer-reviewers (the Solomon Islands and Norway). The Pakistani National Accountability Bureau (NAB) facilitates the review through provision of information and coordination between the reviewers and the relevant stakeholders. The review will be finalised in November 2015. At the time of writing, no conclusions or summaries have been made public.

Conclusions

The government of Pakistan continues its efforts to counter drug trafficking and drug abuse by improving skills of law enforcement agencies with international cooperation as well as better intelligence sharing in the region. Pakistan still suffers of weaknesses in its capacity to monitor illicit activities while at the same time ensuring their availability for medical and scientific purposes. In this regard, the Narcotics Control Division and the Drug Regulatory Authority of Pakistan (DRAP) need to work hand in hand. Demand reduction is a key goal of the national narcotics policy, but a survey to drug abusers needs to be carried out to assess the scope of the problem.

While efforts to implement the commitments under the UN convention against Corruption

have improved through a strengthening of the National Accountability Bureau (NAB) the challenges are still considerable. Efforts hinge mainly on the NAB and are not mainstreamed across government systems. Pakistan continues to rank low on Transparency International's Corruption Perception Index. In 2014 the country was placed as number 126 out of a total of 176 countries forming part of the survey. Therefore, efforts must be reinforced. To this end the UNCAC review will provide important guidelines for how to proceed once its conclusions have been made public.

11.3. Trade and Economy

11.3.1. Trade Picture

Pakistan's economy is still quite dependent on agriculture, which accounts for around 21 % of GDP and 43 % of employment (services and industry account for 59 % and 20 % of GDP respectively). Pakistan's economy has recently shown signs of recovery after experiencing subdued growth rates of 3-4 % over the past years due to an energy crisis, a volatile security environment, recurring natural disasters and challenges in economic governance.

EU imports from Pakistan amounted to EUR 5.5 billion in 2014, an increase of 22 % compared to 2013. Over 70 % of EU imports from Pakistan are textiles and clothing. The EU is Pakistan's first export destination taking around 25 % of Pakistan's total exports to the world, followed by the USA (12 %), China (9 %) and the UAE (8 %). Pakistan takes part in the economic integration efforts within, inter alia, the South Asian Association for Regional Cooperation (SAARC) and has trade agreements with China, Indonesia, Malaysia and Sri Lanka.

Around 87 % of Pakistan's exports to the EU are eligible for GSP+ and over 95 % actually use the preferences. The enhanced trade preferences under GSP+ are of particular importance to Pakistan's textiles and clothing industry, which accounts for 8 % of GDP, contributes to 50-60 % of total export earnings and provides employment to 38 % of the manufacturing labour force. Pakistan's top export products such as bed and toiled linen, denim trousers and leather apparel enter the EU duty free, which would otherwise be subject to the normal GSP rate of 9.6 % or the MFN rate of 12 %. EU preferential imports of textiles and clothing from Pakistan increased substantially in 2014, 82 % compared to 2013 (from EUR 2 billion in 2013 to EUR 3.7 billion in 2014) and preferential imports of footwear increased by 121 %.

11.3.2. GSP+ Statistics

Figures 11.1-11.3 below describe Pakistan's utilisation of the GSP+, in the context of its overall imports to the EU. Pakistan was granted GSP+ status for the first time on 1 January 2014 — prior to this, it was a beneficiary of the GSP ('Standard GSP). Therefore, the figures below reflect the Standard GSP for 2012 and 2013, and the GSP+ for 2014 and 2014.

Source for all statistics: Eurostat data, as of September 2015.

Figure 11.1

Pakistan - Imports to the EU, 2012-2015					
Figures in thousand EUR	**2012**	**2013**	**2014**	**2015 (Q1-2)**	**Trend 2012-2014**
Total imports to EU	4,097,966	4,506,204	5,492,732	3,039,031	34.04%
GSP/GSP+ eligible imports	3,490,945	3,853,932	4,762,400	2,726,927	36.42%
GSP/GSP+ preferential imports	3,239,461	2,633,866	4,540,342	2,575,741	40.16%
GSP/GSP+ utilisation rate	92.80%	68.34%	95.34%	94.46%	2.74%

Figure 11.2

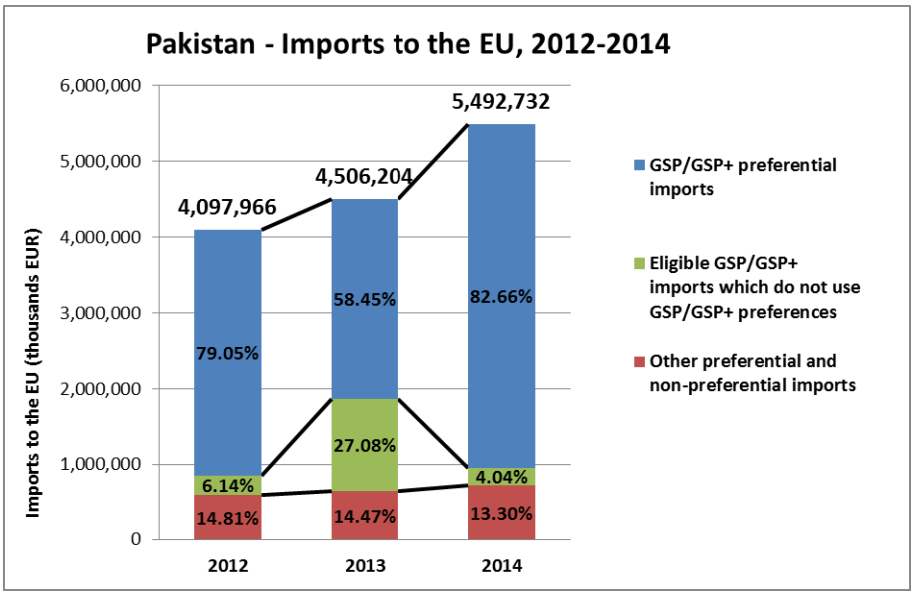
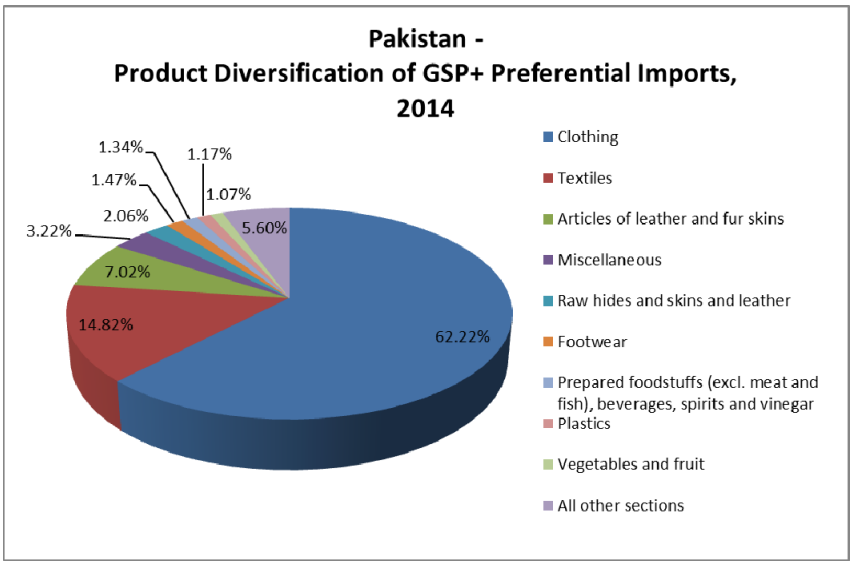


Figure 11.3



12. Panama– GSP+ Assessment

12.1. Country Overview

Panama is an upper-middle-income country which in recent years has become the fastest-growing economy in Latin America, with real GDP expansion averaging over 8 % from 2006 to 2012 and an estimate of 7.3 % in 2014. The new president, Juan Carlos Varela, from 'Partido Panameñista', won the presidential elections on 4 May 2014.

The current main challenges are to ensure a soft landing of the economy to more sustainable growth levels after the completion of major infrastructure works (enlargement of the canal) and tackling poverty, inequality, insecurity and corruption. The steady economic growth allows for the highest GDP per capita in Central America (USD 13 090). Despite this, however, 25 % of the population lives below the poverty line, and 14.2 % in extreme poverty, according to UNDP and the World Bank.

Although a stable democracy, Panama still presents a relatively significant level of corruption, which is a matter of concern for the population. In 2014 Panama ranked 94th among 174 countries in Transparency International's Corruption Perception Index. Several officials are currently under investigation for corruption-related charges, including former president Ricardo Martinelli. His successor, Juan Carlos Varela, campaigned on a promise to determinedly fight corruption.

As a crossroads between North and South America and between the Atlantic and Pacific Oceans, the strategic geographic situation of Panama defines its importance as international hub for logistics, trade, and finance. The Panama Canal, now undergoing major expansion works, is the fundamental axis of the Panamanian economy, which is mainly based on services. However, the canal is also the origin of certain concerns: contractual disputes have provoked delays in the expansion works. The present anti-corruption drive has led to increased scrutiny of all contractual arrangements and activities related to the canal works (and to all public works contracts in broader terms which, in some cases, could provoke delays), and the implementation of certain ILO conventions in the Panama Canal area is less effective than in the rest of the country. This strategic location, and with its developed transportation infrastructure, potentially makes the country a major drug trans-shipment point and an attractive target for money launderers. However, Panama remains one of the region's leaders in drug interdiction.

The most recent universal periodic review (UPR) of Panama in the United Nations framework took place in May 2015. It noted several main positive aspects since the country´s last UPR in 2010, including:

- The ratification of several primary international human rights instruments in 2011 (including the optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), the International Convention for the Protection of All Persons from Enforced Disappearance (ICCPED) and the United Nations Conventions on Statelessness) and the extension of a standing invitation to thematic special procedures. This was commended by almost all delegations.

- States from all regions welcomed Panama for addressing the situation of women via measures preventing and punishing violence against women as well as criminalising femicide.

- Several delegations also commended Panama for having made progress on the Millennium Development Goals through a comprehensive policy on poverty reduction and unemployment.

Among the concerns identified in the UPR of 2015, the need to protect indigenous peoples and persons of African descent from discrimination and violence was emphasised several times, along with the longstanding concerns about the Panamanian penitentiary system.

12.2. Compliance with GSP+ Obligations

12.2.1. UN Human Rights Conventions (conventions 1-7)

Status of ratification and reporting

Panama ratified all seven United Nations human rights conventions listed in Annex VIII of the Regulation (EU) No 978/2012, applying a scheme of generalised tariff preferences, and maintains ratification. A declaration was made to Article 30.1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment ([43]). Further details on ratification can be found in the annex.

Although Panama generally complies with its reporting obligations to monitoring bodies, considerable delays were observed in four out of six conventions that require reporting. There are delays on the reporting for the Covenant on Economic, Social and Cultural Rights (ICESCR), the Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) as well as the International Covenant on Civil and Political Rights (ICCPR). Panama's deadline for its next report on the Convention against Torture and other Cruel, Inhuman or Degrading

[43] Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Article 30:
1. Any dispute between two or more states parties concerning the interpretation or application of this convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organisation of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each state may, at the time of signature or ratification of this convention or accession thereto, declare that it does not consider itself bound by paragraph I of this article. The other states parties shall not be bound by paragraph I of this article with respect to any state party having made such a reservation.
3. Any state party having made a reservation in accordance with paragraph 2 of this article may at any time withdraw this reservation by notification to the Secretary-General of the United Nations.

Treatment or Punishment (CAT) has been postponed from 2000 to 2016 by the monitoring body.

Further details on the compliance with reporting obligations may be found in the annex.

Status of implementation of the conventions

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

Approximately 10 % of Panamanians belong to indigenous communities, living in 28.6 % of the national territory. Panama is one of the few countries in the world which is territorially delimiting specific areas for exclusive use of indigenous population.

Although there are policies and legislation protecting these communities, there is still much work to be done to improve their living standards, access to public services and equal distribution, especially in the health sector. Children born in indigenous regions are often not registered. Indigenous communities also lack adequate access to justice. There are no effective mechanisms for consultation with them in relation to development projects, resources exploitation and tourism in their regions. These populations are also affected by evictions and displacements.

Several actions have been undertaken in the last years to reinforce the protection of the rights of indigenous peoples. Law 88 was adopted in 2010, 'which recognises the languages and alphabets of indigenous peoples of Panama and standards for bilingual intercultural education'. Similarly, Law 11 was adopted in 2012, 'which establishes a special regime for the protections of mineral water and environmental resources in the Ngäbe Bugle Region'. In 2012, Law 33 created 'new districts and townships within the Ngäbe Bugle Region'.

The Vice Ministry of Indigenous Affairs was created in 2013, with the functions of planning, directing and coordinating the indigenous policies. In 2014, mediation efforts and governance solutions were conducted in the regions.

Several specific programmes are being implemented to tackle inequality, including the Mesoamérica Health Programme 2015, the Water and Environment Programme and the Child Nutrition Programme, among others.

The EU is financing the COHESAL ('Apoyo a la Cohesión Social') bilateral programme, worth EUR 10 million. Implemented by the Ministry of Social Development, it involves several activities beneficial to indigenous peoples and organisations.

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

Economic, social and cultural rights are guaranteed by the constitution of Panama. However, despite this, concerns with regard to these rights continue to exist when it comes to the disadvantages faced by indigenous peoples.

These disadvantages cover healthcare, education and an unequal standard of living in rural areas. This involves poorer access to public services, larger inequality in the distribution of income between men and women, and between urban and rural areas, and

a marginalisation of indigenous communities and Afro-descendants. There is also a prevalence of child labour in these areas.

Access to quality primary healthcare is unequal, and is worse in particular in rural areas and among indigenous communities. In some regions mainly inhabited by indigenous peoples, the maternal mortality rate is four to seven times higher than the national average.

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

Domestic violence against women remains an issue of concern in Panama, as does trafficking of women and girls. The monitoring bodies also noted discrimination against women in prisons as well as in the area of family relations, in particular with respect to the minimum age for marriage. However, significant efforts have been made to address these challenges, as acknowledged by May 2015 UPR. Among the legislative initiatives that should be mentioned: Law Noº82 of 2013 'that takes measures to prevent violence against women' and Executive Decree Noº244 of 2012 adopting a public policy on equal opportunities for women.

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

Prison and detention conditions present significant challenges in Panama. According to UNODC reports:

- 70 % of persons deprived of liberty in Panama have not been sentenced. This is mainly due to judicial delays and extensive use of pre-trial detention. In some cases, the period of pre-trial detention is longer than the maximum sentence of the alleged crime.

- There is an urgent need to reduce overcrowding and to improve prison conditions. Complaints about poor prison conditions focus on medical assistance, hygiene and abusive treatment by officials. According to Panama's own official statistics, in December 2014, the country had an adult prison population of 15 360, whereas the real capacity of the prison system was 8 576 people.

- Working conditions of prison officials also require improvement.

However, there have been efforts to improve the situation. In 2011, Panama ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

The country is undergoing a transition from an inquisitorial to an accusatorial system of criminal justice, which should reduce judicial delays.

A new penitentiary, 'Nueva Joya', was inaugurated in April 2014. This is the largest and most modern facility in the region, with a capacity of 5 000. 'Nueva Joya' will be the main tool to ease prison overcrowding in Panama. The 'Nueva Joya' is already operational but at limited capacity. Only 650 inmates are present. This is due to the lack of custodians and other human resources and some pending logistic issues, but the government is committed to progressively increase occupancy.

The EU-funded project ‘Security cooperation in Panama (SECOPA)’, worth EUR 28 million, is enhancing the capacity of the General Direction of the Penitentiary System (DGSP) to provide targeted programmes for the rehabilitation and reinsertion of adult inmates. SECOPA will also improve the training system for custodians, and support the establishment of a professional career. The project will finance the completion of an innovative centre for rehabilitation of minors in conflict with the law, and develop a modern penitentiary census in the country.

In the 2015 Universal Periodic Review (UPR), Panama also committed to setting up a national prevention mechanism as required by the optional protocol to the Convention against torture, which Panama ratified in 2011. Panama also suggested in the UPR that it was preparing to accept the competence of the Committee against Torture to receive individual communications regarding Panama.

Convention on the Rights of the Child

Although education is compulsory and free in Panama, physical access to schools is difficult in rural areas, where child labour is still a reality. The minimum age for employment is set at 12 years old for agricultural and domestic services. There is also evidence of involvement of minors in petty crimes and small scale drug trafficking, and use of firearms in street gangs.

The Universal Periodic Review in May 2015 also noted that the juvenile judicial system could be improved. Criminal responsibility is set at the age of 12. Moreover, the UPR suggested that a comprehensive law should be adopted on the protection of children and young people, and would be especially relevant for indigenous and Afro-Panamanian children.

To address this and other childhood-related issues, on 6 February 2014, Panama adopted Executive Decree 108, which establishes the ‘Path to Comprehensive Care for Early Childhood’. Decree 108 also creates a ‘National Council’ to implement and monitor the plan, which receives advice from UNICEF.

Future actions and priorities

On the international arena, Panama has recently been elected for the first time in its history to the Human Rights Council for the period 2016-2018. The country has also presented a successful candidate, Esmeralda Arosemena de Troitiño, to become a member of the Inter-American Commission of Human Rights for the period 2016-2019. The candidate, a former magistrate at the Panamanian Supreme Court of Justice, was elected for the CIDH post in June 2015.

Internally, President Varela claims that his main priority for Panama during his 5-year mandate is to achieve real ‘inclusive economic growth’, promoting a strong social agenda. In more specific terms, Panama has different thematic action plans and priorities on human rights for 2015 and beyond, such as the following.

On prison and detention rights, Panama is carrying out a whole reform of the system based on three pillars: (i) respect for the rights and dignity of the detainees and prison staff, (ii) guarantee of their safety and that of the general population and (iii) reinsertion of those who have served their sentence. A working plan has been agreed, with short-, medium- and long-term goals.

Panama has also indicated that it intends to set up a national prevention mechanism as required by the optional protocol to the Convention against Torture, and that it is preparing to accept the competence of the Committee against Torture to receive individual communications regarding Panama.

With the support of UNICEF, Panama continues to develop and implement the National Strategic Plan for Children and Teenagers. This process began in 2002, and established medium-term objectives for 2006, 2011 and 2015, which lead to final goals for 2020.

In its endeavour to achieve equality between men and women, the Minister for Social Development recently presented the 2015-2019 action plan to achieve equal opportunities for women. It is intended that this be implemented both by the government and civil society, which participated in the drafting.

Conclusions

In the regional context, Panama has a good overall record of respect for human rights. All core United Nations human rights conventions are ratified and implementation is generally satisfactory. On the procedural side, there is however a need to improve compliance with reporting obligations to the conventions' monitoring bodies. Delays are observed in five out of the six conventions requiring regular reporting.

On the substance, the most important concerns are discrimination against indigenous communities and citizens of African descent, poor prison conditions, and high levels of social inequality. Still, these issues are clearly identified by Panama. Significant work has been done to improve the situation, and continues to be done, with short-, medium- and long-term initiatives. In recent years, there has been good progress addressing these matters. Progress has also been noted on women's conditions, children's rights and poverty reduction.

12.2.2. ILO Labour Rights Conventions (conventions 8-15)

Status of ratification and reporting

Panama has ratified all eight International Labour Organisation (ILO) fundamental conventions, and maintains ratification. Panama complies with all its reporting obligations under these conventions.

Status of implementation of the conventions

Freedom of association and collective bargaining (Conventions 87 and 98)

In its latest report from 2013, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR, hereinafter referred to as the Committee of Experts) welcomed the initiatives in the field of social dialogue and trusted that the allegations made by the ITUC (International trade union confederation) and FENASEP (*Federación nacional de Servidores Públicos* — National Federation of Public Servants)

concerning the refusal of the administrative authority to grant legal personality to a number of trade unions will be dealt with in the context of the Committee for the Rapid Handling of Complaints.

Panama informed that the Complaints Commission has examined the cases of public sector union leaders dismissed by the previous administration. It adopted two resolutions which recommend the reinstatement and payment of wages to 44 of them, considering that some dismissals had violated trade union immunity and generally been in the context of persecution against the union leadership. The government would now be reinstating these union leaders and ready to meet the commitment. The Committee of Experts trusted that, in the context of the tripartite dialogue which has been initiated, the national legislation will be brought fully into conformity with the convention. It requested the government to inform on any developments in its next report due in 2015.

In its previous comments the Committee of Experts had also noted restrictions on collective bargaining in the maritime sector, which in practice leads to the denial of workers' claims by employers and about which an application had been filed for this legislation to be found unconstitutional. In its reply, Panama mentioned that, since 2012, the Commissions of the Tripartite Agreement of Panama (the Commission of the Tripartite Agreement of Panama or 'Adjustment Commission' and the Commission dealing quickly with complaints on Freedom of Association and Collective Bargaining or 'Complaints Commission') have remained operational and made significant progress since the installation of the new government in July 2014. They have been legally recognised as of September 2012 and officially attached to the Office of the Minister of Labour and Workforce Development through a resolution from May 2014.

Forced labour (Conventions 29 and 105)

In a report published in 2014, the Committee of Experts encouraged the government to pursue its policy of zero tolerance towards the scourge of trafficking in persons. It requested to continue with the necessary steps to implement the National Plan against Trafficking in Persons, and to provide information on the evaluation of the implementation as well as the achievement of its objectives. As it is essential to punish persons found guilty of this criminal offence, the Committee of Experts also requested the government to indicate the measures taken to strengthen law enforcement bodies, so as to overcome the obstacles to identifying instances of trafficking in persons and thus ensure adequate protection of the victims.

The national administration replied that it has actually made progress addressing trafficking, as among others, the adoption of a 2011 law on trafficking and related activities, through which the National Commission against Human Trafficking was created. Panama further adopted the National Plan to Combat Human Trafficking, which aims to design a national policy in this respect. For 2015, the National Commission against Human Trafficking has scheduled the following activities: training for security and counter staff of Bern Enterprises; introduction to the academic curriculum for counter, security and surcharge personnel for COPA and training the personnel of the Panama Canal Authority. The next report on this convention is due in 2016.

In its latest report from 2014, the Committee of Experts requested the government to indicate the state of progress in adopting a bill regulating the penitentiary system. It hoped that Panama will take this opportunity to amend this act to establish the voluntary nature of the work carried out by persons sentenced to imprisonment. This would bring

the legislation in line with the practice described by the government and guarantee that no person taking part in a strike or expressing political views could be punished by a prison sentence involving compulsory prison labour.

Worst forms of child labour (Convention 182)

In its latest report from 2014, the Committee of Experts asked the government to provide information on the number of investigations, prosecutions and penal sanctions applied for child pornography and the use, including statistics on the number and nature of the violations reported. It requested the administration to strengthen the capacity of law enforcement agencies in order to ensure that the perpetrators are prosecuted and that effective and dissuasive penalties are imposed. The Committee of Experts requested effective measure concerning vulnerable groups such as children of indigenous peoples and of Afro-descendants.

In this regard, the government was also asked to give information on the results achieved, in particular, through the ILO–IPEC project. The IPEC supported the design and the implementation of the roadmap to make Panama a child labour-free country. The roadmap is the government's policy with regards to child labour and it defines the institutional responsibilities of all institution. The government will launch soon the new programing of the roadmap (2015-2017) and the operating plan. The government's goal is to ensure that Panama will be the first country in Latin America to eliminate child labour by 2020. Moreover, the government announced that it has begun the process of ratification of the protocol of 2014 to the Forced Labour Convention.

The Committee of Experts reiterated its request to provide information on these issues. The next report on this convention is due in 2016.

Minimum age for work (Convention 138)

In its report published in 2015, the Committee of Experts noted with interest that the total number of children under 18 years engaged in labour fell by around 44 % in 4 years (89 767 in 2010, compared to 50 410 in 2012). Child labour is mainly concentrated in rural areas (73 %) and concerns boys in particular (74 %). Nevertheless, the Committee of Experts observed that, despite the progress achieved since 2008, the number of working children aged between 5 and 11 years increased significantly, particularly among girls (304 in 2010 compared to 2 190 in 2012). While welcoming the various measures and programmes implemented by the government to achieve the effective abolition of child labour, the Committee of Experts requested it to continue taking measures for the elimination of work by under-14-year-olds with special attention to girls.

The Committee of Experts noted the government's indication that a bill on the protection of children has been submitted to the National Assembly and expressed the firm hope that it will be adopted in the near future and will contain provisions regulating the performance of hazardous types of work in vocational training institutions. However, based on information from the Ministry of Social Development (MIDES) on 2 August 2015, a technical commission is still working on a draft bill for a law on the protection of children and adolescents.

Elimination of discrimination (Conventions 100 and 111)

In its 2013 report, the Committee of Experts asked the government to provide specific information on the measures adopted on the elimination of unequal remuneration between men and women. It also asked information on the measures adopted for the promotion of collective bargaining as an instrument for the elimination of inequalities in remuneration and their impact on the collective agreements that are concluded. It further emphasised the importance of ensuring that labour inspectors are provided with appropriate training with a view to ensuring the effective implementation of this principle.

Apart from that, the Committee of Experts requested to continue providing information on the creation of a higher labour council and on any decision the council might take on amending the labour code so as to give legislative expression to the principle of equal remuneration. Moreover it invited the government to keep on taking steps regarding education and vocational training so as to broaden women's employment opportunities, and reduce the marked occupational segregation and gender pay gaps.

The Committee of Experts as well appealed to the government to effectively raise the awareness of workers of the relevant legal protections and dispute resolution procedures and processes available with respect to sexual harassment. In addition, it encouraged the administration to continue carrying out (awareness-raising) training on sexual harassment, in cooperation with the social partners, targeting all the actors involved as well as institutions responsible for rule enforcement.

It also asked for information on measures taken within the framework of the National Plan of Action for the Full Inclusion of Black Ethnic Groups with a view to promoting equality of opportunity and treatment for the Afro-Panamanian population. For its part, Panama recalled that the regional office of the UN High Commissioner for Human Rights (OHCHR) has recognised the work done by the National Commission against Discrimination and the Secretariat of the Council for Black Ethnicity, as well as the educational policies established by the government to promote cultural diversity and express tolerance in schools.

Moreover, the Committee of Experts requested the government to continue to take the necessary measures to raise the level of education of indigenous women as well as increase their training opportunities in order to improve their opportunities in employment and occupation. It also asked the government to continue providing information on the measures taken with a view to the integration into the labour market of persons with disabilities and the impact of such measures.

On a final note, Panama reported that official figures show that during January to March 2015, 267 applications from job seekers were treated through the Department of Socioeconomic Integration of Persons with Disabilities, of which 54 were placed and 77 benefited indirectly, both men and women. The next report on this convention is due in 2017.

Future actions and priorities

Panama still meets problems with its reporting obligations. The regular reports on the implementation of ILO conventions are rather late, while quality suffers due to lack of capacity in the government to coordinate internally and among others ministries. Either

the reports contain partial responses or they do not respond to the Committee of Experts on the application of conventions and recommendations' comments (CEACR). In the case of the Committee on Freedom of Association (CFA), the situation is the same. Moreover there is also a lack of capacity or knowledge from employers' and workers' organisations on reporting process.

After some technical assistance in the last past years, the new Ministry of Labour is now moving to strengthen its capacity and is in the process of preparing a plan to revamp its work, in particular regarding the unit dealing with ILS Reporting and enhance its capacity. Almost all previously pending reports on compliance with labour standards have been submitted to the ILO (just one has not been submitted yet). The government has requested technical support from ILO.

Conclusions

Panama has ratified all eight ILO fundamental conventions and broadly complies with the conventions. However, the Committee of Experts has identified shortcomings in terms of legislative alignment and practice, and issued corresponding recommendations, in particular on Conventions 111, 138 and 182.

As regards child labour, the EU observes favourably the goal set up by the government to eliminate the worst forms of child labour, and child labour completely by 2020. Panama should be encouraged to continue its efforts.

12.2.3. UN Conventions on Environmental Protection and Climate Change (conventions 16-23)

Status of ratification and reporting

Panama has ratified all GSP+-relevant conventions on environmental protection and climate change, and maintains ratification.

Panama complied with the reporting obligations under the relevant conventions, with the exception of CITES (Annual reports for 2012, 2013, and 2014 due, biennial reports for 2009-2010, 2011-2012, and 2013-2014 due), Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and Their Disposal (Reports for 2009, 2010 and 2013 due) and the Stockholm Convention on Persistent Organic Pollutants (1st and 3rd National Reports due).

Panama ratified both the UN Framework Convention on Climate Change and the Kyoto Protocol in 1995. As a non-Annex I country, its obligations under both the convention and the protocol are limited. Regarding the UN Framework Convention on Climate Change Panama submitted its second national communication to the UNFCCC in March 2012.

Status of implementation of the conventions

Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)

Panama reported that there are capacity constraints for implementation of the CITES Convention, as it does not have a bureau and dedicated staff to address the issues related to CITES. Panama reported that the Secretariat of the Convention will move from National Environmental Authority to Ministry of Environment. Panama reported that the Annual Report for 2013 has not yet been submitted due to distribution of competence and limited capacities of the programme for issuance of CITES permits.

Panama has repeatedly failed to comply with its reporting obligations under CITES. The CITES Secretariat reported in November 2015[44] that Panama had failed to submit its annual reports for three consecutive years and, pursuant to CITES Resolution Conf. 11.17 (Rev. CoP16), invited the CITES Standing Committee to consider the adoption of a recommendation for the suspension of all trade in CITES products from and to Panama at its 66th meeting in January 2016, which is the most severe compliance measure under CITES.

The government pledged to intensify patrols and surveillance control especially in areas close to the protected areas, because poaching increases at certain times of the year, which weakens the permanence of protected species.

Among the major achievements and developments, Panama mentioned that the provisions of the last COP16 CITES convention are being monitored on the issue of including sharks and manta species in Appendix II thereto. Besides participating in regional meetings for the preparation of the opinions of non-detriment findings, it has conducted internal meetings with government entities and the CITES scientific authority of Panama.

Furthermore, the Interior Department of the United States funded a consultancy with the aim of updating the procedures manual for actions on wildlife, mainly those connected to issuance of CITES permits.

Among its planned actions and priorities, Panama emphasised that the programmes for processing CITES permits should be updated, in order for it to provide reliable statistics of the permits process, with its list of species for each permit. Additionally, Panama plans to establish a special office to address CITES issues specifically.

Basel Convention

Among the major achievements and developments, Panama noted that it has revised, developed and updated regulations on hazardous waste such as: collection, storage, transportation, treatment and disposal. Likewise, among the actions and priorities of the country for the period 2014 to 2015, Panama enumerated reviewing and updating the legal framework in the country, encouragement of the use of new technologies in the environmentally sound management of hospital waste and electrical and electronic and

[44] https://cites.org/sites/default/files/eng/com/sc/66/E-SC66-30-01.pdf

hazardous waste, adaptation of the legal framework to new trends in management of hazardous waste and waste electrical and electronic equipment and capacity-building issues related to hazardous waste management.

Convention on Biological Diversity

There were no salient shortcomings identified in Panama in 2014-2015 as regards the implementation of the Convention on Biological Diversity, although biodiversity loss has not been halted, and concrete measures to implement the convention should be strengthened.

Stockholm Convention on Persistent Organic Pollutants

Among the main achievements and developments that can be highlighted is the launch of the National Implementation Plan for of the Convention of 2009. As for priority actions for the country for the period 2014 to 2015, Panama reported on the approval before the Global Environment Facility (GEF) of the National Implementation Plan Review, the approval of the Framework Law on Supervision of hazardous substances and wastes, updating the Diagnosis for waste management, updating the inventory of dioxins and furans, and tracking the National Inventory of Polychlorinated Biphenyls (PCBs) for the export of wastes to countries that have the technology to do it.

The Ministry of Health has worked on a National Implementation Plan to implement the Stockholm Convention. To date, some of the results are:

- national profile for chemical substances COP (final phase);
- socio-economic study on the application of the Stockholm Convention (final phase);
- developments on the design and establishment of a national information system on COP;
- identification of institutional needs and review of the regulatory framework;
- developments on information-gathering on environmental problems and human health related to COP.

With regard to the constraints on the implementation, Panama reported that there is a need for more specialised staff and a proper institutional budget.

Panama reported that future actions will be taken to comply with ‘green customs’ concerning the coordination of actions to train customs officials and the Ministry of Health, working in ports to improve control and the monitoring of chemicals and waste covered by different conventions on chemicals. Furthermore, Panama should comply with what was stated in the PIN and implement the Framework Law for the Supervision of Substances and Hazardous Waste to improve the management of POPs, so it can have long-term development budget to enforce the activities contained in the plan of implementation in order to rely less on external inputs. Training will be organised for customs brokers and a project for strengthening national capacities for the environmentally sound management of electrical wastes or equipment (WEEE) will be launched.

Panama reported that there is a need for more specialised staff and a proper institutional budget. It indicates that it has launched a number of initiatives to improve the implementation of these conventions, but clarifications on timelines for these initiatives, and information on how they will achieve the required objectives, were not provided.

No further information was provided regarding the missing reports or any further measures taken to effectively implement the convention.

Convention on Biosafety (Cartagena)

Panama ratified the Cartagena Protocol on Biosafety on 1 May 2002.

Panama has no salient shortcomings regarding its reporting obligations under the protocol, according to the report of the Compliance Committee of 28-30 May 2014.

Panama submitted its 1st National Report due in 2007 and the 2nd National Report due in 2011.

Concerning implementation of the protocol, Panama informed in its 2nd National Report that the domestic regulatory framework is partially in place. The legal instruments established for the implementation of national framework for biosafety are: Law 72 of 26 December 2001 and Law 48 of 8 August 2002. At the institutional level about 23 officials are involved in the National Biosafety Commission, the National Focal Points and Members of the Sector Committee of Agricultural Biosafety. In its report Panama also informed that it has not introduced any procedures for living modified organisms (LMOs) intended for direct use as food or feed, or for processing (FFP). Panama has identified the need for financial and technical assistance and capacity building in respect of LMOs-FFP. Panama in 2011 did not have a strategy of awareness, education and participation of the public in regard to the safe transfer, handling and use of LMOs.

Conventions on Climate Change

Panama was in compliance with the Montreal Protocol in 2013 and 2014, and continued with progress the regulations and activities planned under its hydrochlorofluorocarbon (HCFC) phase-out management plan. Panama complied with its commitment to ban imports of pure HCFC-141b for use in refrigeration servicing and is planning controls on imports of HCFC-based equipment. Panama has already issued HCFC import quotas for 2015 in accordance with the Montreal Protocol control targets.

In 2007, The Ministry of Environment (MIAMBIENTE) developed the National Strategy on Climate Change. This strategy emphasises on areas such as adaptation, mitigation and technology transfer, in order to establish lines of action to reduce environmental vulnerability and to improve living standards. The Alliance for One Million Deforested Hectares Initiative aims to mitigate climate change and global warming.

As a member of the UN Convention on Climate Change, Panama has created a project called ‘REDD+’ to reduce greenhouse gas emissions to comply with was is expected to be adopted during the COP-21 Conference, to take place in Paris at the end of the year.

The REDD+ project includes: reduction of deforestation, sustainable management of forest, among others. Panama is a member of the Coalition for Rainforest Nations (CfRN).

Panama submitted to the UNFCCC Secretariat its Second National Communication in 2012. It still needs to submit its First Biannual Progress Report, which was due by the end of 2014. Panama has not yet submitted its Intended Nationally Determined Contribution (INDC) to the 2015 Paris Climate Agreement. While INDCs outlined countries' intended actions on climate change, their submission or contents are not directly relevant for determining compliance with the GSP+.

Conclusions

Notwithstanding the efforts deployed, Panama still does not properly comply with its reporting obligations under the CITES, Stockholm and Basel Conventions. Greater resourcing and strengthened action is required to fully implement the commitments under these three conventions, as well as the commitments under the Convention on Biological Diversity. Panama indicates that it has launched a number of initiatives to improve the implementation of these conventions, but it would be important for Panama to provide clarifications about the timeline for these initiatives as well as information on how these initiatives will achieve the required objectives. Panama complies with the UN Conventions on Climate Change, and has launched a limited number of actions and projects to implement its commitments.

12.2.4. UN Conventions on Good Governance (conventions 24-27)

Status of ratification and reporting

Panama ratified the three United Nations Conventions on Narcotics Drugs, Psychotropic Substances, and against illicit traffic in Narcotic Drugs and Psychotropic Substances respectively on 4 December 1963, 18 February 1972 and 13 January 1994. It has maintained ratification of all conventions. Panama has expressed a reservation to paragraphs 1 and 2 of Article 5 of the convention on illegal traffic of drugs and psychotropic substances obligating parties to apply the measures of confiscation or seizure to property the value of which corresponds to that of the proceeds derived from offences established in accordance with the convention, in so far as such measures would contravene the provisions of the constitution of Panama.

The United Nations monitoring body (INCB) has appraised the situation in Panama in 2013 with the objective of reviewing compliance with the three international drug control convention to which Panama is a party.

Panama ratified UNCAC on 23 September 2005, and maintains ratification. They have complied with their reporting obligations, and the executive summary and full report of the first phase of reviews have been available on UNODC website since June 2013.

Status of implementation of the conventions

UN conventions fighting illegal drugs

The strategic location of Panama in Central America, along with its developed transportation infrastructure, makes it a major drug transshipment point and an attractive target for money laundering. Panama is also with Costa Rica among the 70 countries that reported the appearance of new psychoactive substances, a growing trend which poses challenges to the regulatory and enforcement authorities and carries serious health consequences, as the effects of such substances on the human body are not fully understood or known. Panama remains however one of the region's leaders in drug interdiction.

Panama is replacing its inquisitorial justice system through a phased transition to a faster and more transparent accusatory justice system, which the EU is supporting (see below). The system has been implemented in four of Panama's 10 provinces. In these four provinces, case processing times have been reduced. Nevertheless, the implementation of the system is still a challenge for Panama in terms of financial and human resources.

Despite this measure of progress, justice sector institutions have difficulty pursuing money laundering, complex financial crimes, and criminal forfeiture cases and remain susceptible to corruption. The EU cooperation is also a key partner in these fields.

The current magnitude of drug abuse in Panama may not be fully reflected by the latest national surveys, which were conducted in 2003 and 2008. Panama funds a number of drug demand reduction programmes and benefits from different funding sources (US, EU, IABD, etc.). The lack of up to date drug demand study makes it difficult to assess current trends, and provide efficient drug demand policy, especially targeted at youngsters. The institution devoted to coordinate drug demand reduction policies (CONAPRED) needs to be enhanced in terms of financial and human resources and efficiency as a whole. During 2015/2016 new data will be collected about drug demand through the household survey.

In recent years, Panama has taken legislative and policy measures to meet its commitments under the three United Nations conventions. Important progress has been achieved in terms of institutional development and with the adoption of the national drug strategy for the period 2012-2017. The strategy describes the underlying national proposal to reduce the demand and supply of drugs, prevent and punish the activities related to drugs and related crimes, including serious crimes. In 2012 the National Citizen Security Strategy (EPSC) was adopted (currently under review) which also addressed drugs issues mostly from the preventive side. It also aims to coordinate a whole-of-government approach to combatting crime, and includes joint efforts on prevention and demand reduction programs.

Procedures have been established for control and supervision of precursors and essential chemicals. Panama is also currently considering taking new legislative measures to regulate activities and use of controlled substances/drugs for medical purposes and/or scientific purposes nationwide. Necessary changes to modernise the health standard have been included which would allow import, manufacture, marketing, prescription and dispensing processes to be performed in a swift way.

In Panama, national institutions continued the process of strengthening and restructuring their national intelligence systems. The National Directorate of Police Information was strengthening its institutional development plan, entitled Plan Orion, whose main objective was to optimise the capabilities of the directorate with regard to the production of intelligence on criminal targets that threaten public safety. In 2014, Panama built on past efforts to strengthen and improve its security institutions, enhance interdiction capacity and ensure citizen security. The Ministry of Public Security's budget increased by 10 % over 2014 levels, the sixth straight year of increase.

On 31 March 2015, the Law 11 on international penal mutual legal assistance was approved. It should help Panama in dealing with complex international cases.

The EU funded project 'Security cooperation in Panama (SECOPA)' — EUR 28 million — is also supporting activities addressing drug demand and offer:

- institutional enhancement of the national institutions' (particularly the Ministry of security) capacity to achieve their strategic objectives in relation to citizen security needs in terms of prevention, control and rehabilitation/reinsertion, following the principles of the EPSC;

- improvement of the data and analyses on crime and drugs offered by the national SIEC (Integrated System for Criminal Statistics) and use them for decision-making and designing public policies and programs;

- establishment of a technological platform of information and intelligence sharing, co led by the National Security Council and the Minister of Public Security;

- strengthening the effectiveness and impact of prevention and assistance programmes (drug demand) developed under the EPSC;

- strengthening of the Panamanian Public Prosecution Service in the fulfilment of relevant duties and constitutional functions, through an effective criminal prosecution (specialised services, e.g. against transnational organised crime), assistance to victims, and protection of witnesses and other parties in criminal proceedings.

Panama is devoting a considerable amount of resources to speed up the transition to the penal accusatory system; the assigned budget was USD 14.1 million in 2014. The data concerning the first four provinces where the system is already applied confirm a reduction of 60 % of the average waiting time (compared to the old system) to have a final sentence at the court of first instance.

The current government set security as a priority of its Government Plan 2014-2019. Concerning the fight against drugs, this administration shifted its attention toward prevention, as well as toughening the fight against corruption, money laundering and financing of terrorism. It also will address institutional strengthening, improvement of technology assets and there is interest in better addressing human trafficking as another consequence of transnational crime activities.

The annual report of the International Narcotics Control Board (INCB) in 2014 noted that Panama has taken legislative and policy measures to meet its commitments under the conventions. In particular, significant progress was noted in terms of institutional development and the adoption of the national drug strategy for the period 2012-2017.

UN Convention against corruption

In 2015 the investigation of claims that the previous administration had inflated multi-million-dollar contracts is proceeding. The newly elected president, Juan Carlos Varela, campaigned on a promise to clean up Panamanian politics. Several officers are currently under investigation for corruption related charges. The ex-president, Martinelli, is also under investigation in absentia. He is presently out of the country.

The US International Narcotics Control Strategy Report (INCSR) 2014 states that corruption remains a concern throughout the security services, customs, and justice sector. Some isolated cases of security-service members involved in trafficking were identified and prosecuted in 2014.

In 2014 Panama was added to the Grey List of Financial Action Task Force (FATF), due to its strategic AML/CFT (anti-money laundering/combating the financing of terrorism) deficiencies. In addition to measures to directly address money laundering and terrorist financing, there are specific recommendations on enhanced transparency to enable customer due diligence. In April 2015 Panama adopted a new legislation on money laundering (Law 23) addressing this crime plus that of financing of terrorism and financing related to weapons of mass destruction.

A special commission was created to address the issue of being on the FATF Grey List. It is headed by the Ministry of Foreign Affairs. There have been a number of other responses, including enhancing the National Authority for Transparency and Access to Information (ANTAI) as well as making it more independent. ANTAI is working to create a network of 96 ethics officers in several public institutions all around Panama. At the same time, hotlines for customer/public whistle-blowers have been set up in the general attorney's office and in the office of the comptroller general of the republic.

In terms of progress in the legal framework, several laws are under review or are being drafted: (i) review of Law 59 of 1999 about the prevention of administrative corruption, (ii) drafting of a law for the protection of whistle-blowers and (iii) drafting a law ruling the career in the judicial system. Furthermore, a judge of the Supreme Court was convicted of corruption in December 2014. This is the first time this has happened.

Shortcomings still remain, including on formalising and improving the rules on public service. Although some institutions are addressing this problem, it is not a general trend. Further action is also required to reform the law for public procurement, introduce rules on conflict of interest, and to promote asset and income declarations. These could be augmented by increasing resourcing for anti-corruption institutions.

Conclusions

The lack of up to date drug demand data makes it challenging to assess current trends. However, the government of Panama is implementing several projects to improve its collection of such data. More generally, Panama has taken a wide range of legislative and policy measures to meet its commitments under the three UN conventions. It continued its support for joint counter-narcotics operations and investigations in 2014, while continuing to invest in building its own capacity and strengthening its own institutions. Importantly, Panama is focusing on strengthening its justice and penal

system, as a part of its wider security agenda. Panama remains one of the leaders in drug interdiction in the Central America region, but should continue its efforts to better understand and tackle the drug demand phenomena.

Panama is taking significant steps to improve its fight against corruption. Despite identified deficiencies on anti-money laundering and countering the financing of terrorism, Panama is addressing very seriously its position on the FATF Grey List issue. It is prioritising actions that in the short term could achieve the revision of the FATF's decision, while also enacting longer-term legislative changes. Panama should continue its efforts to improve its fight against corruption, including by ensuring that anti-corruption bodies are adequately resourced, and by strengthening the rules on public service across all institutions.

12.3. Trade and Economy

12.3.1. Trade Picture

Panama's export basket is composed essentially of food processing, paper making and non-metallic mineral industries, although services comprise the largest part of exports by far. According to the World Bank, the country has a GDP of USD 46.213 million, with an annual growth rate of 6.2 % for 2014, providing a GNI per capita based on PPP of USD 19 930. Panama's major business partners are the United States, the European Union and China. The country imports from the United States, China and Mexico.

In 2014, Panama's exports to the EU were bananas, cargo ships, rubber tires, pineapples and transatlantic ships and total exports in goods accounted for a modest USD 505 million. Panama has 10 free trade agreements with major partners, among them the Association Agreement between European Union and Central America, United States-Panama FTA, Central America-Chile FTA and Peru-Panamá FTA.

As a result of the EU-Central America Association Agreement, provisionally applied since August 2013, Panama will be removed from Annex II of the GSP Regulation from January 2016. As consequences of this, Panama will also cease to be a GSP+ beneficiary from the same date.

12.3.2. GSP+ Statistics

Figures 12.1-12.3 below describe Panama's utilisation of the GSP+, in the context of its overall imports to the EU. The reduction in imports benefiting from GSP+ preferences in 2014 is a result of the alternative preferences available under the EU-Central America Association Agreement.

Source for all statistics: Eurostat data, as of September 2015.

Figure 12.1

Panama - Imports to the EU, 2012-2015					
Figures in thousand EUR	**2012**	**2013**	**2014**	**2015 (Q1-2)**	**Trend 2012-2014**
Total imports to EU	400,819	652,446	436,396	255,041	8.88%
GSP+ eligible imports	103,344	112,494	140,485	76,960	35.94%
GSP+ preferential imports	82,616	67,169	8,141	3,729	-90.15%
GSP+ utilisation rate	79.94%	59.71%	5.80%	4.85%	-92.75%

Figure 12.2

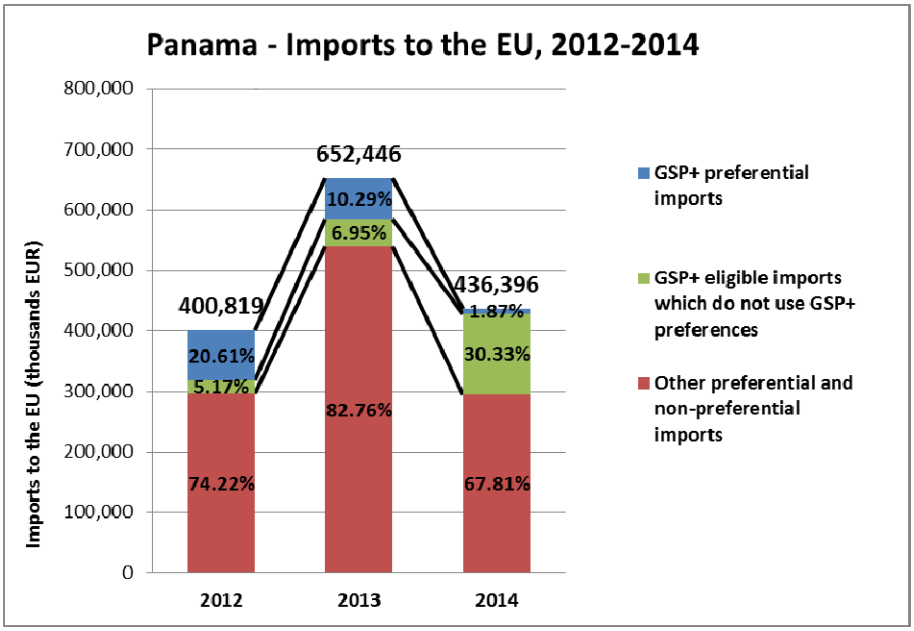
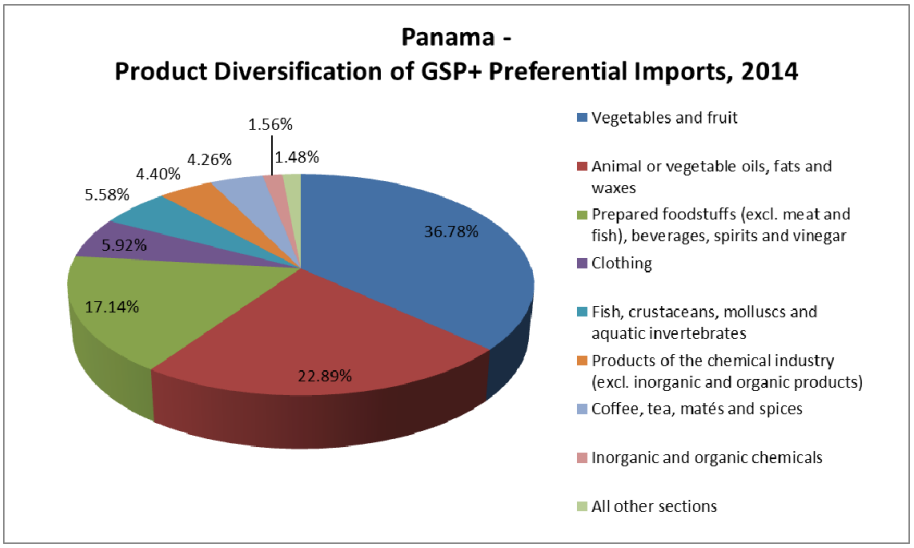


Figure 12.3



13. Paraguay– GSP+ Assessment

13.1. Country Overview

Democracy was restored in Paraguay in 1989 after a succession of authoritarian governments, culminating in the overthrow of Alfredo Stroessner. The 1992 constitution established a democratic system of government and protection of fundamental human rights. National politics was dominated by the conservative Colorado Party until former Catholic bishop Fernando Lugo won the 2008 presidential elections with a political agenda focussing on social equality. After the impeachment of President Lugo in June 2012, Paraguay's membership of regional organisations UNASUR and MERCOSUR were suspended. The suspension was lifted when Horacio Cartes took office in August 2013 after winning the Presidential elections for the Colorado Party.

The political priorities of President Cartes include reducing poverty and social inequality, enhancing education and social protection, increasing transparency and fighting corruption. The government has taken steps to improve governance, reduce corruption and make information more easily accessible to the public. Legislation on free access to public information and government transparency came into force in 2015, providing for access to information, e.g. on public sector salaries and public contracts.

The government is also taking action to reduce poverty and inequality. However, Paraguay still has one of the world's largest disparities in wealth distribution, affecting particularly rural areas and indigenous communities. Lack of access to land is a key issue affecting rural communities. According to the 2008 census, 80 % of agricultural land is held by 1.6 % of landowners. The constitution stipulates that indigenous people, representing 1.7 % of the total population, are entitled to the ownership of their ancestral land. Yet, it is estimated that half of the indigenous communities own their land. In 2014, extreme poverty increased slightly, reaching 10.5 % (compared to 10.1 % in 2013) and inequality (Gini coefficient) increased from 0.48 (2013) to 0.51 (2014). The scope for improving social investment is limited, among other factors, by the low tax revenue. Apart from continuing poverty reduction, the need to strengthen institutional capacities and the justice system remain important challenges.

Paraguay is South America's main cannabis producer and a transit country for cannabis and other drugs (mainly cocaine), which creates a challenging frame of security concerns and organised crime. The government is giving priority to fighting drug production and organised crime.

Paraguay is the second largest recipient of bilateral EU development assistance in Latin America (EUR 168 million in 2014-2020). Assistance will focus on education, social protection and private sector development as well as democracy, participation and institutional strengthening.

13.2. Compliance with GSP+ Obligations

13.2.1. UN Human Rights Conventions (conventions 1-7)

Status of ratification and reporting

Paraguay accessed or ratified with no reservation the seven UN human rights conventions relating to the GSP+ programme, and maintains ratification. Further details on the accession or ratification can be found in the annex.

Paraguay complies with all its reporting obligations to monitoring bodies, with the exception of the Convention against Torture, as the country report due in November 2015 has not yet been submitted.

Status of implementation of the conventions

International Convention on the Elimination of All Forms of Racial Discrimination

As regards the International Convention on the Elimination of All Forms of Racial Discrimination, Paraguay needs to increase efforts to tackle discrimination of indigenous communities, and in particular indigenous women, suffering from socioeconomic disparities, discrimination, and limited access to land and natural resources. The UN special rapporteur on the rights of indigenous peoples noted in August 2015 that while Paraguay's constitutional framework recognises the rights of indigenous peoples, there is a widespread lack of legal protection for indigenous peoples' rights over their lands and resources as well as widespread poverty.

In order to reduce the socioeconomic disparities affecting indigenous populations, the Paraguayan authorities adopted a care protocol for indigenous communities in January 2015, which foresees consultation and inclusion of indigenous communities in programmes and projects. The authorities have also organised programmes and workshops in the field of education and carried out actions to inform indigenous communities of their electoral rights and obligations.

In 2014, Paraguay adopted legislation that will allow the return of traditional land to the Sawhoyamaxa community, to implement the judgements of the IACHR on restitution of ancestral lands to originating peoples. Restitution of land to other communities, such as the Yakye Axa and Xakmok Kasek, is on-going.

In order to tackle the discrimination of indigenous women, the Ministry of Women and the Paraguayan Institute for Indigenous People (INDI) intend to conclude a cooperation agreement.

International Covenant on Civil and Political Rights (ICCPR)

In 2015, the Paraguayan authorities, together with the IOM, took further steps to combat trafficking in human beings (prevention campaigns on sexual exploitation of children and

adolescents, preparation of the National Plan to prevent trafficking in human beings, which is expected to be adopted in 2015).

However, the International Covenant on Civil and Political Rights has identified in particular the following shortcomings:

- insufficient investigation/prosecution of the assaults and killings of human rights defenders, in particular *campesinos* and indigenous defenders;
- trafficking in women and children, especially for purposes of sexual exploitation or child labour, and poor prosecution of such crimes;
- the high proportion of inmates in pre-trial detention, as well as overcrowding and living conditions in prisons;
- difficulties of the detainees in having access to legal assistance.

After the last concluding observations of the Human Rights Committee ([45]), followed by the observations of the UN Committee on Missing Persons in September 2014, the Paraguayan government de-blocked USD 150 000 to identify the bodies of victims of the 1954-1989 dictatorship. The committee was concerned that judicial investigations have not yet been completed in many cases of violations of the right to life, including disappearances, torture, extrajudicial executions and illegal detention between 1954 and 1989 and during the transitional period up to 2003.

Paraguay has taken measures to facilitate voting of people with disabilities, such as registration campaigns, the possibility to vote at home for citizens with a severe disability, training of election civil servants to register and assist disabled voters, dedicated conferences and seminars.

A care protocol for access to justice for people with psychosocial disabilities has been adopted and the authorities have organised capacity building on related issues.

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

Several programmes have been carried out to promote and protect the rights of children and adolescents, in particular *Abrazo*, aiming to eliminate the worst forms of child labour, and *Painac*, aiming to decrease the number of street children. A 2010-2015 national plan for prevention and eradication of sexual exploitation of children and adolescents is under implementation.

In 2014, Paraguay adopted legislation that will allow the return of traditional land to the Sawhoyamaxa community, to implement the judgements of the IACHR on restitution of ancestral lands to originating peoples. Restitution of land to other communities, such as the Yakye Axa and Xakmok Kasek, is on-going.

However, there are several continued concerns regarding the implementation of the ICESCR. According to the last concluding observations of the Committee on Economic,

[45] http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/PRY/CO/3&Lang=En

Social and Cultural Rights ([46]), these relate in particular to the lack of a coherent mechanism in place for dealing with indigenous land claims including the measures needed to ensure that free, prior and informed consent is obtained from indigenous peoples in relation to the enjoyment of their economic, social and cultural rights. Other concerns relate to the ill-treatment, sexual abuse and labour exploitation of children working in domestic services.

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

A general anti-discrimination law has not yet been passed.

A draft law on gender violence is currently under consideration in parliament, with a view to adoption by the end of 2015. If adopted, the law will contribute to tackle issues such as trafficking, gender discrimination, sexual harassment and lack of equal opportunities between men and women.

Implementation shortcomings with regard to the Convention on the Elimination of All Forms of Discrimination Against Women concern in particular persistence of unpaid domestic labour of young girls (child labour), the vulnerable situation of indigenous women with regard to adequate food and safe drinking water, low participation of women in decision-making bodies and public life, wage gaps between men and women and high illiteracy rate among women, especially in rural areas. Action against domestic violence should be stepped up. Abortion remains generally criminalised.

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

Paraguay's National Mechanism of Prevention of Torture (NMPT), established in 2011, was set up with significant involvement of civil society. The mechanism organises various activities including visits, workshops, round table discussions and dissemination of best practice.

Legislation regulating the duties and powers of enforcement bodies and conditions inside the prisons was adopted in 2014, but implementation remains a challenge for the justice system.

With regard to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, key concerns relate to the use of pre-trial detention for children aged between 16 and 18 years, poor material conditions and lack of special medical attention in the psychiatric ward of Asuncion's main prison, Tacumbú, torture of detainees in police custody and limited prosecution of officers committing torture.

Convention on the Rights of the Child

The Paraguayan authorities have carried out various programmes to promote and protect the rights of children and adolescents, in particular *Abrazo*, aiming to eliminate the worst forms of child labour and *Painac*, aiming to decrease the number of street children. A 2010-2015 National Plan for prevention and eradication of sexual exploitation of children

[46] http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/060/11/PDF/G1506011.pdf?OpenElement

and adolescents is under implementation. The national strategy on the Eradication of Child Labour and Protection of Adolescent Workers 2010-2015 targets *criadazgo* and qualifies it as one of the worst forms of child labour.

However, further steps are needed to address lack of data on issues such as birth certificates, child abuse and child labour, discrimination of children of indigenous communities, persistence of *criadazgo* (unpaid domestic child labour), the high number of working children among indigenous children and child pregnancy.

Convention on the Prevention and Punishment of the Crime of Genocide

No salient shortcomings have been identified in Paraguay relating to the implementation of the Convention on the Prevention and Punishment of the Crime of Genocide.

Future Priorities and Objectives

In 2013, Paraguay adopted a comprehensive national plan on human rights after consultation with civil society and human rights organisations. However, implementation of the strategy is on hold, pending a revision that has not yet been carried out. The strategy is structured in four parts:

- transformation of the structural inequalities for the guarantee of human rights, including issues relating to poverty eradication, inclusion and non-discrimination;
- education and culture of human rights;
- human rights, social state and rule of law, including democracy, public security, justice and penal system;
- human security, including social and economic rights.

In October 2014, Paraguay was elected, for the first time, as a member of the UN Human Rights Council (HRC), for the period 2015-2017. According to the Paraguayan authorities, the HRC membership is an opportunity for the country to advance regarding human rights awareness, human rights dialogue, institutionalisation of the human rights agenda, further implementation of relevant international agreements and upholding overall human rights. The ultimate objective would be a progressive transformation of the Paraguayan society towards increased respect, social inclusion and solidarity. Paraguay's human rights priorities in the HRC context include indigenous peoples, migrants and refugees, disabled people, children, follow up on recommendations of convention implementation committees and the worldwide abolition of the death penalty.

Conclusions

Paraguay has made progress in effectively implementing human rights commitments in 2014-2015 taking into account its overall socioeconomic situation and institutional resources. In particular, Paraguay has made efforts to fight discrimination and promote and protect the rights of indigenous peoples, children, adolescents and persons with disabilities. Awareness of human rights obligations has increased, partly as result of the

membership of the UN Human Rights Council in 2015-2017. In 2014, Paraguay made progress in creating a monitoring system which allows assessing and monitoring the implementation by Paraguay of recommendations made by human rights mechanisms, both from the UN and from the Inter-American Court of Human Rights of the OAS.

However, sustained action for effective and systematic implementation of human rights commitments remains necessary. Further attention is needed, in particular with regard to the rights of indigenous peoples, violence and discrimination against women, child labour, investigations of killings of human rights defenders as well as the overall functioning of the justice system, including conditions in prisons and pre-trial detention.

On-going efforts to increase transparency and fight corruption are expected to have a positive impact on the protection of human rights, provided that they are sustained.

13.2.2. ILO Labour Rights Conventions (conventions 8-15)

Status of ratification and reporting

Paraguay has ratified the relevant labour rights conventions and has met its reporting obligations, and maintains ratification. However, Paraguay has not always provided the detailed information required by the Committee of Experts.

Status of implementation of the conventions

Freedom of association and collective bargaining (Conventions 87 and 98)

The Committee of Experts on the Application of Conventions and Recommendations (CEACR) recalled in its 2013 report that for many years it has been commenting on the incompatibility of some legislative provisions with Convention 87, among others:

(i) the requirement of an unduly large number of workers (300) to establish a branch trade union;

(ii) the prohibition on joining more than one union even if the worker has more than one part-time employment contract;

(iii) the imposition of unduly demanding conditions of eligibility for office on the executive board of a trade union

(iv) the requirement that, for a strike to be called, its sole purpose must be directly and exclusively linked to the workers' occupational interests.

Furthermore the Committee of Experts asked Paraguay to repeal explicitly those sections the Code of Labour Procedure respecting the referral of collective disputes to compulsory arbitration.

As regards implementation of Convention 98, the government was also requested to take the necessary legislative steps to establish adequate protection against acts of anti-union discrimination against workers who are not trade union leaders and against civil servants

and public employees, including those who are not trade union officers, and also to establish penalties that act as an adequate deterrent against violations.

Forced labour (Conventions 29 and 105)

As regards cases of forced labour, the Committee of Experts has been addressing for many years the situation of the many indigenous workers in agricultural ranches in the Paraguayan Chaco, who are victims of debt bondage and more general the persistence of the economic exploitation faced by indigenous workers in several regions of the country in certain sectors, particularly in agriculture. To address this the government has taken a number of measures among others awareness-raising activities, trainings of magistrates and labour inspectors, vocational training for young workers in the Chaco communities, the creation within the labour inspectorate of a technical unit for the prevention and eradication of forced labour and the establishment of the Directorate for Indigenous Labour within the ministry.

Moreover a national strategy for the prevention of forced labour is under preparation with the participation of workers' and employers' organisations and in consultation with indigenous peoples.

As regards the imposition of effective penalties, the Committee of Experts expressed concern at the lack of information on cases brought to justice concerning forced labour practices. There is a need to adapt the national legislation in order to make sure it contains sufficiently precise provisions to enable the competent authorities to prosecute and punish persons who impose forced labour. Changes to this legislation are currently under discussion.

To address cases of forced labour which occur in the form of trafficking in persons, Paraguay adopted in 2012 the Comprehensive Act to combat trafficking in persons which consolidates the already existing legislative framework and provides for institutional strengthening, particularly with a view to ensuring greater protection for victims. The act envisages the possibility for the authorities to make use of special means of investigation and facilitates the participation of victims in judicial procedures. The adoption of this act was positively noted by the Committee of Experts in its 2014 report. Nevertheless the Committee of Experts requested the government to strengthen the resources of judicial authorities so that they are able to identify victims, conduct appropriate investigative and judicial proceedings. Moreover, a national policy to prevent and combat trafficking in human beings is under preparation (still to be adopted). In this context, it is important that the Inter-institutional Forum for Preventing and Combating Trafficking in Persons will be provided with the necessary resources for the implementation of the forthcoming national policy.

Minimum age for work (Convention 138) and worst forms of child labour (Convention 182)

In Paraguay 22.4 % of children and young persons under 18 years of age (approximately 417 000) are working below the minimum age for admission to employment (14 years) or are engaged in one of the worst forms of child labour with 16.3 % of children in the 5-13 age group and 36.8 % in the 14–17 age group. This are results published in 2013 by ILO–IPEC and the Directorate-General for Statistics of Paraguay, which reproduces the results of the first national survey of child labour conducted in 2011.

Almost half of the children work in agriculture, stockbreeding, hunting and fishing. Boys working in rural areas are the category most affected by this phenomenon. The vast majority of children and young persons who are engaged in child labour perform hazardous work (approximately 90.3 % of the 5-13 age group and 91.1 % of the 14-17 age group).

In its latest report from 2014, the Committee of Experts, while welcoming the measures adopted to ensure the effective abolition of child labour, expressed its concern at the large number of children and young persons who are engaged in an economic activity below the minimum age for admission to employment or in hazardous work. It therefore requested the government to intensify its efforts to improve the situation.

Moreover, Paraguay needs to adapt and strengthen the capacities of the labour inspectorate in order to improve its capability for detecting cases of child labour. It also needs to properly implement the labour code relating to child labour and of Decree No 4951 approving the list of hazardous types of work, and impose penalties as necessary.

Paraguay has established two sector plans aimed at eliminating child labour:

- the National Plan for Prevention and Eradication of Child Labour and Protection Teenager work, which aims to prevent and progressively eliminate child labour and ensure decent working conditions for teenagers;

- the National Plan for Prevention and Eradication of Sexual Exploitation of Children and Adolescents aimed at care, prevention and elimination of sexual abuse and exploitation of children and adolescents.

The latter is necessary in view of the extent of the phenomenon of sale, trafficking and sexual exploitation of children and young persons under 18 years and of allegations of complicity of government officials in these kinds of cases. Thus the Committee of Experts urged the government to ensure the elimination of this worst form of child labour, making sure that thorough investigations and effective prosecutions of persons committing such offences, including government officials suspected of complicity, are completed and that effective and sufficiently dissuasive sanctions are imposed on offenders. Moreover there is an urgent need to strengthen the capacities of the law enforcement bodies, particularly the police, the justice system and customs officials, in order to improve their capacity to identify cases of trafficking and sexual exploitation of children.

As regards children working as domestic workers the Committee of Experts requested the government intensify efforts to combat the exploitation of child labour as domestic workers in the *criadazgo* system.

The draft law on domestic labour has been sanctioned by both legislative chambers on 17 March 2015. The law sets the minimum age of 18 for domestic workers, with certain exceptions. Training of labour inspectors in this area is being carried out.

Continued efforts are also necessary to protect street children from the worst forms child labour. These children are particularly at risk of becoming victims of the worst forms of child labour. In this regard, it is particularly important to enhance protection and to make every effort towards eliminating the sale and trafficking for children for begging.

Sustained efforts are also necessary in order to protect indigenous children from the worst forms of child labour. The ILO-IPEC study from 2013 mentioned above revealed that 27.3 % of children under 14 years of age who speak only Guarani are engaged in an economic activity (compared with 16.3 % of children speaking all other languages combined) and mostly carry out hazardous work (92.5 %). Children of indigenous peoples need to have easier access to the system of bilingual education so as to offer them additional chances and to protect them from being engaged in the worst forms of child labour.

Elimination of discrimination and equal remuneration (Conventions 100 and 111)

In its latest report from 2011, the Committee of Experts had noted the existence of clear inequality between the remuneration of men and women in almost all branches, occupational categories and educational levels, despite the legal principle of equal wages for work of equal value. In practice, women earn 73.1 % of the average monthly earnings of men in all types of employment, despite the fact that the gap is smaller in the public sector.

With regard to this and other points linked to implementation of the Non-Discrimination Conventions, the ILO Committee of Experts has requested Paraguay to take action in the following areas:

- addressing the significant difference between the remuneration of men and women;
- adopting measures — within the framework of the Decent Work Country Programme and the 3rd National Plan for Equality of Opportunities between Women and Men, 2008-2017, towards the promotion of equality of opportunities for women and men in education, vocational training, employment and occupation;
- regulating the work situation of the most vulnerable women workers, including rural workers, indigenous, domestic workers, and workers in the informal economy;
- consider adopting additional, specific legislation prohibiting sexual harassment in employment and occupation;
- preventing discrimination against persons living with HIV and AIDS, through the development and implementation of a national policy on HIV and AIDS at the workplace;
- developing mechanisms for the lodging of complaints relating to failure to comply with legislation protecting women workers.

In its reply, Paraguay mentioned actions taken by the Ministry of Labour, Employment and Social Security: free legal advice for women; training sessions conducted in coordination with the National Vocational Promotion Service and the National System of Education and Training Labour; and awareness campaigns to promote equal work opportunities and treatment for men and women.

Moreover Resolution No 472/2012 defines workplace violence and establishes the procedure to be followed by companies in the event of such complaint and subsequent punishment. An opinion on the draft law on breastfeeding and extending the period of maternity leave has been submitted to the Congress.

Future Priorities and Actions

The Republic of Paraguay has made clear that it will continue to implement its commitment on the obligations undertaken in the ILO framework. In this regard, the government plans to analyse the implementation of the labour rights conventions through the competent bodies, and has stated that, if necessary, it will develop plans to reinforce the implementation mechanisms.

Conclusions

Paraguay does not have a general strategy to enhance implementation of labour rights-related conventions, but is developing a series of tools (the National Plan for Prevention and Eradication of Child Labour and Protection Teenager work; the National Plan for Prevention and Eradication of Sexual Exploitation of Children and Adolescents; Strategy for the Prevention of Forced Labour; National Policy to Prevent and Combat Trafficking in Human Beings) expected to contribute to improved implementation and concrete progress.

Implementation is a key challenge. Taking into account Paraguay's overall implementation record, it is expected that positive progress will continue into the medium and long term. However, the administrative structures are still weak and awareness among the population and social and economic actors on labour-related rights is limited. Sustained efforts in the long term will be necessary to achieve concrete and generalised results as regards the implementation of the ILO fundamental conventions.

Paraguay's efforts to protect labour-related rights need to be sustained over the medium term. The ILO Committee of Experts has identified shortcomings in terms of legislative alignment and practice, and issued corresponding recommendations, in particular on Conventions 111, 138 and 182. These recommendations are progressively being taken into account, in particular with regard to actual implementation and results.

The elimination of child labour, the combat against trafficking in human beings and equal labour conditions for men and women are issues that need further attention.

13.2.3. UN Conventions on Environmental Protection and Climate Change (conventions 16-23)

Status of ratification and reporting

Paraguay has ratified all conventions relevant to the GSP+ on environmental protection and climate change, and maintains ratification.

Paraguay has not met all of its reporting obligations under the conventions. There is a lack of compliance for the Convention on Biological Diversity, as the 1st, 3rd, 4th and 5th National Reports have not been submitted. Reports for 2007, 2008, 2009, 2011, and 2013 are due for the Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and Their Disposal. Moreover, for CITES, annual reports for 2008 and 2013 are due. The 1st and 3rd National Reports are also due on the Stockholm Convention on Persistent Organic Pollutants. On the Cartagena Protocol on Biosafety, the 1st and 3rd National Reports are due. No further information was provided on any other measures taken to effectively implement the convention.

Status of implementation of the conventions

Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)

Paraguayan national legislation is ranked as category 2 under the convention. This means that it does not meet the requirements for the implementation of the convention. Paraguay was identified by the CITES Secretariat and UNEP in May 2015 as one the 17 countries that require attention as a priority for strengthening their legislation to implement the CITES convention. In particular, penalisation and confiscation provisions are required to achieve category 1 status.

On the status of the proposal for a national regulation regarding the implementation of CITES and timing foreseen for the finalisation, adaptation and enactment of the proposal, Paraguay has indicated that the request for upgrade of the legislation is currently in the Congress.

The CITES Secretariat reported in December 2015[47] that, while Paraguay has taken step towards preparing new legislative provisions to implement CITES, the country remains in a situation of non-compliance and needs to accelerate its efforts to enact adequate legislation by the 67th meeting of the CITES Standing Committee in September 2016.

As an illustration of the intention to improve CITES implementation, Paraguay has been preparing a non-detriment finding (NDF) for the Palo Santo which was presented at the CITES Plants Committee in October.

As regards reporting, Paraguay has stressed that their resources are very limited. In this context, reporting is not given priority in comparison to control and supervision on the ground.

Basel Convention

As outlined above, Paraguay is not fully compliant with its reporting requirements. It has stated that its lack of reporting is due to lack of human resources and continuity of officers, and that reporting will be gradually fulfilled.

[47] https://cites.org/sites/default/files/eng/com/sc/66/E-SC66-26-01.pdf

Convention on Biological Diversity

As outlined above, Paraguay is not fully compliant with its reporting requirements. It has stated that its lack of reporting is due to a lack of human resources and continuity of officers. Paraguay has not yet submitted the fifth national report as required under the CBD Convention and therefore did not fully comply with its commitments under the CBD.

There were no salient shortcomings identified in Paraguay in 2014-2015 as regards the implementation of the Convention on Biological Diversity, although biodiversity loss has not been halted, and concrete measures to implement the convention should be strengthened.

Stockholm Convention on Persistent Organic Pollutants

Paraguay is not fully compliant with the reporting requirements, as it has not submitted its 1st or 3rd National Reports. On the missing first report, Paraguay has reported that it will be completed, albeit imperfectly due to problems with archive and without clear information regarding the timeline.

No information has been provided on measures taken so far to effectively implement the regulation.

Convention on Biosafety (Cartagena)

Paraguay ratified the Cartagena Protocol on Biosafety in 2004. Paraguay submitted its 2nd National Report due in 2011, although the 3rd National Report was due on 1 November 2015.

Concerning implementation of the protocol, Paraguay informed in its 2nd National Report that domestic regulatory framework is partially in place.

Conventions on Climate Change

Paraguay is a party to all climate change-related conventions, and has no salient shortcomings.

Paraguay is complaint with its reporting obligations on the Montreal Protocol on Substances that Deplete the Ozone Layer, and submitted its latest report in July 2014.

Paraguay submitted its Second National Communication to the UN Framework Convention on Climate Change in December 2011. However, it still needs to prepare and submit its First Biennial Update Report, due by the end of 2014.

Paraguay submitted to the UNFCCC Secretariat its Intended Nationally Determined Contribution (INDC) on 1 October 2015, which envisages a reduction of emissions equivalent to 10 % compared to business-as-usual by 2030 and a conditional reduction of 20 %. The INDC focuses upon land use change, reduction of biomass as energy source for agricultural production, improvements in transportation, limitations placed on importing used cars, and how to take further advantage from the fact that clean energy from hydro-electrical sources is plentiful.

Conclusions

Paraguay needs to provide a clear indication how it will address the important shortcomings with regard to the reporting obligations under conventions on environment protection.

As well as strengthening its reporting procedures, Paraguay should also focus on ensuring the robust implementation of the international conventions on environmental protection. This requires both institutional strengthening and a medium/long term strategy for addressing environment issues, clearly detailing the steps towards proper implementation of the relevant conventions. In particular, Paraguay should accelerate and complete the process for the adoption of legislation which complies with the CITES convention.

On climate change, Paraguay needs to prepare its First Biennial Update Report. Clear steps for the implementation of the actions outlined in its INDC should also be enumerated and enacted.

13.2.4. UN Conventions on Good Governance (conventions 24–27)

Status of ratification and reporting

Paraguay ratified the UN Convention on Narcotics Drugs and on Psychotropic Substances in 1972, and the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances in 1990.

As of January 2015, Paraguay was compliant with all requests for monitoring information from the monitoring body of the three core UN conventions on fighting illegal drugs (International Narcotic Control Board — INCB).

Paraguay ratified the UN Convention against Corruption in 2005, and has complied with all requests for information. Monitoring is carried out by the UNCAC's Implementation Review Group, which last reviewed Paraguay as part of the third wave in 2014. The executive summary of this review has been available to the public since September 2014, and the full country report is expected to be available in early 2016.

Status of implementation of the conventions

UN conventions fighting illegal drugs

Paraguay is South America’s main cannabis producer and an important transit country for cannabis and cocaine, Paraguay is vulnerable to drugs trafficking due to weak institutions, permeable borders and corruption. The United Nations monitoring body (INCB) assessed the situation in Paraguay in 2013 and in 2014 with the objective of reviewing compliance with the three international drug control conventions to which Paraguay is a party. The main shortcoming identified was the need to address the illicit cannabis cultivation, as well as cannabis and cocaine cross-border trafficking.

However, since 2013, Paraguay has increased its efforts to address the illicit cultivation of cannabis on its territory and the trafficking of drugs in general. This has led to increased seizures of cannabis plant and cocaine hydrochloride. Over the past few years, the Paraguayan National Anti-Drug Secretariat (SENAD) has stepped up actions against marijuana production and identified the elimination of the trafficking of cocaine paste as one of its national priorities. It also adopted a strategic institutional plan for 2013-2017, including actions relating to integrated and sustainable alternative development. Institutional support for demand reduction is needed and there is a serious shortage of treatment and rehabilitation centres.

In order to strengthen the country's drug policy and exchange experiences and good practices, a cooperation programme between the European Union and Latin America (COPOLAD) has begun to improve coherence, balance and impact of policies on drugs, through the exchange of practices and experiences, bi-regional coordination and promotion of multi-sectorial, comprehensive and coordinated responses.

International cooperation has also facilitated an improvement in terms of increased coordination and dialogue between the country's various institutions, and better identification of the priorities. As a result, Paraguay elaborated the National Integrated Plan (NIP), which seeks to develop a cross-cutting approach among the various institutions responsible for each of its three sub-programmes (organised crime, illicit trafficking and drug demand reduction and treatment). Implementation now needs to be ensured.

The annual report of the International Narcotics Control Board (INCB) in 2014 noted that the Paraguayan National Anti-Drug Secretariat set itself six main objectives in its strategic institutional plan for 2013-2017, including the implementation of actions relating to integrated and sustainable alternative development. In addition, the National Anti-Drug Secretariat has made the elimination of the trafficking of cocaine paste one of its national priorities

UN Convention against Corruption

A review of Paraguay's implementation of the UNCAC was carried out in 2014 by the UNCAC Implementation Review Group, of which the executive summary has been publicly available since September 2014. This review identified in particular the following shortcomings: neither active nor passive bribery of foreign public officials and officials of public international organisations is criminalised, and nor is bribery in the private sector or abuse of functions.

UNCAC also identified the lack of independence and clear roles of institutions, the lack of an anti-corruption strategy and the need for training and cooperation with civil society as issues to be addressed.

The government has taken measures to improve governance, reduce corruption, increase transparency of public institutions and make information more easily accessible to the public. Public institutions must publish a list of their employees and their salaries, procedures have been introduced to ensure that recruitment of civil servants and the judiciary is based on merit, ministries must publish online tenders for public procurement and the Ministry of Finance publishes regular updates on the execution of the budget. In July 2014, a law on free citizen access to public information and government transparency was adopted.

Paraguay has also made some progress on inter-agency cooperation, and development of legislation on money laundering and asset recovery. On-going progress includes the draft organic law of the national anti-corruption secretariat which is under adoption, the draft strategy for the prevention of corruption in the executive and a calendar of activities for the implementation of UNCAC IRG recommendations under preparation.

Conclusions

Paraguay is taking measures to tackle drug-related concerns in the country (cannabis production, trafficking of cannabis and cocaine, increasing drug-consumption, limitations as regards rehabilitation of drug users), but additional resources and institutional strengthening are needed. While Paraguay has developed a National Integrated Plan to tackle illegal drugs, it is important to ensure comprehensive implementation. Paraguay has strengthened its cooperation with the international community, but while international cooperation is helpful to mitigate the situation, but does not solve it completely.

Corruption remains a concern in Paraguay, with active shortcomings identified by the UNCAC IRG. However, on-going action to increase transparency and to fight corruption is encouraging. Public awareness has increased, access to information on the use of public money has improved and, increasingly, corruption cases have been uncovered. Nonetheless, efforts need to be sustained over time and reinforced, inter alia through the progressive implementation of the UNCAC IRG recommendations.

13.3. Trade and Economy

13.3.1. Trade Picture

Paraguay's economy grew by 14.2 % in 2013 and 4.4 % in 2014, with continued growth despite a dip in the prices of its key exports and at a time when neighbouring economies are shrinking. Paraguay enjoys greater macroeconomic stability than its neighbours. Inflation is relatively low, as are the public debt and deficit, and official reserves are high.

The EU is Paraguay's fourth most important trade partner, behind Brazil and Argentina and just behind China. Paraguay runs a trade deficit with all these countries, but a surplus with the EU. Its exports to the EU are worth EUR 1.1 billion and its imports from the EU are worth EUR 0.6 billion. Brazil (30.8 %) and the EU (14.7 %) are Paraguay's most important export partners. Paraguay also earns significant foreign currency revenue from retail services to tourists.

The EU and Paraguayan economies are complementary — imports from the EU provide inputs for Paraguay such as vehicles and machinery. Paraguay's soya exports are inputs for European products. Soybeans (and other seeds) continue to dominate Paraguay's exports to the EU — 87 % in 2011, 74 % in 2012, and 73 % in 2013. Paraguay's main imports from Mercosur countries are oils, machinery and equipment, and motor vehicles. Its main export to its neighbours is hydro-power. Paraguay is the world's sixth-biggest meat exporter, notably exporting meat to non-Mercosur Latin American countries.

Mercosur countries, including Paraguay, do not enjoy full FTAs with any of their major trading partners. Paraguay is the only Mercosur member that continues to benefit from GSP+ (despite having been recently reclassified as an upper-middle-income country), with zero tariffs on 91 % of products, offering potential scope for future diversification. At present, GSP+ preferences have little impact on Paraguay's exports as soybeans and their residues have zero MFN tariff. Roughly 4 % of Paraguay's exports to the EU benefit from GSP+ currently. Soybean oil is an important potential growth area, in which Paraguay can benefit from tariff exemption under GSP+, and which would help Paraguay to diversify its export base.

13.3.2. GSP+ Statistics

Figures 13.1-13.3 below describe Paraguay's utilisation of the GSP+, in the context of its overall imports to the EU.

Source for all statistics: Eurostat data, as of September 2015.

Figure 13.1

Paraguay - Imports to the EU, 2012-2015					
Figures in thousand EUR	**2012**	**2013**	**2014**	**2015 (Q1-2)**	**Trend 2012-2014**
Total imports to EU	953,426	1,163,165	1,100,046	483,220	15.38%
GSP+ eligible imports	26,788	48,019	72,535	16,017	170.78%
GSP+ preferential imports	24,579	43,954	69,227	13,515	181.65%
GSP+ utilisation rate	91.76%	91.54%	95.44%	84.38%	4.02%

Figure 13.2

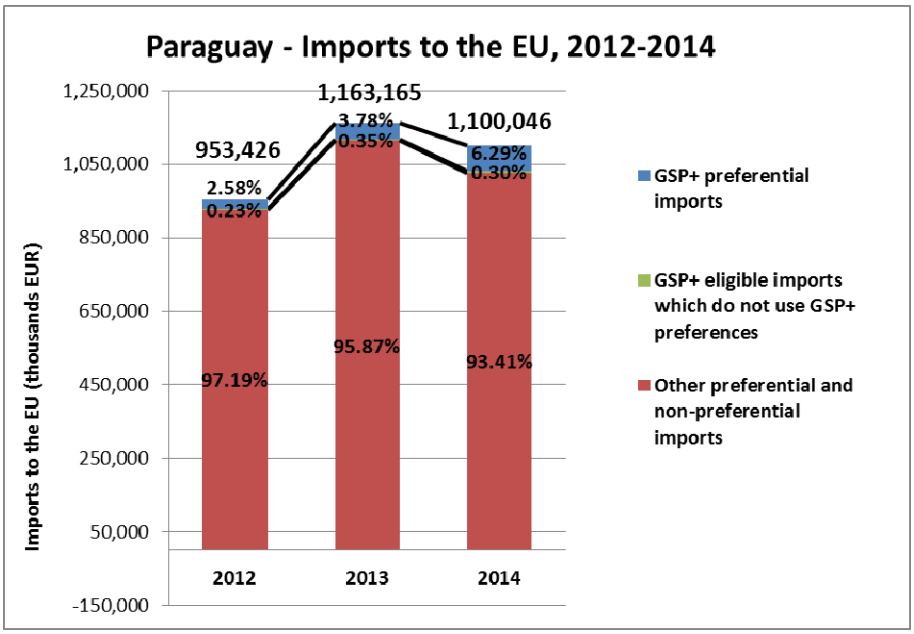
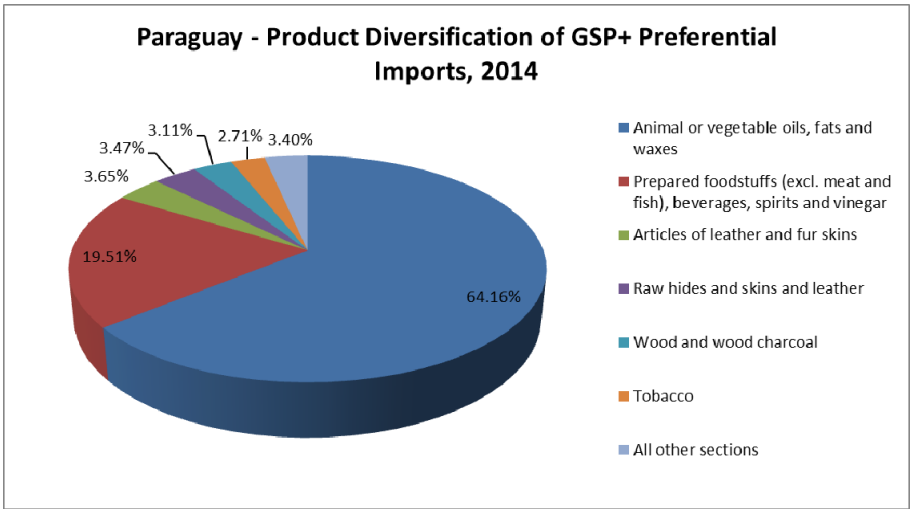


Figure 13.2


Paraguay - Product Diversification of GSP+ Preferential Imports, 2014
3.11%
2.71%
3.40%
3.47%
3.65%
19.51%
64.16%
Animal or vegetable oils, fats and waxes
Prepared foodstuffs (excl. meat and fish), beverages, spirits and vinegar
Articles of leather and fur skins
Raw hides and skins and leather
Wood and wood charcoal
Tobacco
All other sections

14. Peru– GSP+ Assessment

14.1. Country Overview

Since 2001, after the end of the armed internal conflict, democracy and rule of law have been consolidated in Peru. Civil, political, economic, social and cultural rights are generally respected. Sound macroeconomic policies and one of the highest economic growth rates in the region during the last years have enabled the country to make significant economic and social progress.

Nevertheless, Peru still faces important challenges such as high levels of inequality, social conflicts and weak presence of the state at regional and local level. Its economy remains dependent on exports of raw materials and large-scale extractive projects that often negatively impact the indigenous communities, the environment as well as social and economic sustainability. The development gap between the urban and the rural areas combined with the widespread informal economy remains a big issue. In the rural areas in the Andes and the Amazonas the poverty rate still exceeds 40 %, while it stands at 22 % nationally. However, the poverty gap is slowly reducing between regions.

Under President Humala, in office since 2011, the government has put social inclusion at the heart of its public policies. It has put in place policies and measures to reduce disparities and fight poverty and extreme poverty. These include programmes to fight malnutrition, to promote education for adolescents, and to create economic opportunities for the most vulnerable households. In July 2015, a social pension was set up for the elderly, and for people with disabilities. Public funding for such social programmes has considerably increased in recent years, and some have been supported by the EU. The EU will continue to support some programmes until 2017, when the EU-Peru financial cooperation under the Development Cooperation Instrument will come to an end.

In particular, President Humala's government has adopted a number of policies to reduce social disparities in the disadvantaged rural areas of the Amazonas and the Andes. It has also adopted measures in favour of the indigenous population. Despite a slight decrease in social conflicts in comparison to 2012, public protests against large-scale mining projects and other economic initiatives still took place during the reporting period.

14.2. Compliance with GSP+ Obligations

14.2.1. UN Human Rights Conventions (conventions 1-7)

Status of ratification and reporting

Peru has ratified all seven UN human rights conventions relevant to the GSP+, and maintains ratification. Peru is compliant with all its reporting requirements.

Status of implementation of the conventions

Peru is committed to fully implementing the principles and rights enshrined in the UN human rights conventions. Human rights are guaranteed by the Constitution. Peru is

conscious of its obligations and of the importance to effectively translate these principles into Peruvian law.

For these reasons, a new vice ministry of human rights was established in 2012, the National Strategy on Human Rights was approved in 2014, and several policies on economic and social rights have been recently implemented. these include a national plan on the education of human rights, which aims to foster a culture of human rights in the country.

Peru was a member of the UN Human Rights Council between 2012 and 2014.

The last UN universal periodic review (UPR) for Peru took place in March 2013. Peru refers to the UPR mechanism in a very positive manner. Peru immediately accepted 120 out of the 129 recommendations, and prepared a written statement explaining its rejection of the remaining nine recommendations.

International Convention on the Elimination of All Forms of Racial Discrimination

With a 24 % share in the total population, Peru has the third-highest proportional indigenous population in Latin America. Reports on the CERD and CESCR highlight a continuing discrimination of indigenous peoples, concentrated in the sierra and jungle regions. In these regions, indigenous peoples are particularly affected by poverty and extreme poverty, and their rights often collide with concessions for the extraction of natural resources.

However, the promotion of the rights of indigenous peoples is one of the most notable advances and a clear priority of the government. In 2014, the Ministry of Justice and Human Rights established the National Commission for the Fight against Discrimination (CONACOD), an inter-institutional unit aimed at articulating state efforts to tackle discrimination. The Ministry of Culture also created a mechanism to report cases of racism.

Peru continues to implement the 2011 Prior Consultation Law (‘Consulta Previa’), which guarantees the right of indigenous peoples to be consulted on decisions affecting them in line with the application of the ILO Convention 169. In 2014, 19 consultation processes were launched, with nine resulting in an agreement between the state and the indigenous peoples. The consultation methodology has been refined, and a guide on the implementation of the rights has been elaborated. Training on these rights has also been increased, and to date more than 5 000 people have been trained, across Peru.

In its concluding observations from its September 2014 report, the Committee on the Elimination of Racial Discrimination recommended that Peru ‘guarantee that all indigenous communities, either from the Andean or the Amazonian region that may be affected, directly or indirectly, by the adoption of a legislative or administrative measure should be duly consulted’ ([48]). The extension of the Prior Consultation Law to indigenous peoples from the Andes is still under debate.

[48]http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD %2fC %2fPER %2fCO %2f18-21&Lang=en

Conflicting interests still remain between the rights of indigenous peoples (and local, especially rural communities), and the promotion of economic growth and exploitation of natural resources. As of September 2015, the Ombudsman Office registered a total of 214 social conflicts, 66 % of which were of socio-environmental in nature, some of which have turned violent.

Nonetheless, Peru has become a sponsor of indigenous rights at international level. It sponsored the first UN World Conference on Indigenous Peoples, held in the margins of the UN General Assembly in September 2014. It was instrumental in putting the effects of climate change on indigenous peoples at the centre of the COP20 debates in Lima in December 2014.

International Covenant on Civil and Political Rights (ICCPR)

Even if the systematic human rights violations during the 1990s are part of the country's past, Peru still has some way to go to fulfil the ICCPR. The rights to peaceful assembly and association are guaranteed by the constitution. Despite this, various local organisations report instances where authorities fail to provide these rights. Several executive decrees have been passed in recent years that reportedly diminish the responsibility of armed forces in cases of injury or death during demonstrations.

In its report of April 2013, the Human Rights Council (HRC) highlighted discrimination, harassment and acts of violence against LGBTI persons and HIV/AIDS patients ([49]). These groups are weakly represented at the higher levels of decision-making and suffer from discrimination in the access to the right to civil union and inheritance, as well as basic services and labour.

A draft bill to legalise same-sex civil unions was presented to Congress in May 2014. Most Peruvian political leaders opposed the law, and debates in the parliament's Human Rights Committee (in charge of proposing the law to the plenary) in 2014 have led to a stand-still. According to a survey, 61 % of Peruvians are against same-sex civil unions. However, parts of civil society seem to be more open towards ensuring equality for LGBTI persons. LGTBI organisations announced that they will insist with the law in the following legislature.

The HRC's April 2013 report also underlined inadequate investigation and compensation of the human rights violations from the 1980-2000 internal armed conflict. There has been little progress in establishing accountability for the estimated 70 000 deaths and enforced disappearances during the conflict.

In June 2015, the United Nations Working Group on Enforced or Involuntary Disappearances made an official visit to Peru and highlighted the progress made by Peru in the eradication of systematic human rights violations. However, they noted that wounds remain open on the human rights violations of the 1980-2000 conflict, and urged the Peruvian state to promote the search for missing persons and strengthen reparation measures for the victims and their families.

[49] http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR %2fC %2fPER %2fCO %2f5&Lang=en

According to figures provided by Peru, there are 211 999 persons registered as individual victims of several human rights violations during the 1980-2000 period of violence. All individual reparations for direct victims (79 564) had been paid by 2015. In 2014 alone, 35 015 people were compensated. However, only 36 % of the collective reparations for communities affected by the violence had been paid.

A draft law establishing a national policy for the disappeared is under discussion. According to the Ministry of Justice, the draft will seek to defend humanitarian principles before the principle of access to justice. It will aim to implement a thorough and nationwide policy to seek the remains of the 15 000 disappeared during the period of violence.

Furthermore, Peru has demonstrated advances in the restitution of citizen rights, tax exoneration, education, health, and support to the families of the disappeared. 'Symbolic' reparations with acts of recognition have taken place in places where violations occurred.

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

A 2012 report on Peru's implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) highlights continuing discrimination of indigenous peoples. This discrimination is concentrated in the sierra and jungle regions, where indigenous communities are concentrated. In these regions, indigenous peoples are particularly affected by poverty and extreme poverty, and their rights often collide with concessions for the extraction of natural resources and the presence of illegal activities (namely illegal mining and logging).

According to official data, poverty decreased by 10.8 % between 2009 and 2014. 22.7 % of the population were considered to be living in poverty in 2014, with 4.3 % of the population considered extremely poor. However, in the poorest regions poverty rates are still above 50 %. Similar disparities between urban and rural areas applies to access to water (87.2 % overall, and just 63.9 % in rural areas), access to sanitation (81.9 %, and 48 % in rural areas), and access to electricity (94.5 % overall, but 79.5 % in rural areas). However, the trend is positive, with a diminishing disparity.

This is partly the result of the government's efforts which have put social inclusion at the heart of its public policies. The Ministry of Development and Social Inclusion was created. Various policies and measures have been put in place to reduce disparities and fight poverty and extreme poverty (such as the infant and mothers' health programme *JUNTOS*, the school nutrition programme *Cuna Más,* and the social development fund *FONCODES*). The national strategy '*Incluir para crecer*' is financially supported by the European Union.

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

Peru developed a national action plan against violence against women in 2009, and a gender equality national plan in 2012. Despite these plans, violence, inequalities, and discrimination continues, lagging behind developments on other human rights issues.

Reports on the CEDAW note deficiencies regarding the rights of women, in particular a high level of impunity for perpetrators of violence against women and the failure to

prevent acts of violence. Trafficking is particularly serious among adolescent girls, used for sexual or labour exploitation in the mining and logging industries.

There is a lack of coordination between the Ministry of Finance and other line ministries, which hampers efforts to implement an effective gender budgeting model.

However, in August 2013, Peru passed a law which criminalises femicide. A law criminalising street harassment was also in March 2015. In July 2014 the Ministry of Health announced the enactment of the medical protocols which authorise therapeutic abortion. Peru is currently undergoing a nationwide discussion on decriminalising abortion in cases of rape.

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

In June 2014 the Congress approved the draft law entrusting upon the *Defensoria del Pueblo* (ombudsman) the responsibility to implement the National Mechanism for the Prevention of Torture. However, the executive has not yet turned this draft into law, and no specific funds have been allocated to enable it to function. The national mechanism requires periodic examinations of inmates' treatment. The ombudsman should make recommendations to improve inmates' conditions, and should inform the competent authorities about cases which require investigations. It should also remote training and awareness on the prevention of torture.

Convention on the Rights of the Child

In its list of issues in relation to the next periodic reports of Peru in 2016, the Committee on the Rights of the Child requested Peru to provide a range of additional information ([50]). This included information on the discrimination of girls and indigenous children, difficult access to public services such as health and education in the rural, mountain and Amazon areas, child labour, violence and sexual abuse and exploitation of children. Violence against children is a nationwide problem and many abuses are undoubtedly not reported because such abuse is generally seen as a family problem to be resolved in private.

The most recent CRC report was published in 2006, and highlighted the high employment rate among children and adolescents, especially in the informal sector ([51]). Children are becoming victims of exploitation and abuse, and are marginalised from education.

Approximately 70 % of the Peruvian economy is informal. Therefore, the government's efforts to regularise the economy should reduce the number of children in employment, and reduce the numbers of victims of trafficking and sexual exploitation.

[50] http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC %2fC %2fPER %2fQ %2f4-5&Lang=en

[51] http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC %2fC %2fPER %2fCO %2f3&Lang=en

Future actions and priorities

Various national action plans are in place, which should ensure that the state authorities are committed to further application of human rights. These include the National Human Rights Plan (a successor to which should be enacted under the new legislature), the National Action Plan for Infants and Adolescents (2012-2021), the National Strategy for the Prevention and Eradication of Child Labour (2012-2021), and the National Plan to Fight Violence Against Women.

Following the general and presidential elections in April 2016, various legislative proposals could also be revived. No dramatic changes are expected on the human rights context following the results of the presidential elections. However, close attention should be paid to the new administration's measures, particularly on critical issues such as follow-up of the post conflict agenda, implementation and protection of indigenous peoples' rights, protection of women's rights (especially reproductive rights), as well as freedom of expression, and free assembly rights.

Conclusions

The government of Peru is committed to furthering respect and promotion of human rights. Peru assumed a seat in the UN Human Rights Council between 2012 and 2014, acting responsibly and often in support of EU positions. At national level, Peru has adopted national plans in several areas, including violence against women and gender equality.

However, it is important to note that the current national human rights plan covers only the years 2014 to 2016, as 2016 is the end of the current government's term. This limited timeframe has been criticised by civil society. It will be important to pay close attention to the developments following the elections in April 2016. However, the accompanying National Plan on the Education of Human Rights will be in place until 2021 and aims at fostering a human rights culture in the country.

In spite of the existence of these plans, deficiencies can be seen in their implementation, which explains why there has not been more progress on the issues of violence against women and LGTBI rights.

On these and other issues there is openness from the Peruvian side to engage in a dialogue with the EU. Peru is willing to share experiences and eager to learn from best practices. Human rights form part of the regular EU-Peru political dialogue. Specific consultations at expert level on human rights took place in July 2014 and 2015, with readiness on the Peruvian side to formalise the talks into a regular Human Rights Dialogue.

14.2.2. ILO Labour Rights Conventions (conventions 8-15)

Status of ratification and reporting

Peru has ratified all eight ILO core labour standards without reservations, and maintains ratification. It has complied with all its reporting obligations under these conventions.

However, it should be noted that Peru's rate of informality is very high — 70-80 % of the labour market. Therefore, many of the labour standards are not applicable to the majority of the population.

Status of implementation of the conventions

The institutional framework of labour inspections, one of the most important pillars in the defence of labour rights in the country, has been weakening. A new independent entity (SUNAFIL) in charge of the inspections was created in 2012, but since then it has suffered from insufficient budget and a lack of leadership continuity. Even if the present government has increased the minimum wage in 2011, it has also passed rules (the so-called economic package issued in mid-2014) that have limited the capacity for action of labour inspections.

Freedom of association and collective bargaining (Conventions 87 and 98)

While examining the implementation of the Freedom of Association and Collective Bargaining Conventions, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR, hereinafter referred to as *Committee of Experts*) made several recommendations in its 2013 report. Peru was recommended to amend the legislation with respect to the majority required to call a strike; ensure that authority to declare a strike unlawful lies not with the government but with an independent body (a point made several times by the Committee on Freedom of Association); and ensure that federations and confederations of public servants may join confederations of workers of other professions.

In addition to comments made by the Committee of Experts, the Committee on Freedom of Association (CFA) examined several containing allegations on acts of anti-union discrimination and obstacles to bargain collectively at a sectorial level.

As regards implementation and enforcement, the Committee of Experts noted an excessive duration of judicial proceedings examining complaints against trade union discrimination or interference.

Forced labour (Convention 29 and 105)

The Peruvian government has been taking steps for a number of years to combat forced labour in the country by strengthening the legislative and institutional framework. Central pieces of this policy are the creation of the National Committee to Combat Forced Labour (CNLTF) and the adoption of the first National Plan to Combat Forced Labour in 2007. Subsequently in 2013, Peru adopted its second National Plan to Combat Forced Labour, which runs from 2013 to 2017. Strengthening labour inspections and the role of the police sought to combat the different forms of forced labour which occur in

the country, including debt bondage of indigenous peoples in the logging sector, people trafficking, and exploitation of women in domestic service. A special unit of the labour inspectorate has been established, to focus on combating forced labour. However, the Committee of Experts expressed concern in its 2014 report that the unit does not have sufficient means to carry out its work. It also strongly encouraged the government to strengthen the capacities of the National Committee to Combat Forced Labour (CNLTF), both at national and regional levels. The CNLTF is essential to strengthen the State's presence in regions with a marked prevalence of forced labour.

As regards legislative alignment, the Committee of Experts in its 2014 report insisted again on the need for amendments to the Penal Code so that it expressly criminalises forced labour and defines its various components in order to cover all forced labour practices that exist in Peru. Currently, only trafficking in persons is defined as a crime and prosecuted.

Worst forms of child labour (Convention 182) and Minimum age for work (Convention 138)

Poverty affects two thirds of children in Peru, and extreme poverty affects almost one third of children. Forced child labour and hazardous work occurs mainly in gold mines, in the streets, and in cocaine production and transportation. Sale, trafficking and commercial exploitation of children is also an issue in Peru. Around 50 000 children are estimated to work in gold mines, some of them as young as 5 years of age, often working in conditions classified as hazardous. More than 110 000 children in Peru are involved in domestic work, which is also often hazardous. As many as 141 000 children are estimated to work begging in the streets.

Peru has adopted in 2010 national legislation which prohibits hazardous forms of work for persons under 18 years of age. The list adopted sets out 29 types of work deemed to be hazardous by their nature or the conditions in which they are carried out, including work in mines and domestic work other than for the family. However, the Committee of Experts has urged the government to ensure that this legislation is applied in practice, and that children receive the protection provided by the legislation.

Peru has developed the National Strategy for the Prevention and Elimination of Child Labour, which will be in place from 2012 to 2021. This focuses on four strategic objectives: increasing family income; cutting drop-out and school failure rates; eliminating child labour and the hazardous work of young people; and strengthening protection services for victims.

As detailed in the government May 2015 reply to the GSP+ scorecard, a range of measures have been implemented to address child labour. These include labour inspections at workplaces, as well as promoting school attendance among children in rural areas by providing cash benefits to their families.

Labour inspectors have been trained with a view to increase their awareness of child labour, although the labour inspectorate has reported that its limited resources prevent it from carrying out effective controls. However, the Committee of Experts has urged Peru to ensure that thorough investigations are conducted, and that persons committing these offences are prosecuted. Effective and dissuasive penalties should be imposed. The Committee of Experts also urged the government to strengthen the capacity of the labour inspectorate so it can inspect mining sites, and other hazardous workplaces.

In 2012, the government initiated a pilot programme to provide assistance to children working in the streets. Some 3 700 children out of 141 000 working in the streets have benefitted. Moreover, according to information provided by the government in reply to the GSP+ scorecard, Peru and Colombia signed in June 2014 several agreements to address child labour in the border regions. Besides, Peru established a public-private partnership, a network of enterprises, with the aim to contribute to the eradication of child labour and the protection of young workers.

To gradually eliminate child labour, it is essential that the government pursues its efforts to reduce poverty in Peru.

Elimination of discrimination (Conventions 100 and 111)

In 2012, the average income for women in Peru was 66.6 % of the income of men (64.4 % for urban areas and 57.3 % for rural areas). However, in 2015 the government announced that the wage gap between men and women in the public sector had reduced from 24 % in 2008 to 15 % in 2014.

The Committee of Experts has requested Peru to identify and address the causes of this wage gap. The underlying causes could include gender-based discrimination, gender stereotypes relating to aspirations, gender disparities in the use of time, preferences and abilities of women, or vertical and horizontal occupational segregation. Peru was also recommended to promote women's access to a wider range of jobs at all levels, including managerial posts.

Peru has adopted over the last years a range of legal provisions among others provisions to promote the competitiveness, the formalisation and development of micro and small enterprises and access to decent employment. According to the Confederation of Workers of Peru (CTP), the Single Confederation of Workers of Peru (CUT) and the Autonomous Workers' Confederation of Peru (CATP), these texts establish specific systems by type of contract, sector or occupation, providing for a lower level of rights than the generally applicable legislation. Furthermore, according to the CUT, these legal texts affect rather women and indigenous workers, who are predominant in these sectors. Moreover the Committee of Experts noted that in the framework of the National Gender Equality Plan (2012-2017) that there is a persistence of the use of special labour systems in sectors which principally employ women. The committee has requested Peru to assess the impact of these legal provisions which establish special labour schemes in particular on the access to and conditions of employment for women and indigenous workers. It also requested the government to ensure that the labour inspection system is effective and contributes to promoting equality of opportunity, and that it addresses discrimination at work.

Future actions and priorities

The government approved the Sector Strategy for Labour Formalization 2014-2016, in order to tackle the high rates of informal labour in the country and aiming at reducing them from 56 % to 52 % by 2016. The strategy comprises three levels: increase employability and labour productivity, improve incentives to create or take up formal employment, and strengthen the capacity to enforce labour legislation. The strategy aims at incorporating 150 000 workers into the formal labour market. This is likely to strengthen the action of labour inspectors.

Conclusions

Peru has been taking several steps and has made some progress in implementing the ILO core labour standards. Key to this is the adoption of the second National Plan to Combat Forced Labour (2013-2017), and the National Strategy for the Prevention and Elimination of Child Labour (2012-2021). There is some alignment between Peru's national legislation and the conventions, although further alignment is required on forced labour, freedom of association, and the right to collective bargaining.

Nevertheless, despite some actions taken by the government, Peru faces problems in practically implementing and enforcing the fundamental conventions. Stronger efforts are required to implement the conventions on child labour, forced labour, freedom of association, and collective bargaining.

14.2.3. UN Conventions on Environmental Protection and Climate Change (conventions 16-23)

Status of ratification and reporting

Peru is a party to all GSP+ relevant conventions on environmental protection and climate change.

Peru is fully complaint with the reporting obligations under the Convention on Biological Diversity, the Cartagena Protocol on Biosafety, and the UN conventions on climate change.

Peru has not yet submitted its first National Report on the Stockholm Convention on Persistent Organic Pollutants, although the second and third National Reports are available. On the Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and Their Disposal, Peru has not submitted any Annual Reports for the years 2007 to 2013. Peru is generally compliant with its reporting requirements on the Convention on International trade in Endangered Species of Wild Flora and Fauna (CITES), but the Biennial Report for 2013-2014 is outstanding.

Status of implementation of the conventions

In mid-2014, the Congress passed a new law aimed at increasing investment, which removes many of the Environment Ministry's responsibilities for environmental protection. The UN, national and international groups, and the Peruvian ombudsman regard this law as a backwards step on environmental protection. The law removes the Environment Ministry's jurisdiction over air, soil and water quality standards, as well as its ability to set limits for harmful substances. It also eliminates the ministry's power to establish nature reserves exempt from mining and oil-drilling. The new law also further streamlines environmental reviews for new projects, and, for the next 3 years, lowers by half the maximum fines for all but the most serious of environmental violations. The law stipulates that Peru's environmental protection agency occupy itself for the next 3 years with 'preventative' rather than disciplinary actions.

Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)

Peru is generally compliant with its reporting requirements on the Convention on International trade in Endangered Species of Wild Flora and Fauna (CITES), but the Biennial Report for 2013-2014 is outstanding. Information on Peru's implementation of the convention is not readily available.

Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and Their Disposal

The Ministry of Environment continues to develop the Register of Emissions and Transfer of Pollutants. Peru has also reported that an annual sectorial report on solid waste has been established. A programme on segregation and selective collection of solid waste (*Programa de Segregación en la Fuente y Recolección Selectiva de Residuos Sólidos*) has also been taking place on a municipal level, together with education and training.

Convention on Biological Diversity

There were no salient shortcomings identified in Peru in 2014-2015 as regards the implementation of the Convention on Biological Diversity, although biodiversity loss has not been halted, and concrete measures to implement the convention should be strengthened.

Stockholm Convention on persistent Organic Pollutants

Peru has taken several measures to effectively implement the Stockholm Convention, including creating a national plan for implementation of the convention. It has an existing memorandum of understanding with the UN on training of personnel. The Ministry of Environment continues to develop the Register of Emissions and Transfer of Pollutants.

Although Peru did not submit its first national report under the convention, its second and third national reports were submitted in 2012 and 2014 respectively.

Convention on Biosafety (Cartagena)

In its 2nd National Report, submitted in 2011, Peru informed that its domestic regulatory framework is partially in place. In 2011, Peru did not have measures in place to require that living modified organisms (LMOs) subject to trans-boundary movement are handled, packaged and transported under conditions of safety, in line with the relevant international rules and standards

Conventions on Climate Change

Peru has ratified all conventions on climate change relevant to the GSP+, and maintains ratification. It has ratified the Montreal Protocol on Substances that Deplete the Ozone Layer, the UN Framework Convention on Climate Change (UNFCC), and the Kyoto Protocol to the UNFCC. It has no salient shortcomings with any of the conventions.

In September 2010 Peru submitted to the UNFCCC Secretariat its Second National Communication and in December 2014 its first Biannual Progress Report.

Peru organised and chaired the COP20 summit in Lima in 2014. On 28 September 2015 Peru submitted its Intended Nationally Determined Contribution (INDC) to the 2015 Climate Agreement, which envisages a reduction of emissions equivalent to 20 % (plus an additional 10 % subject to the availability of international financing and the existence of 'favourable conditions') in relation to emissions of the projected business-as-usual scenario starting in 2010 and ending in 2030. The projection considers the total emissions and removals of the land use, land use change and forestry sector. Contributions will mainly come from the forest sector (40 % of Peruvian emissions come from deforestation), followed by agriculture and energy (with a focus on efficiency improvements).

Peru's INDC also contains an adaptation component. The country plans to develop a national adaptation plan as the instrument for complying with the adaptation goals of the INDC.

Conclusions

While Peru's conformance with the reporting obligations under the conventions on environmental protection has improved in recent years, it should ensure that the outstanding reports on CITES, the Stockholm Convention, and the Basel Convention are submitted.

There is little information available on the actions Peru has taken to implement CITES or the Convention on Biological Diversity. Some concrete efforts have been noted on the Basel Convention, the Stockholm Convention, and the Cartagena Protocol. However, for all the conventions on environmental protection, it is essential that Peru takes concrete actions to implement its commitments.

Peru complies with the three UN conventions on climate change, and has demonstrated strong international leadership through its chairing of the COP20 summit in Lima in 2014. Peru should focus on ensuring that its announced intentions to combat climate change are implemented.

14.2.4. UN Conventions on Good Governance (conventions 24-27)

Status of ratification and reporting

Peru ratified the UN Convention on Narcotic Drugs in 1964, and the UN Convention on Psychotropic Substances in 1980, with no reservations. Peru has maintained its ratification of all three conventions.

Peru has also ratified the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances in 1992. However, Peru has expressed a reservation to part of

Article 3 of this convention, which refers to offences and sanctions. In particular, Peru has expressed a reservation at including cultivation among the activities established as criminal offences, without drawing a clear distinction between licit and illicit cultivation. Peru has also expressed a reservation to the convention's scope of the definition of illicit traffic. Moreover, Peru agrees to the referral of disputes to the International Court of Justice only if all the parties, and not just one, agree to such a procedure.

As of January 2015, Peru was compliant with all requests for monitoring information from the monitoring body of the three core UN conventions on fighting illegal drugs (International Narcotic Control Board — INCB).

Peru ratified the United Nations Convention against Corruption (UNCAC) in 2004, and maintains ratification. Peru has complied with the reporting obligations so far. Reviewing is carried out by the UNODC Implementation Review Group, the convention's monitoring body. The executive summary of the most recent review on Peru has been available to the public since May 2013. The full report is also publicly available.

Both the executive summary and full report have been available on the United Nations Office on Drugs and Crime (UNODC) website since May 2013.

Status of implementation of the conventions

UN conventions fighting illegal drugs

In 2014, Peru remained the world's top producer of cocaine and was the second-largest cultivator of coca. Peru is also a major importer of chemical precursors used for cocaine production. Peru has a specific agreement with the EU on the trade of drug precursors.

Although coca bush cultivation increased between 2005 and 2011, the increases during this period were almost entirely reversed in 2013. The downward tendency continued in 2014, with a 14 % reduction in the surface of coca leaf plantations, following government alternative development and eradication efforts. Some of the most significant advances were made in the high-risk zones of Alto Huallaga, where coca production — almost exclusively destined for the drug trade — has been reduced to a minimum. Despite the advances in eradication, there has been an increase in drug smuggling through the ports of Callao and Paita, and cocaine seizures remained relatively limited in 2014.

However, the 2012-2016 Peruvian national strategy to combat drugs has now been in force for 3 years, and is working well. Peru is dedicating more resources and tackling the issue in its own right. There is clear leadership, and the National Commission for Development and Life Without Drugs (DEVIDA) has cemented its role as the lead agency.

The strategy aims to improve results using an integrated approach that addresses all aspects of the problem (eradication, alternative crops, control, rehabilitation and prevention). It sets the general strategic objective of a drastic and lasting reduction in illegal trafficking and consumption of drugs and their adverse social, political, economic, cultural and environmental effects, while integrating those who produce illegal crops into the lawful economy. The strategy also establishes ambitious goals and monitoring indicators, and, if projections hold, these will translate into significant achievements by 2016. However, there are some areas in which it has not been made clear what resources

the Peruvian authorities plan to use to achieve the proposed aims, and others in which the strategy could be further refined.

The Peruvian government's commitment to stepping up the fight against drugs can be seen in various legislative measures. In 2013, a legislative decree was passed establishing control measures for chemical inputs and equipment used to produce illegal drugs.

To reduce cultivation in some areas, the Peruvian authorities have proposed a new strategy, emphasising the promotion of alternative crops while maintaining eradication.

In response to a rebound in drug trafficking on non-commercial flights through Peruvian air space, the Peruvian Air Force is operating a non-lethal air traffic interdiction programme. This seeks to dissuading pilots who are trafficking drugs from entering Peruvian territory.

At the regional level, Peru is also stepping up cooperation with neighbouring countries. Fruitful bi-national meetings have been held with Brazil, Ecuador, Colombia and Chile, and there is good cooperation with Bolivia.

At a political level, Peru has proven to be a committed partner in the framework of the EU-CELAC Cooperation and Coordination Mechanism on Drugs, as well as in the joint follow-up group on precursors.

Moreover, Peru has taken part very actively in the COPOLAD programme (cooperation programme on drug policies between the EU and Latin America), a programme designed to improve coherence, balance and impact of counter-narcotics policies. This involves an exchange of practices and experiences, and a bi-regional coordination and promotion of multi-sectorial, comprehensive and coordinated responses.

The United Nations monitoring body (INCB, International Narcotics Control Board) has appraised the situation in Peru in May 2012, through a high-level mission led by the President of the Board, with the objective of examining developments that had taken place in the country and reviewing compliance with the three international drug control convention to which Peru is a party. The findings of the mission were reflected in the INCB Annual Report for 2012 (published in early 2013), which reported the launch of a comprehensive national drug strategy for the period 2012-2016 placing emphasis on alternative development, the fight against illicit coca bush cultivation and drug trafficking and the prevention and treatment of drug abuse.

Moreover, the INCB Annual Report for 2014 noted that under the 2012-2016 national strategy to combat drugs, the eradication of coca bush has intensified in the major coca-growing regions of Huánuco and Ucayali. Peruvian authorities have proposed a new strategy, emphasizing the promotion of alternative crops while maintaining the eradication component, in order to reduce the level of cultivation in the Apurímac, Ene and Mantaro river valleys

Nevertheless, the Board noted that the government permits cultivation of coca bush for traditional domestic uses and for certain industrial purposes that are in contravention to the 1961 Convention, and that the government didn't not seem to be in a position to take effective control over the 9 000 tonnes of coca leaf that are used annually for such purposes.

UN Convention against Corruption

In 2013, corruption was ranked as the second most significant source of concerns for Peruvians, following security. The judicial power and the national police were perceived as the 'most corrupt'.[52].

The imprisonment of former President Alberto Fujimori in 2007 remains the most important landmark in the fight against corruption in Peru. Since then, no cases with such a high profile have occurred. Cases of important drug lords, including Alberto Cataño or the Sanchez Paredes family, do not progress in the courts, despite being the product of years of police work. In addition, more than 5 000 pardons granted during the second mandate of President Garcia (2006-2011) to several drug traffickers (including chiefs of drug cartels) are being investigated. However, these investigations do not cover high-level officials from the Garcia administration, despite growing allegations of grand corruption involving former Presidents and Ministers.

A UNCAC review in 2013 identified a number of shortcomings in terms of criminalising offences, including on passive international bribery, illicit enrichment of legal persons, trading in influence, as well as legislation on bribery in the private sector. There are also a number of recommendations on the extradition framework.

However, in 2012 Peru launched its national plan against corruption 2012-2016, following its 2008-2011 plan. This is supported by a strategy and by setting up a national commission against corruption, which will take charge of implementing measures thorough the executive. While the plan is well designed, there are significant problems with implementation and enforcement. In particular, the national plan does not tackle the legislative and judiciary in practice. The executive appears more eager to promote transparency and fight corruption than other state powers.

In the framework of its interest in joining the OECD, the Peruvian government is undergoing a public governance review, with strong focus on transparency and fight against corruption. It is expected that some achievements may be presented during this process. The final report, which will include recommendations, is expected to be published in early 2016.

Conclusions

Peru is still a major drug producing country. However, the government of Peru has demonstrated increasingly strong political will for a successful implementation of the ambitious national anti-drug strategy 2012-2016 to address drug production and trafficking in Peru. This includes funding a substantial share of eradication operations and carrying out successful law enforcement operations, reinforced by a strengthened legislative framework and active and effective international cooperation. The work should continue along these same lines so that a real, positive impact can be achieved in the future in the fight against drug trafficking in Peru.

[52]http://www.proetica.org.pe/viii-encuesta-nacional-sobre-percepciones-de-la-corrupcion-en-el-peru-2013/

Peru's national plan against corruption is well supported by a strategy and a national commission against corruption, although there remain problems with implementation and enforcement. Investigations on corruption do not stretch widely enough, and in practice, the national plan does not tackle corruption in the judiciary or the legislature.

14.3. Trade and Economy

14.3.1. Trade Picture

Over the past decade, Peru has been one of the region's fastest-growing economies. Between 2005 and 2014, the average growth rate was 6.1 %. Peru is the world's second largest producer of silver and third largest producer of copper, and Peru's coastal waters provide important fishing grounds. In 2014 growth slowed down as a result of adverse external conditions.

The trade agreement between the EU and Peru has been provisionally applied on 1 March 2013. In 2014 Peruvian exports to the EU amounted to over EUR 4.7 billion. This shows a decrease in exports of 6 % in comparison with 2013. Peru's main export products to the EU are mineral products (worth almost EUR 1.7 billion, or 35.5 % of total exports) and vegetable products (worth over EUR 1.2 billion, or almost 25.5 % of total exports).

Since the entry into force of the agreement several group of products have seen an increase, namely those that are fully liberalised by the agreement (by 22 %), those that are partially liberalised (by 11 %), and those subject to preferential tariff quota (by 102 %). The fall of imports from Peru of mineral products (of around EUR 1 billion) can be attributed to the worldwide fall in minerals prices.

As a consequence of the conclusion of an FTA with the EU, Peru will be removed from Annex II GSP Regulation with effect from January 2016. As a consequence of its ceasing to be GSP beneficiary, Peru also ceases to be GSP+ beneficiary under Article 9(1) of the GSP Regulation with effect from January 2016.

14.3.2. GSP+ Statistics

Figures 14.1-14.3 below describe Peru's utilisation of the GSP+, in the context of its overall imports to the EU. The reduction in imports from Peru to the EU benefiting from GSP+ preferences in 2014 is a result of the alternative preferences available under the EU-Peru FTA.

Source for all statistics: Eurostat data, as of September 2015.

Figure 14.2

Peru - Imports to the EU, 2012-2015					
Figures in thousand EUR	2012	2013	2014	2015 (Q1-2)	Trend 2012-2014
Total imports to EU	6,059,612	5,071,923	4,766,620	2,376,769	-21.34%
GSP+ eligible imports	1,133,496	1,261,292	1,329,832	775,092	17.32%
GSP+ preferential imports	1,085,507	766,463	188,435	37,317	-82.64%
GSP+ utilisation rate	95.77%	60.77%	14.17%	4.81%	-85.20%

Figure 14.3

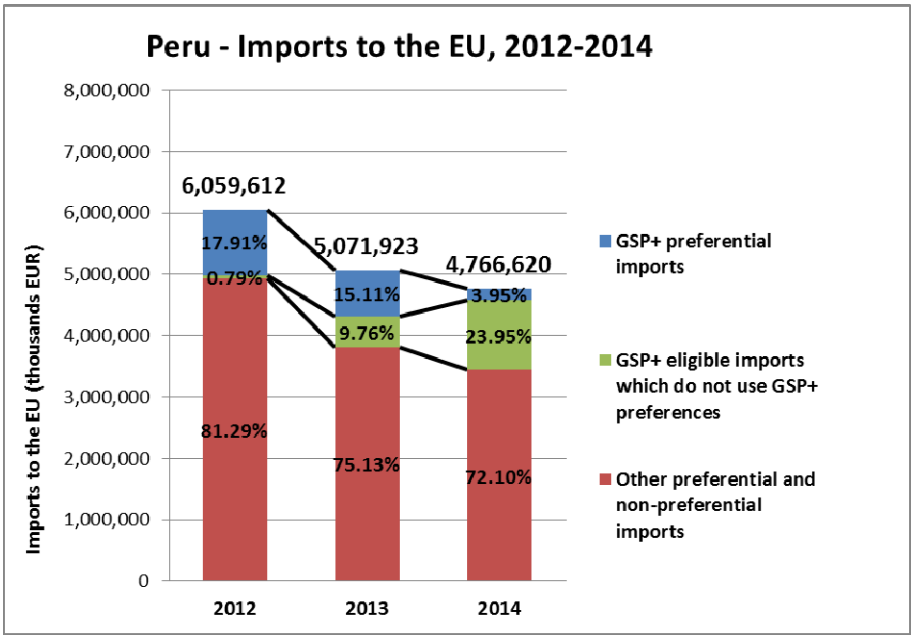
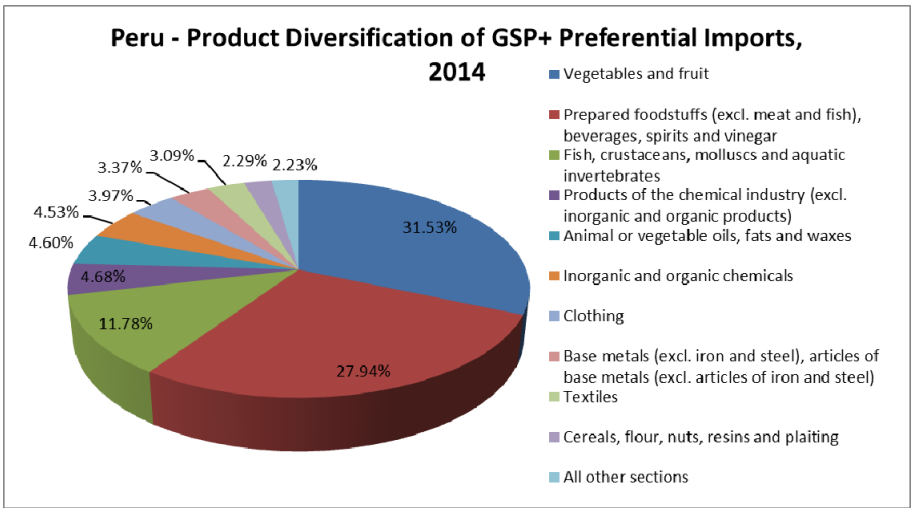


Figure 14.3



15. Philippines– GSP+ Assessment

15.1. Country Overview

Following the overthrow of Ferdinand Marcos in the People Power Revolution in 1986, the Philippines experienced a rapid transition to democracy, marked by the election of President Corazon Aquino. Subsequent governments, notably the current one, have put in place policies to tackle issues of governance and corruption, while advocating an inclusive growth and poverty reduction agenda

With a population of over 100 million people, the Philippines is the second most populated country among ASEAN countries. Its economy has more than doubled in size in the last decade and is one of the fastest growing economies in Southeast Asia, with GDP growth above 6 % for the last years. Inclusive growth policies have raised the per capita income to USD 3 457 or USD 6 918 (at PPP value) and lifted 2.5 million Filipinos out of poverty (World Bank, Philippine Economic Update, August 2014 ([53])). At the same time, unemployment figures have been falling (to 7.0 % in April 2014). Still, challenges are many as according to the National Anti-Poverty Commission, 25.8 % of the population is still living below the poverty line ([54]). Governance issues and frequent natural disasters continue to challenge the country's economic development.

Over the last 5 years, more than 2 million Filipinos left the country in search of a better life abroad, bringing the number of overseas Filipino workers to over 10.2 million, of which roughly 40 % are temporary migrant workers ([55]).

In 2010, President Aquino ([56]) (son of former President Corazon Aquino) took office with a resolute programme to fight against poverty, corruption and impunity, and to strengthen the respect of human rights. While considerable progress has been made on these issues, extrajudicial killings, torture and enforced disappearances (including by national, provincial and local government agents, and paramilitary forces) have proved difficult to resolve. Investigation and prosecution of human rights violations is limited and trials are slow, partly due to an under-resourced and understaffed justice system.

The human rights situation is particularly problematic in Mindanao, especially for indigenous people. The four-decade-old conflict has cost more than 100 000 lives in the Mindanao Island and with over 370 000 displaced has also led to a humanitarian crisis.

During the Aquino Presidency, the Mindanao Peace Process has been a priority. A comprehensive peace agreement between the government and the Moro Islamic Liberation Front (MILF) was signed in March 2014 ([57]) and the administration has introduced a bill to Congress (Bangsamoro Basic Law) in September 2014 which

[53] http://www.worldbank.org/en/country/philippines/publication/philippines-accelerating-public-investment-to-sustain-growth-that-benefits-the-poor

[54] http://maps.napc.gov.ph/drupal/articles/poverty-count

[55] Commission on Filipinos Overseas, http://www.cfo.gov.ph/

[56] Constitutionally limited to a 6-year term until 2016.

[57] The Philippine government and the rebel Moro Islamic Liberation Front signed a peace agreement on March 27, 2014, which would extend a certain degree of autonomy to Muslims in Mindanao.

foresees deepening and widening autonomy in the Muslim-majority region. Following the Mamasapano incident, a police operation in January 2015 which cost the lives of 67 people including 44 special police forces, the adoption of the law by the Congress and its ratification through popular plebiscite, which the EU has been officially invited to monitor, are pending. If successful, the process has potential to deliver a substantial peace dividend, as it will lead to improvements in the human rights and humanitarian situation and counter violent extremism.

15.2. Compliance with GSP+ Obligations

The Philippines were granted GSP+ treatment only in December 2014 which makes that the reporting period for compliance with GSP+ obligations is only 12 months.

15.2.1. UN Human Rights Conventions (conventions 1-7)

Status of ratification and reporting

The Philippines has ratified all seven relevant UN human rights conventions listed in the Annex VIII of the Regulation (EU) No 978/2012, and maintains ratification. While some reservations were initially issued regarding the genocide convention (Articles 4, 6, 7, 9), legislation by the Philippines in 2009 (Republic Act No 9851) has since nullified these reservations. Further details can be found in the annex.

The Philippines has submitted all due reports on ICCPR, ICESCR, CEDAW, CAT and CRC. The Philippines has not yet complied with reporting obligations on CERD (the report due in 2012 has not been submitted yet). The Convention on the Prevention and Punishment of the Crime of Genocide does not foresee country reports or a specific monitoring mechanism.

On 29 May 2012, the Philippines underwent its second cycle universal periodic review. The Report of the Working Group on the Universal Periodic Review of 9 July 2012 provides good indications of gaps in the implementation of applicable human rights conventions. These areas include extrajudicial killings and executions, enforced disappearance (in particular if committed by the armed forces and the police, as well as non-state actors), torture, human trafficking, corporal punishment, rights of indigenous peoples and conditions of detention centres.

Status of implementation of the conventions

International Convention on the Elimination of All Forms of Racial Discrimination

There are no accurate statistics or databases of indigenous people's (IP) populations in the Philippines. The government relies on an estimate of '10-14 % IP population'. The National Commission for Indigenous People (NCIP), a government agency composed of tribal members should update the relevant figures on the IP population nationwide.

The lack of full integration of indigenous people into the structures of society continues to persevere: from limited access to health, education, and other basic services to inadequate representation in policy-making institutions and local executive councils. Indigenous people are also significantly affected by armed conflict, including

displacement from their homes, being caught in the fights between government forces and insurgent or other militant groups, including state security forces, but also as a result of mining and other extractive industries established in their territories.

The NCIP acknowledges the complaints of alleged indigenous peoples rights violations (IPRVs), including those linked to mining activities, government projects, anti-insurgency operations, militarisation and armed conflict. The NCIP has authority to issue certificates for 'ancestral domain titles' and studies 'ancestral water' claims. There is now a 'quick response mechanism' (QRM) for IPRVs established by the NCIP to address these complaints.

One issue in this context is the existence of private armies and paramilitary groups.

'Private armies' controlled by politicians are very active, especially during election periods although there is a standing order to the national police to dismantle these groups. An example of a private army is that of the Ampatuan clan whose members are now standing trial for the murder of 54 people including journalists (so called Maguindanao massacre). An independent commission established in 2010 to deal with private armed groups (PAGs) so far has not made any concrete recommendations on how to deal with private armies.

Auxiliary and paramilitary forces such as the Civilian Armed Forces Geographical Units (CAFGU), Civilian Volunteer Organisation (CVOs) and the Investment Defence Forces (IDFs), trained and armed by the Armed Forces of the Philippines (AFP) and the Philippines National Police, owe their existence to laws or executive orders such as Executive Order (EO) 546 signed by former President Gloria Arroy in 2006. These groups have specific 'missions' — combat insurgents, protect business interests, etc. — and are under the supervision of the AFP. Formed in 2008 by President Arroyo, the Investment Defence Forces ([58]) — corporate security guards and paramilitaries trained by the AFP to protect mining and industrial facilities from rebel attacks — have been blamed for many IPRVs including forced disappearances and killings. Contrary to what had been expected EO546 has not been revoked under the Aquino administration and in 2011 the creation of additional paramilitary groups known as the Special CAFGU Active Auxiliary Units was approved.

Displacement of indigenous peoples due to 'militarisation' was one of the issues cited by the United Nations special rapporteur on the human rights of internally displaced persons, Chaloka Beyani ([59]), during his recent monitoring mission to the Philippines.

The following examples may serve to illustrate alleged recent IPRVs:

Since May 2015, hundreds of Lumads (term used to denote indigenous people of the southern Philippines) have taken refuge in an evacuation camp in Davao City after

[58]http://www.gmanetwork.com/news/story/89872/news/regions/arroyo-orders-military-to-guard-mindanao-mining-areas

[59]Statement of the United Nations Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, on the conclusion of his official visit to the Philippines, 21-31 July 2015, http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16280&LangID=E#sthash.dERzbr4Y.dpuf.

government forces overran their communities as part of an on-going offensive against the communist New People's Army insurgency.

On 18 August 2015, government soldiers allegedly killed five members of a Lumad family — including children aged 13 and 17 — in Bukidnon province. The AFP at first alleged that the five killed in Bukidnon were New People's Army guerrillas and later claimed that it had been a case of a 'tribal conflict' ([60]).

On 1 September 2015 suspected members of a government-backed paramilitary group reportedly killed the director of a tribal school in *Surigao del Sur* province, Mindanao, along with two other human rights defenders ([61]). The AFP denied involvement in the Surigao killings. On 22 September 2015, three UN special rapporteurs respectively in charge of the rights of indigenous peoples, of the situation of human rights defenders and of extrajudicial, summary or arbitrary executions issued a joint statement urging the Filipino authorities to probe into the killings ([62]). In addition, Mr Michel Forst, the UN special rapporteur on the situation of human rights Defenders, urged the government to finally accept his repeated requests to visit the country in order to assess, in the spirit of dialogue and cooperation, the environment in which human rights defenders operate in the Philippines ([63]). On 25 September, the Department of Justice issued a press statement announcing that an in-depth and objective investigation was underway to bring to justice those behind the killings, regardless of whether the perpetrators are the NPA, paramilitary groups, or members of the state security forces.

The Free and Prior Informed Consent (FPIC) clause under the Indigenous Peoples Rights Act is a critical component for indigenous people to have influence over business actions in their communities. The government claims it 'has continuously and strictly enforced the policy guidelines on free and prior informed consent (FPIC) required before the commencement of any project, activity or program within ancestral domains'. ([64]) However, the credibility of the FPIC process is under scrutiny because of the climate of fear experienced by indigenous population communities in regions with resource-based conflicts. For example, in Tampakan, South Cotabato, three family members of a known B'laan tribe anti-mining leader were allegedly killed by the military. In Bukidnon province a local paramilitary group allegedly shot and killed Matigsalug tribal leader and anti-mining advocate Jimmy Liguyon ([65]). The inclusivity and transparency issues surrounding the FPIC process have also been pointed out by the UNSR on the Rights of IDPs.

[60] http://www.manilatimes.net/5-villagers-slain-by-troops-are-rebels-afp/214351/; http://www.rappler.com/nation/103688-5-killed-bukidnon-civilians-npa

[61] http://www.rappler.com/nation/104433-school-head-lumad-leaders-killed-surigao-del-sur

[62] 'Philippines: UN experts urge probe into killings of three Indigenous peoples' rights defenders' (http://unsr.vtaulicorpuz.org/site/index.php/en/statements/89-phillipines-experts-urge)

[63] See more at: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16481&LangID=E#sthash.MXzH2Ui9.dpuf

[64] http://www.gmanetwork.com/news/story/94171/news/regions/military-pushing-interim-paramilitary-units

[65] https://www.fidh.org/International-Federation-for-Human-Rights/asia/philippines/Killing-of-Mr-Jimmy-Liguyon

Through the efforts of a project financed by the EU ([66]), an indigenous people desk has been established in the Mindanao Business Council last May 2015, which aims to facilitate stakeholder consultation in relation to FPIC from indigenous communities with regard to resource management. Private companies who want to operate and do business in the ancestral domain areas could use this platform in the context of conflict-sensitive economic governance. A database of relevant information on the ancestral domain areas, conflict-mapping, resource and development will also be made available. If this platform for consultation is proven to be effective, NCIP should consider replication in other indigenous regions outside of Mindanao. The FPIC process could be strengthened through this platform of discussion and consultation with the end view of addressing human rights violations in ancestral domain areas.

The government is advocating for the passage of a law (Draft House Bill No 4744/ Senate Bill 2785) to protect and promote the rights of internally displaced peoples (Act Protecting the Rights of Internally Displaced Persons and Penalising the Acts of Arbitrary Internal Displacement). While the House of Representatives approved the bill on third reading, the senate's version is still to be discussed and adopted, i.e. the chances of it happening during this Congress are becoming slim.

International Covenant on Civil and Political Rights (ICCPR)

There exist a number of reports on extra judicial killings (EJKs) and widespread impunity ([67]). According to some reports there have been 263 EJKs from June 2010 to July 2015; the victims were mainly farmers, indigenous people and human rights defenders.

Out of the numerous cases of EJKs filed in court, only one seems to have led to a conviction: Records released to Human Rights Watch in May 2015 by Task Force Usig, the main arm of the Philippine National Police for investigating and monitoring extrajudicial killings, show that there has been only one conviction out of the 130 cases of killings of activists it recorded since 2001.

The Ampatuan Massacre of November 2009 (with 58 people killed, including 34 journalists), for instance, remains unresolved to date although the case trial has been going on for five years. The trial against 197 accused, including 70 police and military officers, started in January 2010. In December 2015, 21 officers were dismissed by the Philippines police force for being "co-conspirators" of the massacre because they had failed to stop the son of a political warlord and his bodyguards who carried out the killings. All but one of the officers were found guilty of grave misconduct. The Center for Media Freedom and Responsibility (CMFR), a media freedom watchdog, claims that

[66] 'Strengthening Inclusive and Conflict-Sensitive Economic Governance of Ancestral Lands Through Indigenous Peoples (IPs), Local Governments and Business Sector Partnerships', implemented from 1 December 2011 to 30 January 2015, implemented by Internal Alert UK and with EU contribution of EUR 589,174 (75 % of project cost).

[67] The Global Impunity Index by the Committee to Protect Journalists (CPJ) ranks the Philippines in fourth place, making it the only country among the top five that is not in a state of large-scale armed conflict. (https://cpj.org/reports/2015/10/impunity-index-getting-away-with-murder.php).

two prosecution witnesses, who both testified and were present at the massacre, have been killed ([68]).

The national Commission on Human Rights (CHR) launched in December 2014 the national monitoring mechanism for EJKs, standardising the criteria for defining EJKs. There is a noted decrease in the number of EJKs (under the previous administration the number of EJKs had been a four-digit number) and forced disappearances.

However, human rights organisations note that the legal charges for alleged criminal offences ('trumped-up charges') against human rights defenders (HRDs) are increasing. Reports by Philippine human rights organisations claim that around 350 people were victims of illegal arrests followed by detention since 2010.

The issuance of Administrative Order 35 (AO 35 Creating the inter-agency committee on extra-legal killings, enforced disappearances, torture and other grave violations of the right to life, liberty and security of persons) signed by the President of the Philippines in 2012 and the arrest of the former General Palparan and the Reyes brothers on charges of violation of human rights illustrate the government's efforts to address the EJK and enforced disappearances of political activists.

The EU-Philippines Justice Support Programme, now in its second phase, provides support to the implementation of AO 35 by developing murder investigation and forensic and operational guidelines manuals and providing training to prosecutors and the police in their use. The programme also supports the improvement of a witness protection programme as well as the official inter-agency civil society national monitoring mechanism on EJKs and ED.

The Philippines has not yet signed or ratified the UN Convention on Enforced Disappearance although a national law against enforced disappearance is already in effect. To date, none of the victims have been indemnified. Warrantless arrests, and denial of free trial and due process, remain widespread in the provinces.

While the Armed Forces of the Philippines (AFP) and Philippine National Police (PNP) has each set up their human rights offices, the reports released by these agencies have not been made public, which makes it impossible for human rights groups to monitor actions to complaints filed against uniformed personnel.

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

The number of victims of trafficking in human beings, as estimated by ILO, has decreased modestly. Access to special services for victims of trafficking also remains unenhanced. The US State Department's report in 2014 maintained the country's ranking under Tier 2 category as 'the Government of the Philippines does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so' ([69]).

([68]) Statement by the Center for Media Freedom and Responsibility published on cmfr-phil.org on 20 November 2014.

([69]) http://www.state.gov/j/tip/rls/tiprpt/2014/

According to the Inter-Agency Council Against Trafficking (IACAT) update, there have been 183 convictions since the year 2005, involving 206 persons involved in trafficking in human beings. The government has set up an interagency mechanisms, expanded the anti-trafficking law and enhanced coordination.

According to data by the Philippine Overseas Employment Administration (POEA) the number of Filipinos who have left the country for work has increased from 1.4 million in 2005 to 1.8 million in 2013, totalling over 10.2 million overseas Filipinos to date. Even though the official line by the government is to encourage job creation in the Philippines, remittances contribute significantly to the economy (USD 24.3 billion in 2014, or more than 8 % of GDP) and thus to poverty reduction. The Department of Labor and Employment has put in place a supporting and coordinating mechanism in OFW countries through dedicated officials in the diplomatic missions on the Philippines.

On forcible eviction, the government's response focuses on the housing backlogs and related services for the urban poor. However, the forcible eviction of informal settlers could be discussed more. According to Demolition Watch and Defend Jobs Philippines, an estimated 73 000 informal settlers have been forcibly evicted from their homes in 2014 ([70]). The Urban Development and Housing Act of 1992 (Republic Act No 7279) promotes dialogue and consultations with affected communities to avoid violent confrontations.

The Comprehensive Agrarian Reform Program (CARP) is one of the government's centrepiece programmes to affect social justice among the rural poor. The programme's implementation (which started in 1987 and expired in 2014) has been extended as Comprehensive Agrarian Reform Program Extension with Reform (CARPER), which 'gives the highest consideration to the welfare of the landless farmers and farm workers'. There are, however, backlogs of agricultural lands that need to be distributed to farmers-beneficiaries. Bills filed in Congress seek to extend the programme (House Bill No 4296), but this has been criticised because of provisions directly favouring landlords, such as exemptions of rain-fed lands close to national highways and increasing the retention limit of the landholdings of landlords and their heirs.

The government has made serious efforts to increase universal healthcare in the Philippines, showing promising results: the overall health budget doubled from PHP 41 billion (EUR 800 million) in 2011 to PHP 87 billion (EUR 1.7 billion) in 2015. PHP 116 billion (EUR 2.3 billion) has been requested for 2016. Similarly, enrolment in the national health insurance has increased through subsidising contributions of the (40 %) poorest and now stands at 87 %.

The education sector has traditionally received the biggest allocation in the national budget. The government's efforts at bridging the education gaps such as lack of school buildings, high teacher-to-student ratio, cohort survival and education competiveness are seriously addressed through different institutional and programmatic schemes. This year, the government has introduced a K-12 education system (as in other countries) and is considering encouraging more vocational training and 'apprenticeship' schemes to facilitate matching graduates with the job market.

[70] http://globalinitiative-escr.org/human-rights-committee-to-consider-case-of-forced-eviction-in-the-philippines/

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

Women play an important role in Philippine life. The legal and policy environment for the protection and promotion of Filipino women's rights are quite advanced compared to other countries. The Philippines was ranked highly in the global gender equality index, particularly in the areas of education and health ([71]). However, according to the Philippine Commission on Women (a government institution), Violence Against Women (VAW) cases reported as of 2014 to the police have increased to 23 865 cases. The Commission, noted, however, that this increase may be due to the more intense information campaigns on VAW.

President Aquino signed, following Congress approval the Responsible Parenthood and Reproductive Health (RPRH) Law, which faced strong opposition. The law endured a legal challenge which delayed its implementation and meant some compromises had to be made, but the passage of the bill (which basically had been declared constitutional) can be seen as a great accomplishment of the current administration. The bill provides, among others, for the following:

- access to family planning with accredited healthcare facilities to provide modern family methods and PhilHealth to shoulder expenses for these services for the poor;
- integration of a responsible parenthood and family planning component in anti-poverty programmes;
- maximum benefits to be provided by the PhilHealth for HIV/AIDS, breast and reproductive tract cancer, obstetric complications and menopausal/post-menopausal conditions.

However, a number of specific items in the bill were ruled unconstitutional and had to be amended, for instance minors now would need parental consent to have access to family planning and married individual would need the consent of the spouse to undergo reproductive health procedures when not in an emergency. In addition, not only private but also public health provider can, according to religious beliefs, refuse specific services when not in an emergency of serious situation and can also refuse to disseminate information regarding programmes and services on reproductive health ([72]).

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

The problem of torture persists in the country, reflecting the difficulties higher-level authorities encounter in enforcing discipline and the correct attitude towards human rights among the responsible agencies. Despite the administration's pledges, cases of grave human rights abuses — including torture — remain largely unresolved. Amnesty International, quoting data from the Commission on Human Rights, revealed that there

(71) 2014 Global Gender Gap Report.

(72) http://www.gmanetwork.com/news/story/355961/news/nation/sc-says-rh-law-constitutional-except-for-some-provisions

had been 457 alleged cases of torture, including prison inmates allegedly tortured by police using the so called 'torture wheel' ([73]).

A national preventive mechanism has yet to be established in compliance to the provision of Optional Protocol to the Convention against Torture (OPCAT), although a bill has already been filed in the Philippine Congress to create the said structure.

Convention on the Rights of the Child

Child labour persists side by side with poverty in the Philippines, in particular in the agriculture and mining business. No decrease in the number of child labourers in the country has been observed. Also, as implied in ILO CEACR for Convention 182, there is a lack of information on the number of investigations, prosecutions, convictions and penal sanctions applied to persons who violated applicable laws such as Republic Act 10361 and Republic Act 7610.

There is serious concern about the alleged executions of more than 1 000 criminals — including children accused of being in conflict with the law — since the late 1990s in Davao City by the so called 'Davao Death Squad'. A similar death squad allegedly operated in Tagum City, also in Mindanao, and has victimised many people including children accused of crime. Although the national agencies like the Justice Department and Commission on Human Rights have recently spoken out about this issue (and one case has reached the ombudsman), no person has been convicted so far, except for a one month suspension against several erring policemen.

The Philippines' drop-out rate for both primary and secondary levels has been noted to be rising, albeit slowly, since 2007 ([74]). More encouraging, the Philippine Institute of Development Studies, through a UNICEF-supported study, reported that the number of out-of-school children in the country has dropped to 1.2 million, down from 2.9 million in 2008. Survival of children until they reach the final grade/year, as indicated by cohort survival rates, has been improving over the years. However, elementary rate was 75 % and for secondary it was only 78 %, putting at least a 20 percentage point difference between the current rate (school years 2012-2013) and the targeted 100 % target.

Future actions and priorities

The Philippines has functioning human rights institutions at the national level ([75]); future actions should aim at supporting the country on this path.

The Commission of Human Rights is mandated to investigate cases of human rights violations and to monitor government compliance with international human rights treaty obligations. The Commission of Human Rights believes it faces difficulties in pursuing its activities due to insufficient resources and lack of staff to follow-up cases presented to its regional and sub-regional offices. There is also a regional human rights commission mandated to monitoring alleged violations in the Autonomous Region of Muslim

(73) 'Above the Law: Police Torture in the Philippines', 2014 Amnesty International Report.

(74) http://www.philstar.com/campus/2014/06/12/1333995/phl-dropout-rates-rising-2007

(75) The Human Rights Commission (HRC) of the Philippines established in 1987 is an independent office, with the primary function of investigating all forms of human rights violations involving civil and political rights.

Mindanao (Bangsamoro) which received its first government funding and began hiring staff in April 2014. The Office of Ombudsman has jurisdiction to handle complaints concerning all public officials and employees. The Presidential Human Rights Committee is a multi-agency body tasked to coordinate actions on human rights and compile the government's submission for the UN Universal Periodic Review.

Although the pledges of the administration to protect human rights and bring abusers to justice are still valid, human rights do not seem to have enough priority: The administration has no adopted national human rights action plan. Such a plan ([76]) was prepared by the previous administration and is now under review, but was never signed by the current administration. This plan is partially and haphazardly applied by different human rights agencies. Since October 2015, legislators risk being more occupied with the preparations for the upcoming general elections in May 2016 and there are no clear indications of additional actions and priorities in the field of the relevant human rights conventions beyond 2015.

The Philippines has been elected as a member of the UN Human Rights Council for 2016-2018.

Conclusions

While the overall human rights situation in the Philippines appears to be significantly better than that under the previous administration ([77]), there has been little further improvement during the — short — 12-month reporting period, i.e. from December 2014 to December 2015; during this period some progress has been made mainly as regards social and economic rights.

It deserves to be noted that the Aquino administration since 2010 has been continuing to further strengthening the country's human rights legal framework and that the number of extra-judicial killings and enforced disappearances has substantially declined. Nevertheless, there remain gaps in terms of command responsibility, policy and practice, as laws are not always fully implemented and monitoring is weak, especially in local provinces. The administrative process is slow on the side of government agencies tasked to investigate and provide evidence to substantiate alleged human rights violations (Commission of Human Rights, the Office of the Ombudsman, the Presidential Human Rights Committee, National Commission on Indigenous People). The major problem of the Philippines remains the culture of impunity as cases of grave human rights abuses, including extra-judicial killings and torture, remain largely unresolved. This includes not only cases of major human rights abuses which occurred before the current administration took office, but also the killings of human rights activists and media workers that happened while this administration was in office. The situation of indigenous people and of human rights defenders is of concern. The same applies to the role of private armies and paramilitary groups; the Aquino administration has not

([76]) Second National Human Rights Action Plan of the Philippines 2010-2014.

([77]) See also The World Bank, Worldwide Governance Indicators Philippines (1996-2014), in

revoked Executive Order 546 signed under former President Arroyo.

As regards the status of ratification and reporting, the Philippines has ratified all seven relevant UN HR conventions and — with the exception of the report on CERD — has complied with all reporting obligations.

Human rights organisations recognise the intent on the side of current political leadership and administration to protect human rights and bring abusers to justice, in particular end killings of activists and journalists, yet ask for actual improvement on the ground. With many abuses taking place in more remote areas under the influence of local political or business interests, the difficulty of ensuring that national-level policies get implemented at local level has to be acknowledged in this context.

On the positive side it must be noted that — despite the extra-judicial killings and the climate of impunity — civil society in the Philippines in general remains vibrant which allows getting a clearer picture of the human rights situation than in many other countries. In line with the compliance with the reporting obligations under the UN conventions, there is — based on contacts with the administration — also a clear sense that the government takes its obligations under the GSP+ mechanism very seriously.

The Partnership and Cooperation Agreement between the EU and the Philippines signed in 2012 is expected to enter into force in 2016. As it foresees cooperation on human rights, it will provide an institutional opportunity to further engage on the matter in a more structured format.

15.2.2. ILO Labour Rights Conventions (conventions 8-15)

Status of ratification and reporting

The Republic of the Philippines has ratified all eight ILO core labour standards, and maintains ratification. The Philippines has complied with reporting obligations during the period concerned. For details please see the annexed table.

Status of implementation of the conventions

Freedom of association and collective bargaining (Conventions 87 and 98)

The legal basis is in place to provide for workers to form and join independent unions, bargain collectively and conduct legal strikes.

The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR, hereinafter referred to as Committee of Experts) has requested (in 2012) changes in laws and in practice to guarantee that all workers legally residing in the country can enjoy the trade union rights provided by Convention 87, do

particular indicator on rule of law.

away with union membership limitations and with the excessively high requirement for registration of federations or national unions ([78]).

Since 2012 the Committee of Experts has been requesting clarification from the Philippines of allegations of anti-union acts, discrimination and interference with special emphasis on export processing zones (EPZs) and special economic zones (SEZs). Trade unions claim that local political leaders who govern these zones, officials, including government stationed security forces near industrial areas or SEZs explicitly limit union efforts by intimidating workers attempting to organise and maintaining union-free or strike-free policies.

Despite recent government statements (e.g. by Labor Secretary Rosalinda Dimapilis on 20 February 2015) emphasising Philippines' compliance with Conventions 87 and 98, there remain controversies and the country, based on ITUC's 2014 Global Rights Index, earned a '5' rating, which meant 'no guarantee of rights'. This requires specific EU attention.

The National Labor Relations Commission (NLRC) is the main consultative and advisory mechanism on labour issues. It functions as a tripartite forum of unions, employers and government. It is also responsible for coordinating investigations of cases pending before the ILO concerning allegations of violence and harassment directed at labour leaders and trade union activists.

The Department of Labor and Employment (DOLE) acknowledged that insufficient inspection funds and labour inspection officers continued to impede its ability to investigate labour law violations effectively, especially in the informal sector or in small and middle-size companies. DOLE announced that it plans to recruit 300 more labour inspectors. In addition, DOLE also permits companies to undertake voluntary self-assessments of compliance.

Forced labour (Conventions 29 and 105)

In view of accounts suggesting that men, women and children are trafficked inside and outside the Philippines for the purpose of prostitution, involuntary domestic service and forced labour in industries, manufacturing, fisheries, agriculture and construction, the country was requested (in 2012) to effectively combat trafficking in persons, and to ensure that thorough investigations and robust prosecutions are carried out, also with special attention to migrant workers.

On the 2014 US Department of State's Trafficking in Persons Report, please see the information provided in the chapter on the 'International Covenant on Economic, Social and Cultural Rights (ICESCR)'.

Worst forms of child labour (Convention 182)

Trafficking of persons, mostly women and children, for labour exploitation is taking place in various sectors, including agriculture, construction, fishing, manufacturing and services industries, as well as for sex tourism. Investigation and arrest of offenders seem

(78) The law prohibits trade unions for short-term contract workers and foreign-national workers, unless a reciprocity agreement exists between the countries.

to focus mainly on cases involving sexual exploitation and to a lesser extent on labour exploitation. Despite widespread acknowledgement of the problem by government officials, deep-rooted corruption at various levels of law enforcement continues to be a major obstacle in the identification of trafficked persons, as well as a hindrance to the effective investigation of trafficking cases. The Committee of Experts urged (in 2013) the Philippines to intensify efforts to have these anomalies curtailed.

Programmes to address child labour by the government, international agencies and civil society groups are in place.

The Ecumenical Institute for Labor Education Research (EILER) ([79]) conducted a baseline study which confirmed the prevalence of child labour in mines and plantations in various parts of the Philippines. In plantation communities, about 22.5 % of households have child workers. In mining towns, child labour incidence was 14 %.

Minimum age for work (Convention 138)

According to statistics of the Philippine Statistics Authority dating from 2011 there are 5.492 million working children aged 5 to 17 years, 58.4 % of whom work in a hazardous environment, or worked for long hours as indicated by the Committee of Experts in its 2015 report ([80]). The government has made serious efforts to ensure that self-employed children and children in the informal economy are protected and afforded appropriate services. It also launched the Campaign for Child Labor-Free Barangays in May 2012, with the aim of obtaining the commitment and support from various stakeholders in order to render barangays (villages) free from child labour. As of June 2013, a total of 132 barangays nationwide are listed as child labour-free.

The Committee of Experts requested the government to sustain efforts to reduce the high number of working children and provide information on the results achieved.

Elimination of discrimination (Conventions 100 and 111)

For many years, the Committee of Experts has been urging the government to give full legislative expression to the principle of equal remuneration for men and women for work of equal value.

In Congress, a number of initiatives has been submitted including most recently Senate Bill 173 on Equal Employment Opportunities which ‘ declares the policy of the state to protect and enhance the right of all people to human dignity and to reduce economic inequity by promoting equality of employment opportunities for all regardless of sex, race, creed, age, appearance, sexual orientation, regional or ethnic origin, disability, weight or height.’ However, these initiatives have not yet been adopted into law.

([79]) ‘Key Findings of Baseline Study on Child Labor in Mining and Plantations’. (EILER, 2015).

([80]) 2011 Survey on Children (SOC), Philippines Statistics Authority, July 2012; https://psa.gov.ph/content/number-working-children-5-17-years-old-estimated-55-million-preliminary-results-2011-survey.

Future actions and priorities

The Department of Labor and Employment (DOLE) has taken the GSP+ as an additional tool to help support some of its policies to strengthen labour rights. Notably following labour rights issues in the tuna industry in General Santos, DOLE has been working on a joint department order to 'harmonize laws and regulations in giving decent work to fishermen and ease doing business with the fishing industry. It will also ensure the industry's competitiveness, expansion and growth.' The order will help compliance with labour standards and occupational safety and health standards and focus on the needs of fishermen. DOLE Secretary Baldoz stated that, 'with the accession to GSP+, Philippine companies should open itself up to closer scrutiny for compliance with labor laws and international labor rights instruments'. It is in this light that a memorandum of agreement was agreed with DOLE, Department of Agriculture, Department of Transportation and Communications, Department of Science and Technology, Maritime Industry Authority (MARINA), Bureau of Fisheries and Aquatic Resources (BFAR), Philippines Fisheries Development Authority (PFDA) and the Philippines Coast Guard in recognition of the need to harmonise government interventions at the operational, programme and policy levels ([81]).

Conclusions

The government directions on labour policies, its issues and challenges were formalised under a Labor and Employment Plan (2011-2016). The ILO has appreciated important progress achieved by the current administration to improve awareness and implementation of labour and employment policies, and to ensure compliance with the eight core ILO conventions, in particular at the level of national authorities. Challenges continue to arise in the regions and sub-regions, especially in areas with high levels of unemployment, in fisheries, mining and extractive industries sectors. In 2012, the Philippines ratified the ILO Maritime Labour Convention and the ILO Domestic Workers Convention. External circumstances such as deadly typhoons have, however, to an extent exacerbated problems, including child labour and trafficking. Other actions taken are progressive, for example training the military and the police on the difference between insurgents and union associations.

15.2.3. UN Conventions on Environmental Protection and Climate Change (conventions 16-23)

Status of ratification and reporting

The Philippines has ratified all GSP+-relevant conventions on environmental protection and climate change, and maintains ratification.

The Philippines complied with the reporting obligations under the relevant Conventions, with the exception of CITES (Annual report for 2008 due, Biennial reports for 2003-04,

([81]) http://news.pia.gov.ph/article/view/1611426551447/dole-pushes-for-protection-decent-work-for-filipino-fishermen#sthash.AjtffCLo.dpuf

2005-06, 2007-08, 2009-10, 2011-12, and 2012-13 due), the Cartagena Protocol on Biosafety (Third National Report was due on 1 November 2015) and the Stockholm Convention on Persistent Organic Pollutants (the second National Report was submitted on 5.8.2011, and the first and 3rd report has not yet been submitted.)

The Montreal Protocol on Substances that Deplete the Ozone Layer was ratified by the Philippines in 1991. The Philippines is included in Article 5, paragraph 1 of the protocol and is therefore granted a 10-year delay to comply with the control measures. The Philippines is compliant with all reporting requirements on the climate change conventions.

Status of implementation of the conventions

Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)

The Philippines is one of the mega-diverse biodiversity countries in the world. As regards CITES implementation, the Wildlife Resources Conservation and Protection Act of 2001 is the main legislation protecting endangered species. The Department of Environment and Natural Resources, the national police and the Bureau of Customs all have created wildlife traffic and monitoring units. The geography of the country and endemic poverty however make it difficult for government to control all forms of illegal trade in wildlife, but few data is available on actual enforcement of the law against offenders.

The CITES Standing Committee identified Philippines in 2013 as one of the eight 'countries of primary concern' in relation to illegal ivory trade. The Standing Committee recommended subsequently that Philippines adopt and implement a national ivory action plan to address the role of the country as transit place for illegal ivory trade. The Philippines submitted such a Plan which was assessed by the CITES Standing Committee in July 2014 and decided that the plan should be strengthened with a view to a new assessment at the 66th CITES Standing meeting in January 2016.

The Philippines reported on numerous activities connected to the implementation of CITES. Among them are the enactment of the Wildlife Resources Conservation and Protection Act and measure connected to addressing wildlife trafficking through training wildlife enforcement officers, the establishment of a task force, Philippine Operations Groups on Ivory and Illegal Wildlife Trade, the destruction of 4 tonnes of smuggled elephant ivory, filing of criminal complaints, carrying out buy-bust operations on illegal wildlife traders and law enforcement operations, carrying out capacity-building activities; and the celebration of World Wildlife Day.

The Philippines reported on several national constraints regarding the implementation of the convention, connected to weak capacities of concerned regional offices' personnel, inadequate knowledge of the local communities on the importance and significance in protecting and conserving wildlife resources, limited budget to sustain the conduct of law enforcement operations, lack of cooperation among the local government units in the enforcement of laws; and rules and regulations governing wildlife.

Basel Convention

In implementing the Basel Convention, the major challenges faced are the arrival of shipments in the Philippines without the necessary importation clearance and incidences of illegal traffic of hazardous waste.

The legislation in place (Republic Act 6969 and Administrative Order DAO 29 and 28), as implemented by the Department of Environment and Natural Resources (DENR) seems to allow for an effective control of imports of hazardous wastes from developed countries. The non-ratification of the Ban Amendment however generated much criticism from environmental groups who flagged the possibility of illegally labelled shipments ([82]). As a result, the Philippines prohibits the import of hazardous wastes for final disposal but continues to allow selected imports for recycling (about 100 000 metric tonnes/year).

Poor environmental standards in small scale recycling plants for lead batteries, e-waste etc. is also a matter of concern, which DENR has recently indicated that it will address.

The Philippines has entered into a bilateral agreement with the United States — a non-party to the convention — to regulate exports of hazardous waste from the Philippines to the US.

On concrete developments, the Philippines reported on issuance of importation clearance for recyclable materials containing hazardous substances and export clearance for hazardous waste, as well as submission of pledges for the Trust Fund. Planned activities regarding hazardous waste management include amending existing laws and regulations to update the classification of hazardous waste, and the development of guidelines on e-waste to strengthen enforcement and ensure that hazardous wastes are handled in an environmentally sound manner, according to the Environmental Management Bureau for 2015.

Convention on Biological Diversity

The Philippines has consistently met the requirements of the Convention on Biological Diversity (CBD), although the trend in biodiversity loss in the country remains worrying.

The Philippines is one of the world's biodiversity hotspots with at least 700 threatened species. Biodiversity decline is associated with high population growth and endemic poverty leading to deforestation and overfishing. A general lack of resources to support protected area management committees and forced land use plans in key biodiversity spots not yet classified as protected areas have added to the challenges the government faces.

(82) The Ban Amendment to the Basel Convention (Decision III/1) effectively banning the export of hazardous waste from parties included in Annex VII (OECD and EU) to parties not included in Annex VII has not been implemented in the Philippines. The amendment has not been ratified by the Philippine senate, which estimates that it has economic impacts on local industries depending on using secondary material classified as hazardous waste under the convention.

The most recent national report of the Philippines to the CBD was submitted in 2014 for the period 2009-2013. It assesses the country's progress towards meeting the 2010 biodiversity target of achieving a significant reduction in the current rate of biodiversity loss. The government has also adopted the Philippine Biodiversity Strategy and Action Plan 2014-2025 — a requirement under the convention — with support from the Global Environment Facility (GEF). Besides, the Philippines has introduced a clearing house mechanism for information-sharing, as well as a national biosafety committee (EO 430).

The Philippines Council for Sustainable Development, a government body, ensures that the commitments made by the Philippines to international agreements on sustainable development are fulfilled. Furthermore, the Philippines has passed various legislations and regulations towards the protection and conservation biological diversity.

The Philippines has identified a number of actions necessary to address the threats to biodiversity, among them are direct actions (restoration of ecosystem functions, promotion of biodiversity-friendly livelihoods; and strengthening law enforcement) and enabling actions (communication, education and public awareness; capacity development for biodiversity conservation; biodiversity conservation-related research; strengthening policy for biodiversity conservation, promotion of biodiversity-friendly technology and resource mobilisation).

Stockholm Convention on persistent Organic Pollutants

The Philippines adopted a national plan aiming to address existing gaps in national legislation and initiated basic measures such as a national inventory of persistent organic pollutants (POPs) with assistance from the World Bank and the Global Environment Facility (GEF).

Most pesticides listed under Annex A of the convention were banned in the Philippines as early as the 1980s.

The national plan aims to eliminate and destroy all PCB-containing materials, and PCB wastes not later than 2025 as set in the convention. A chemical control order (CCO) for PCBs issued by the Department of Environment and Natural Resources (DENR) in 2004 already banned the production, importation, sale and use of PCBs by 2014, including PCB-contaminated equipment. The initial inventory of PCBs however identified servicing facilities as a major depository of PCB contaminated equipment, with a probability of contamination in the environment. The first non-combustion facility for destroying PCBs opened in the Philippines in 2012.

DDT use (listed in Annex B) is now restricted to malaria outbreaks in the Philippines. Little information on the use of dioxins and furans (Annex C) exists. The national Plan intends to collect more data on these two types of chemicals and promote or require that substitute be used.

The legislative framework in place is consistent with the provisions of the convention. The Philippines has taken active measures to reduce or eliminate the use of POPs. Some concerns remain over the illegal use of banned pesticides and selected exemptions granted by government.

Convention on Biosafety (Cartagena)

The Philippines has a national biosafety framework as per Executive Order 514 issued on 17 March 2006. The Philippines do not regulate the trans-boundary movement, handling and use of living modified organisms (LMOs) which are pharmaceuticals, neither transit and contained use of LMOs. The Bureau of Plant Industry (BPI) requires a biosafety permit for LMOs for field test and propagation.

An electronic biosafety clearing house for the Philippines was created in 2008, where all movements of LMOs in and out of the country are recorded, both for introduction in the environment and for consumption. The Philippines shares information and new decisions on a regular basis. The National Biosafety Committee is the coordinating body that ensures the Philippines' compliance with the Protocol.

Conventions on Climate Change

With regard to the implementation of the Montreal Protocol, chlorofluorocarbons (CFCs) 11, 12, 113, 114, halon 1301 and 1211, carbon tetrachloride and methyl chloroforms have all been banned in the Philippines, with assistance from the Multilateral Fund. In 2013, the Philippines put a cap on the importation of hydrochlorofluorocarbons (HCFC) at the country's average level of import of HCFC from 2009 to 2010. HCFC imports will be gradually reduced by 10 % by 2015; 35 % by 2020 and 67.5 % by 2025, with a total ban starting from 2040. These measures are in line with the provisions of the protocol. The Philippines has not expressed any support for going further and curbing the use of HFCs in addition to HCFCs.

The Philippines has adopted a list of framework documents to mainstream adaptation and mitigation in national policies, including the National Climate Change Act of 2009 which delegates much of the adaptation and mitigation effort to municipalities. Climate change is also addressed by the National Disaster Risk Reduction and Management Law of 2010, which serves as a guide to mitigate impacts of disasters and increase resilience in the face of natural disasters. Other notable legal and policy instruments include the 2010 National Framework Strategy on Climate Change and the 2011 National Climate Change Action Plan. The Philippine government has installed a system for tagging its expenditure for climate change adaptation and mitigation and is envisioned to use this system for its annual budgeting process starting 2015.

The Philippines has submitted to the UNFCCC Secretariat its Second National Communication in 2014. It still needs to finalise and submit its First Biennial Update Report, which was due by the end of 2014.

On 1 October 2015 the Philippines has submitted its Intended Nationally Determined Contribution (INDC) to the 2015 Climate Agreement, which envisages a GHG emission reduction target of about 70 % by 2030 relative to a business-as-usual scenario of 2000-2030, covering energy, transport, waste, forestry, and industry sectors. The contribution is conditioned on the extent of financial resources, including technology development and transfer, and capacity building, that will be made available to the country. The INDC also contains an adaptation component, which includes a list of priority adaptation measures.

Conclusions

There has not been any specific problem reported in relation to the implementation of the CBD, Basel and Stockholm Conventions. In relation to the CITES convention, Philippines has not submitted any biennial report and should ensure its submission, in compliance with the CITES convention. In addition, in 2013 the Philippines was identified as country of primary concern due to its role as transit place for illegal ivory trade and should address the situation and implement the recommendations made by the CITES Standing Committee.

Current government priorities include the Intended Nationally Determined Contributions (INDCs), under the UNFCCC, as the country's contribution to the future global climate agreement. Sector-specific mitigation targets are included, with various levels of prioritisation and ambition. The Philippines is, as a non-Annex I country, expected to make some mitigation efforts conditional on climate finance, technology transfer, etc. (Article 4.7 of the convention).

15.2.4. UN Conventions on Good Governance (conventions 24-27)

Status of ratification and reporting

The Philippines ratified the three United Nations Conventions on Narcotic Drugs, on Psychotropic Substances, and against Illicit Traffic in Narcotic Drugs and Psychotropic Substances respectively on 2 October 1967, 7 June 1974 and 7 June 1996. It has maintained ratification of all three conventions.

As of January 2015, the Philippines was compliant with all requests for monitoring information from the monitoring body of the three core UN conventions on fighting illegal drugs (International Narcotic Control Board — INCB).

The Philippines ratified the United Nations Convention against Corruption (UNCAC) in 2006. Reviewing is carried out by the UNODC Implementation Review Group, the convention's monitoring body. The executive summary of the most recent review on the Philippines has been available to the public since December 2013.

Status of implementation of the conventions

UN conventions fighting illegal drugs

Illegal drug use continues to be a significant problem in the Philippines due to poverty, corruption and poor law enforcement. However, the Philippines has made significant efforts in the past few years to combat illegal drug activities in the country. The International Narcotics Control Board identified inter alia the following shortcomings: (i) great risk for more widespread abuse of cocaine, (ii) growing abuse of new psychoactive substances, (iii) high level of cannabis abuse and (iv) seizure of scheduled substances used in the illicit manufacture of amphetamine-type stimulants.

The Philippines remains a transhipment point and destination country for large shipments of methamphetamine. Known locally as ‘shabu’, methamphetamine continues to be the primary drug consumed and trafficked within the country. Philippine authorities also seized two new psychoactive substances (NPS) for the first time in 2014.

Supply reduction strategies led by the Philippines are directed toward enforcing the prohibition of illegal drugs and regulating and enforcing access to legal drugs and substances, particularly those that are of a high probability for abuse, including pharmaceuticals and other precursors and essential chemicals. In 2014, through Board Regulation N.1, the Philippines’ schedule of dangerous drugs was created, which classified drugs not mentioned by the international convention as dangerous drugs in the Philippines, because of its potential for abuse.

The Philippines classified N-methylephedrine as a dangerous drug in September 2013, subjecting it to all regulatory and control measures under its drug control legislation. Seizures of large quantities of ephedrine (250 kg) have also been reported. According to the International Narcotics Control Board the Philippines is one of 31 countries to have reported seizures of 3,4-MDP-2-P, or piperonal, during the period 2009-2013. Seizures of potassium permanganate (cocaine) were also reported for the period 2009-2013 for the first time by the Philippines.

Despite a Philippine government budget reduction for counter-drug activities, Philippine law enforcement conducted numerous successful law enforcement operations that led to large drug seizures and arrests in 2014. This success was partly thanks to intensified interagency cooperation and partnership with non-governmental organisations. Law enforcement strategies target all parts and levels of the supply chain from actions aimed at preventing importation across the border to those that target the point of supply to consumers.

The Philippine Drug Enforcement Agency (PDEA) has continued to update the list of drugs for regulation and monitor drug abuse trends to determine the possible inclusion of new drugs and substances. The latest PDEA annual report covering 2014 includes several accomplishments, among which listing over 16 000 successful anti-drug operations, eradicating over 500 marijuana plantation sites, dismantling two clandestine methamphetamine laboratories and warehouses and seizures of over 700 kg of methamphetamine.

The on-going EU-Philippines Justice Support Programme is supporting the efforts of the Justice Sector Coordinating Council (JSCC) to address the inter-agency coordination problems that have resulted in drug cases not being successfully prosecuted and significant case delays and backlogs in the Philippine judicial system in the implementation and enforcement of the Comprehensive Dangerous Drugs Act of 2002 (Republic Act 9165).

In line with the mandate of the Dangerous Drugs Board (DDB), various initiatives have been taken to increase public awareness on the perils of using illegal drugs in 2014. A number of prevention education programmes aimed at promoting self-awareness and explaining the repercussions of drug dependency have been conducted successfully with the cooperation of the Philippine Drug Enforcement Agency (PDEA) and the local government of Bayambang Pangasinan in March 2015. In a national conference on the national drug education programme, educators discussed ways to incorporate a

preventive drug education programme in the school curriculum and guidelines for taking custody of children found to be violating provisions of the anti-drug law while in school.

In 2014, there was an increase of enrolment in rehabilitation centres. DDB claims that the increase of admissions may be attributed to the parents or guardians becoming more supportive of dependents with substance use disorders seeking treatment, as well as improved rehabilitation programmes, greater awareness of the people on anti-drug laws and increased local anti-drug campaigns.

UN Convention against Corruption

The executive summary of the latest review by the UNCAC Implementation Review Group has been available since December 2013, and the full report is also available on the UNODC website. A second round of assessments is to start in 2015/2016.

The current administration was elected on a platform of anti-graft and good governance. The good governance policy thrust was reinforced further when the Philippines became a founding member of the multi-country Open Government Partnership in September 2011. Preventive anti-corruption strategies include transparency, citizen participation, institutionalising public accountability, and leveraging technology and innovation. Good progress has been made in all of these areas. In September 2014, the president signed Executive Order 171, which officially created the UNCAC Inter-Agency Committee tasked with carrying out the implementation, monitoring and review of all initiatives to achieve the of UNCAC goals, in close collaboration with the Office of the Ombudsman. The ombudsman has published documentation detailing where the country is in full or partial compliance with UNCAC Chapter IV, which also identifies gaps and challenges. The ombudsman also organises periodic UNCAC state conferences.

To combat corruption the constitution established the independent Office of the Ombudsman, the *Sandiganbayan* (an anticorruption court at the appellate level), and the Commission on Audit. The *Sandiganbayan* and the audit commission actively collaborated with the public and civil society and appeared to be operating effectively and independently. However, the government faces challenges in its efforts to file charges and obtain convictions in a number of cases, and not all are successful. The legislative framework for fighting corruption is in place and has been strengthened under the current administration: The Anti-Money Laundering Act — Republic Act (RA) 10365, was amended taking effect in April 2013, improving accounting and audit standards. Initiatives in Congress regarding whistle-blowers' protection, through 'An Act Providing for the Protection, Security and Benefits of Whistle-blowers, Appropriating Funds Therefore and for Other Purposes' could need additional support towards possible adoption. Some further examples of legislation passed include the whistle-blowers protection bill passed in 2012, an expansion of the coverage of the Anti-Money Laundering Act.

In 2012, the Transparency and Accountability Network, a non-governmental organisation, submitted a report on the Philippines to the UNCAC Implementation Review Mechanism ([83]) which contains a number of recommendations for priority actions to be addressed that go beyond the executive summary of the 2013 IRG report quoted in

([83])https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/18-22June2012/V1254002.pdf

the monitoring scorecard. The work and functioning of the anti-corruption entities could also be strengthened. This is partly due to the many different entities involved and sub-optimal coordination between them.

Conclusions

Philippines drug law enforcement officials continued to make progress in promoting interagency coordination in 2014, as well as cooperation with international enforcement partners. This increased cooperation led to numerous successful operations which highlighted the high volume of methamphetamine being smuggled into the Philippines for local consumption, as well as onward shipment to other regional destinations. Meanwhile, the Philippines recognised that further progress is needed to intensify its anti-drug courier campaign.

Governance issues are for good reasons the centre of attention of the current government that — despite enormous challenges — is making progress on tackling the issues. Challenges identified by the UNCAC review include legislative measures on trading in influence, bribery, and definition of public officials, among others, as well as coordination between different organisations working against corruption.

15.3. Trade and Economy

15.3.1. Trade Picture

The Philippine economy has more than doubled its size in the last decade and consolidated itself as one of the fastest growing economies in Southeast Asia (6.1 % GDP growth in 2014). With a GDP of EUR 260 billion in 2014, the Philippines ranked fifth-largest economy in the region. While this impressive economic performance is to some extent the result of a catching-up effect with the bigger Asian economies, it has also been favoured by a progressive transformation of the Philippine economy. The current government has aimed to capitalise on the strength of growth to introduce long-needed structural reforms and has reached out to a number of its trading partners with the objective of supporting the opening up of the economy through the negotiation of trade agreements. The Philippines is a member of the Association of Southeast Asian Nations and thus a party to the ASEAN Free Trade Area and to the five regional FTAs that ASEAN has concluded with six countries (China, South Korea, Japan, India, Australia and New Zealand), and has also one purely bilateral FTA with Japan.

Trade in goods between the EU and the Philippines amounted to EUR 12.5 billion in 2014, making the Philippines EU's 44th trading partner worldwide and sixth in ASEAN. In 2014, EU exports to the Philippines were worth EUR 6.8 billion, while Philippine exports to the EU reached EUR 5.7 billion. Philippine exports are greatly benefitting from the enhanced access to EU market under GSP+, particularly products like coconut oil, preserved tuna, bicycles, pineapple products, fruit jams, and some garments and footwear. However, Philippine main exports to the EU are office and telecommunication equipment (44.9 %), machinery (15.1 %) and optical and photographic instruments (11.1 %) that largely enter the European market duty-free. In 2015, the percentage of Philippine exports entering the EU duty-free will likely reach 85-90 %.

15.3.2. GSP+ Statistics

Figures 11.1-11.3 below describe the Philippines' utilisation of the GSP+, in the context of its overall imports to the EU. The Philippines was granted GSP+ beneficiary status on 25 December 2014 — prior to this, it was a beneficiary of the GSP ('Standard GSP'). Therefore, the figures below reflect the Standard GSP for 2012, 2013, and 2014, and the GSP+ for 2015.

Source for all statistics: Eurostat data, as of September 2015.

Figure 15.1

Philippines - Imports to the EU, 2012-2015					
Figures in thousand EUR	2012	2013	2014	2015 (Q1-2)	Trend 2012-2014
Total imports to EU	5,129,992	5,049,032	5,717,378	3,257,385	11.45%
GSP/GSP+ eligible imports	1,632,189	1,693,964	1,723,295	1,084,683	5.58%
GSP/GSP+ preferential imports	1,101,169	1,082,372	1,149,929	681,001	4.43%
GSP/GSP+ utilisation rate	67.47%	63.90%	66.73%	62.78%	-1.09%

Figure 15.2

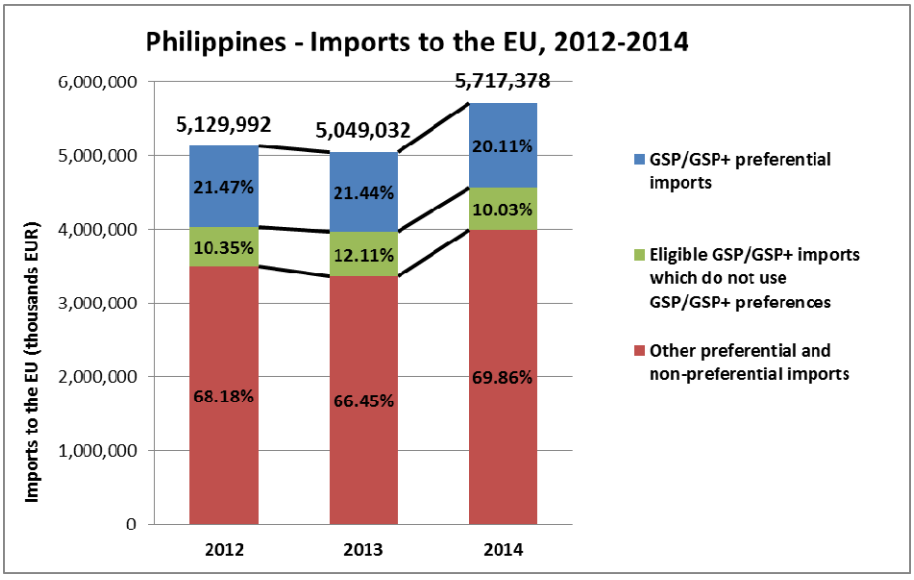
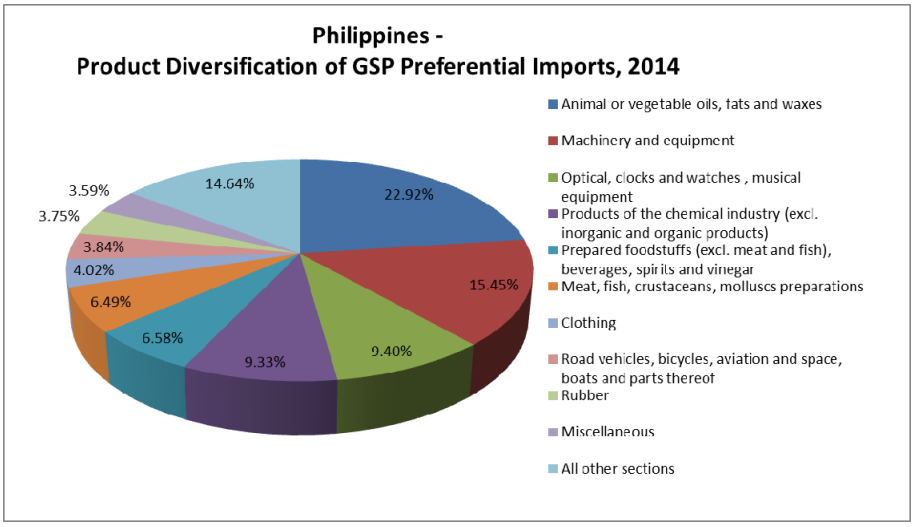


Figure 15.3


Philippines -
Product Diversification of GSP Preferential Imports, 2014
22.92%
15.45%
9.40%
9.33%
6.58%
6.49%
4.02%
3.84%
3.75%
3.59%
14.64%
Animal or vegetable oils, fats and waxes
Machinery and equipment
Optical, clocks and watches , musical equipment
Products of the chemical industry (excl. inorganic and organic products)
Prepared foodstuffs (excl. meat and fish), beverages, spirits and vinegar
Meat, fish, crustaceans, molluscs preparations
Clothing
Road vehicles, bicycles, aviation and space, boats and parts thereof
Rubber
Miscellaneous
All other sections

16. Annex

16.1. Armenia – Treaty Ratification and Reporting

Convention	Status of ratification / reservations[84]	Compliance with reporting obligations to monitoring bodies
1. Convention on the Prevention and Punishment of the Crime of Genocide	Accession: 23.06.1993 No reservations	**No country reporting obligations**
2. International Convention on the Elimination of All Forms of Racial Discrimination	Accession: 23.06.1993 No reservations	**Lack of compliance with country reporting obligations** Latest country report due on 23.07.2014. Latest monitoring body report issued on 04.04.2011.
3. International Covenant on Civil and Political Rights	Accession: 23.06.1993 No reservations	**Compliant with country reporting obligations** Latest country report submitted on 28.05.2010. Latest monitoring body report issued on 31.08.2012.
4. International Covenant on Economic, Social and Cultural Rights	Accession: 13.09.1993 No reservations	**Compliant with country reporting obligations** Latest country report submitted on 18.07.2011 Latest monitoring body report issued on 15.07.2014
5. Convention on the Elimination of All Forms of Discrimination against Women	Accession: 13.09.1993 No reservations	**Compliant with country reporting obligations** Latest country report submitted on 11.03.2015 Latest monitoring body report issued on 05.02.2009
6. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Accession: 13.09.1993 No reservations	**Compliant with country reporting obligations** Latest country report submitted on 24.06.2015 Latest monitoring body report issued on 06.07.2012
7. Convention on the Rights of the Child	Accession: 23.06.1993 No reservations	**Compliant with country reporting obligations** Latest country report submitted on 04.02.2010 Latest monitoring body report issued on 08.07.2013
8. Convention concerning Forced or Compulsory Labour, No. 29	Ratification: 2004	**Compliant with country reporting obligations** All national country reports submitted Latest CEACR comments: Direct Request 2013
9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratification: 2006	**Compliant with country reporting obligations** All national country reports submitted Latest CEACR comments: Direct Request 2014
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain	Ratification: 2003	**Compliant with country reporting obligations** All national country reports submitted

[84] Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.

Collectively, No. 98		Latest CEACR comments: Observation 2014
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratification: 1994	**Compliant with country reporting obligations** All national country reports submitted Latest CEACR comments: Observation 2013; Direct Request 2013
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratification: 2004	**Compliant with country reporting obligations** All national country reports submitted Latest CEACR comments: Direct Request 2013
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratification: 1994	**Compliant with country reporting obligations** All national country reports submitted Latest CEACR comments: Direct Request 2013
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratification: 2006	**Compliant with country reporting obligations** All national country reports submitted Latest CEACR comments: Direct Request 2011
15. Convention concerning Minimum Age for Admission to Employment, No. 182	Ratification: 2006	**Compliant with country reporting obligations** All national country reports submitted Latest CEACR comments: Direct Request 2011
16. CITES	Accession: 10.04.2008 No reservations	**Lack of compliance with country reporting obligations** Last country report (Annual Report) submitted on 01.10.2013. Country reports (Annual Reports) for 2012 and 2013 due. Biennial Report for 2011-12 also due.
17. Montreal Protocol	Accession: 01.10.1999 No reservations	**Compliant with country reporting obligations** All country reports submitted. Most recently, annual data for 2014 was submitted on 07.04.2015.
18. Basel Convention	Accession: 01.10.1999 No reservations	**Lack of compliance with country reporting obligations** Last country report submitted on 13.02.2013 (2011 National Report). According to the Armenian authorities, the National Reports overdue from 2012 and 2013 were submitted in, respectively, December 2013 and February 2015.This information, however, has not yet been confirmed by the convention's Secretariat.
19. Convention on Biological Diversity	Accession: 14.05.1993 No reservations	**Compliant with country reporting obligations** All country reports submitted. Latest country report submitted on 04.09.2014 (Fifth National Report).
20. UN Framework Convention on Climate Change	Accession: 14.05.1993 No reservations	**Compliant with country reporting obligations** First National Communication submitted on 04.11.1998. Second National Communication submitted on 07.09.2010.
21. Cartagena Protocol on	Accession: 30.04.2004	**Lack of compliance with country reporting obligations**

Biosafety	No reservations	Last country report submitted on 09.12.2011 (Second National Report). Third National Report due on 01.11.2015.
22. Stockholm Convention	Accession: 26.11.2003 No reservations	**Compliant with country reporting obligations** All national country reports submitted. Latest country report submitted on 11.09.2014 (Third Round National Report).
23. Kyoto Protocol	Accession: 25.04.2003 No reservations	**No country reporting obligations**
24. UN Single Convention on Narcotic Drugs	Accession: 13.09.1993 No reservations	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC).
25. UN Convention on Psychotropic Substances	Accession: 13.09.1993 No reservations	
26. UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Accession: 13.09.1993 No reservations	
27. UN Convention against Corruption	Accession: 08.03.2007 No reservations	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC). The executive summary from the most recent review has been available to the public since 06.03.2015.

16.2. Bolivia – Treaty Ratification and Reporting

Convention	Status of ratification / reservations[85]	Compliance with reporting obligations to monitoring bodies
1. Convention on the Prevention and Punishment of the Crime of Genocide	Ratification: 14.06.2005 No reservations	**No country reporting obligations**
2. International Convention on the Elimination of All Forms of Racial Discrimination	Ratified: 22.09.1970 No reservations	**Lack of compliance with country reporting obligations** Last country report submitted on 20.01.2010. Latest country report was due on 21.10.2013. Latest monitoring body report issued on 08.05.2011.
3. International Covenant on Civil and Political Rights	Accession: 12.08.1982 No reservations	**Compliant with country reporting obligations** Last country report submitted on 16.08.2011. Next country report due on 01.11.2018. Latest monitoring body report issued on 05.12.2013.
4. International Covenant on Economic, Social and Cultural Rights	Accession: 12.08.1982 No reservations	**Lack of compliance with country reporting obligations** Last country report submitted on 30.01.2007. Latest country report was due on 30.06.2010. Latest monitoring body report issued on 08.08.2008.
5. Convention on the Elimination of All Forms of Discrimination against Women	Ratification: 08.06.1990 No reservations	**Compliant with country reporting obligations** Last country report submitted on 19.11.2013. Latest monitoring body report issued on 28.07.2015.
6. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Ratification: 12.05.1999 No reservations	**Compliant with country reporting obligations** Last country report submitted on 18.10.2011. Next country report due 31.05.2017. Latest monitoring body report issued on 14.06.2013.
7. Convention on the Rights of the Child	Ratification: 12.06.1990 No reservations	**Lack of compliance with country reporting obligations** Last country report submitted on 20.02.2008. Latest country report was due on 01.09.2015. Latest monitoring body report issued on 16.10.2009.
8. Convention concerning Forced or Compulsory	Ratification: 2005	**Compliant with country reporting obligations**

[85] Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.

Labour, No. 29		All country reports submitted. Latest CEACR comments: Direct Request 2015
9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratification: 1965	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2014
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98	Ratification: 1973	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2014; Direct Request 2014
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratification: 1973	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2013; Direct Request 2013
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratification: 1990	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2015; Direct Request 2015
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratification: 1977	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2013; Direct Request 2013
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratification: 11.06.1997 Minimum age specified: 14 years	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2015; Direct Request 2015. CAS Country Case at ILC 2015.
15. Convention concerning Minimum Age for Admission to Employment, No. 182	Ratification: 06.06.2003	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2015; Direct Request 2015.
16. CITES	Ratification: 06.07.1979	**Lack of compliance with country reporting obligations** Last country report submitted on 30.04.2013 (2011 Annual Report). Country reports (Annual Reports) for 2012, 2013, and 2014 are due. Biennial Reports for 2003-04, 2005-06, 2007-08, 2011-12, and 2013-14 also due.
17. Montreal Protocol	Accession: 03.10.1994	**Compliant with country reporting obligations** All country reports submitted. Most recently, annual data for 2014 was submitted on 13.10.2015.

18. Basel Convention	Ratification: 15.11.1996 No reservations	**Lack of compliance with country reporting obligations** National Report for 2013 due.
19. Convention on Biological Diversity	Ratification: 03.10.1994	**Compliant with country reporting obligations** Latest country report submitted on 27.03.2015 (Fifth National Report).
20. UN Framework Convention on Climate Change	Ratification: 03.10.1994 No reservations	**Compliant with country reporting obligations** First National Communication submitted on 16.11.2000. Second National Communication submitted on 02.12.2009.
21. Cartagena Protocol on Biosafety	Ratification: 22.05.2002 No reservations	**Lack of compliance with country reporting obligations** Latest country report submitted on 30.09.2011 (Second National Report). Interim National Report (2005) and First National Report (2007) due. Third National Report due on 01.11.2015.
22. Stockholm Convention	Ratification: 03.06.2003 No reservations	**Lack of compliance with country reporting obligations** No country reports submitted. National country reports are due for 31.12.2006 (First Round National Reporting, extended to 31.07.2007), 31.10.2010 (Second Round, extended to 31.07.2011), and 31.08.2014 (Third Round).
23. Kyoto Protocol	Ratification: 30.11.1999 No reservations	**No country reporting obligations**
24. UN Single Convention on Narcotic Drugs	Accession: 11.01.2013 No reservations	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC).
25. UN Convention on Psychotropic Substances	Accession: 20.03.1985 No reservations	
26. UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Ratification: 20.08.1990 Reservation on coca leaf.[86]	
27. UN Convention against Corruption	Ratification: 05.12.2005 No reservations	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC). UNODC review covering period 2010-15 was performed July 2014. The executive summary has been available to the public since 08.12.2014.

[86] Reservation made on paragraphs which could be interpreted as establishing as a criminal offence the use, consumption, possession, purchase, or cultivation of the coca leaf for personal consumption.

16.3. Cabo Verde – Treaty Ratification and Reporting

Convention	Status of ratification / reservations[87]	Compliance with reporting obligations to monitoring bodies
1. Convention on the Prevention and Punishment of the Crime of Genocide	Ongoing	**No country reporting obligations**
2. International Convention on the Elimination of All Forms of Racial Discrimination	Ratified: 03.10.1979 No reservations	**Lack of compliance with country reporting obligations** Last country report submitted on 02.11.2006. Four country reports due. Latest monitoring body report issued on 23.10.2003.
3. International Covenant on Civil and Political Rights	Ratified: 06.08.1993 No reservations	**Lack of compliance with country reporting obligations** Initial country report not submitted. Latest monitoring body report issued on 23.04.2012.
4. International Covenant on Economic, Social and Cultural Rights	Ratified: 06.08.1993 No reservations	**Lack of compliance with country reporting obligations** No country reports submitted.
5. Convention on the Elimination of All Forms of Discrimination against Women	Ratified: 05.12.1980 No reservations	**Compliant with country reporting obligations** All country reports submitted. Latest report submitted on 07.11.2010. Latest monitoring body report issued on 13.05.2013.
6. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified: 04.06.1992 No reservations	**Lack of compliance with country reporting obligations** No country reports submitted.
7. Convention on the Rights of the Child	Ratified: 04.06.1992 No reservations	**Lack of compliance with country reporting obligations** Four country reports due. Latest monitoring body report issued on 07.11.2001.
8. Convention concerning Forced or Compulsory Labour, No. 29	Ratification: 1979	**Compliant with country reporting obligations** Latest country report submitted out of sequence: report due in 2014 submitted in 2015. Latest CEACR (ILO Committee of Experts on the Application of Contentions and Recommendations) comments: Direct Request 2015

[87] Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.

9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratification: 1999	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Direct Request 2014
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98	Ratification: 1979	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Direct Request 2014
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratification: 1979	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2013; Direct Request 2013
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratification: 1979	**Compliant with country reporting obligations** Latest country report submitted out of sequence: report due in 2014 submitted in 2015. Latest CEACR comments: Direct Request 1992
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratification: 1979	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Direct Request 2013
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratification: 2011 Minimum age specified: 15 years	**Compliant with country reporting obligations** Latest country report submitted out of sequence: report due in 2014 submitted in 2015. Latest CEACR comments: Direct Request 2015.
15. Convention concerning Minimum Age for Admission to Employment, No. 182	Ratification: 2001	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2015; Direct Request 2015.
16. CITES	Accession: 10.08.2005	**Lack of compliance with country reporting obligations** Last country report submitted on 15.06.2011 (2010 Annual Report). Country reports (Annual Reports) due for 2011, 2012, 2013, 2014. Biennial Reports also due for 2003-04, 2005-06, 2007-08, 2009-10, 2011-12, and 2013-14.
17. Montreal Protocol	Accession: 31.07.2001 No reservations	**Compliant with country reporting obligations** All country reports submitted. Most recently, annual data for 2014 was submitted on 24.03.2015.
18. Basel Convention	Accession: 02.07.1999 No reservations	**Compliant with country reporting obligations** Last country report submitted on 26.11.2014 (2013 National Report).
19. Convention on	Ratification: 29.03.1995	**Lack of compliance with country reporting**

Biological Diversity	No reservations	**obligations** Last country report submitted on 30.11.2009 (Fourth National Report). Fifth National Report due (2014).
20. UN Framework Convention on Climate Change	Ratification: 29.03.1995 No reservations	**Compliant with country reporting obligations** First National Communication submitted on 13.11.2000. Second National Communication submitted on 21.10.2011.
21. Cartagena Protocol on Biosafety	Ratification: 01.11.2005 No reservations	**Lack of compliance with country reporting obligations** Latest country report submitted on 28.09.2011 (Second National Report). Interim National Report (2005) and First National Report (2007) due. Third National Report due on 01.11.2015.
22. Stockholm Convention	Accession: 01.03.2006 No reservations	**Lack of compliance with country reporting obligations** No country reports submitted. First Round (2006), Second Round (2010), and Third Round (2014) National Reports due.
23. Kyoto Protocol	Accession: 10.02.2006 No reservations	**No country reporting obligations**
24. UN Single Convention on Narcotic Drugs	Accession: 24.05.1990 No reservations	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC).
25. UN Convention on Psychotropic Substances	Accession: 24.05.1990 No reservations	
26. UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Accession: 08.05.1993 No reservations	
27. UN Convention against Corruption	Ratification: 23.04.2008 No reservations	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC). Cabo Verde was reviewed in 2011-2012, but report and summary are not publicly available.

16.4. Costa Rica – Treaty Ratification and Reporting

Convention	Status of ratification / reservations[88]	Compliance with reporting obligations to monitoring bodies
1. Convention on the Prevention and Punishment of the Crime of Genocide	Ratified: 1950 No reservations	**No country reporting obligations**
2. International Convention on the Elimination of All Forms of Racial Discrimination	Ratified: 1967 Made a Declaration on 08.01.1974 on the competence of the *Committee on the Elimination of Racial Discrimination.*	**Compliant with country reporting obligations** All country reports submitted. Latest country report submitted 17.01.2014. Latest monitoring body report issued on 25.09.2015.
3. International Covenant on Civil and Political Rights	Ratified: 1968 No reservations	**Compliant with country reporting obligations** All country reports submitted. Latest country report submitted 05.05.2014. Latest monitoring body report issued on 16.11.2007.
4. International Covenant on Economic, Social and Cultural Rights	Ratified: 1968 No reservations	**Compliant with country reporting obligations** All country reports submitted. Latest country report submitted 24.10.2014. Latest monitoring body report issued on 04.01.2008.
5. Convention on the Elimination of All Forms of Discrimination against Women	Ratified: 1986 No reservations	**Compliant with country reporting obligations** All country reports submitted. Latest country report submitted 22.09.2015. Latest monitoring body report issued on 29.07.2011.
6. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified: 1993 Made a Declaration on 17.02.2002 on the Convention and its Committee.	**Lack of compliance with country reporting obligations** Last country report submitted 30.05.2006. Country report due in 2012 not yet submitted, but extended to 01.08.2016. Latest monitoring body report issued on 07.07.2008.
7. Convention on the Rights of the Child	Ratified: 1990 No reservations	**Compliant with country reporting obligations** All country reports submitted. Latest country report submitted 27.04.2009.

[88] Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.

		Next country report due 19.03.2016. Latest monitoring body report issued on 03.08.2011.
8. Convention concerning Forced or Compulsory Labour, No. 29	Ratification: 1960	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Direct Request 2015.
9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratification: 1960	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2014.
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98	Ratification: 1960	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2014
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratification: 1960	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2014; Direct Request 2014
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratification: 1959	**Compliant with country reporting obligations** Latest country report submitted out of sequence: report due in 2014 submitted in 2015. Latest CEACR comments: Direct Request 1999
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratification: 1962	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Direct Request 2013
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratification: 1976 Minimum age specified: 15 years	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2015; Direct Request 2015
15. Convention concerning Minimum Age for Admission to Employment, No. 182	Ratification: 2001	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2015; Direct Request 2015
16. CITES	Ratification: 30.06.1975 No reservations Costa Rica did not agree on the Bonn Amendment (introducing financial changes).	**Lack of compliance with country reporting obligations** Last country report submitted on 31.10.2014 (2013 Annual Report). Country report (Annual Reports) for 2014 due. Biennial Report for 2013-2014 also due.
17. Montreal Protocol	Accession: 30.07.1991 No reservations	**Compliant with country reporting obligations** All country reports submitted. Most recently, annual data for 2014 was submitted on

		17.09.2015.
18. Basel Convention	Ratification: 07.03.1995 No reservations	**Compliant with country reporting obligations** All country reports submitted. Latest country report submitted on 16.12.2014 (2013 National Report).
19. Convention on Biological Diversity	Ratification: 26.08.1994 No reservations	**Compliant with country reporting obligations** All country reports submitted. Latest country report submitted on 01.05.2015 (Fifth National Report).
20. UN Framework Convention on Climate Change	Ratification: 1999 No reservations	**Compliant with country reporting obligations** First National Communication submitted on 18.11.2000. Second National Communication submitted on 07.10.2009. Third National Communication submitted on 11.12.2014.
21. Cartagena Protocol on Biosafety	Ratification: 06.02.2007 No reservations	**Lack of compliance with country reporting obligations** Latest country report submitted on 11.09.2007 (First National Report). Interim National Report (2005) and Second Report (2011) due. Third National Report due on 01.11.2015.
22. Stockholm Convention	Ratification: 06.02.2007 No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted on 10.12.2014 (Third Round National Report).
23. Kyoto Protocol	Ratification: 09.08.2002 No reservations	**No country reporting obligations**
24. UN Single Convention on Narcotic Drugs	Participation: 07.05.1970 No reservations	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC).
25. UN Convention on Psychotropic Substances	Ratification: 16.02.1977 No reservations	
26. UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Accession: 08.02.1991 No reservations	
27. UN Convention against Corruption	Ratification: 21.03.2007 No reservations	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC). For Costa Rica's 2013-2014 cycle, no summary information is publicly available yet.

16.5. Ecuador – Treaty Ratification and Reporting

Convention	Status of ratification / reservations[89]	Compliance with reporting obligations to monitoring bodies
1. Convention on the Prevention and Punishment of the Crime of Genocide	Ratified: 1950 No reservations	**No country reporting obligations**
2. International Convention on the Elimination of All Forms of Racial Discrimination	Ratified No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted 16.02.2012. Next country report due 30.11.2017. Latest monitoring body report issued on 22.10.2012.
3. International Covenant on Civil and Political Rights	Ratified No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted 07.08.2015. Latest monitoring body report issued on 04.11.2009.
4. International Covenant on Economic, Social and Cultural Rights	Ratified No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted 08.09.2009. Next country report due 30.11.2017. Latest monitoring body report issued on 13.12.2012.
5. Convention on the Elimination of All Forms of Discrimination against Women	Ratified No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted 11.12.2012. Latest monitoring body report issued on 10.03.2015.
6. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified No reservations	**Compliant with country reporting obligations** Last country report submitted 07.08.2015. Latest monitoring body report issued on 20.01.2011.
7. Convention on the Rights of the Child	Ratified No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted 20.03.2008. Next country report due 07.03.2016. Latest monitoring body report issued on 02.03.2010.

[89] Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.

8. Convention concerning Forced or Compulsory Labour, No. 29	Ratification: 1954	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Direct Request 2015
9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratification: 1967	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2015; Direct Request 2015
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98	Ratification: 1959	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2015. Country Case at ILC 2014.
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratification: 1957	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2014
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratification: 1962	**Compliant with country reporting obligations** Latest CEACR comments: Direct Request 2015
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratification: 1962	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2014; Direct Request 2014
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratification: 2000 Minimum age specified: 15 years	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Direct Request 2015
15. Convention concerning Minimum Age for Admission to Employment, No. 182	Ratification: 2000	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2015; Direct Request 2015
16. CITES	Ratification: 11.02.1975 No reservations	**Lack of compliance with country reporting obligations** Last country report submitted 26.05.2015 (2014 Annual Report). Country reports (Biennial Reports) for 2009-10, 2011-12, 2013-14 due.
17. Montreal Protocol	Accession: 30.04.1990 No reservations	**Compliant with country reporting obligations** All country reports submitted. Most recently, annual data for 2014 was submitted on 28.04.2015.
18. Basel Convention	Ratification: 23.02.1993 No reservations	**Lack of compliance with country reporting obligations** National country reports for 2010, 2011, 2012 and

		2013 are due.
19. Convention on Biological Diversity	Ratification: 23.02.1993 No reservations	**Compliant with country reporting obligations** All country reports submitted. Latest country report submitted on 31.03.2014 (Fifth National Report).
20. UN Framework Convention on Climate Change	Ratification: 23.02.1993 No reservations	**Compliant with country reporting obligations** First National Communication submitted on 15.11.2000. Second National Communication submitted on 02.05.2012.
21. Cartagena Protocol on Biosafety	Ratification: 30.01.2003 No reservations	**Lack of compliance with country reporting obligations** Last country report submitted on 13.11.2015 (Third National Report). Interim National Report (2005) due.
22. Stockholm Convention	Ratification: 07.06.2004 No reservations	**Lack of compliance with country reporting obligations** Last report submitted on 01.09.2014 (Third Round National Report). First Round National Report due (2006).
23. Kyoto Protocol	Ratification: 13.01.2000 No reservations	**No country reporting obligations**
24. UN Single Convention on Narcotic Drugs	Accession: 14.01.1964 No reservations	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC).
25. UN Convention on Psychotropic Substances	Accession: 07.09.1973 No reservations	
26. UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Ratification: 23.03.1990 No reservations	
27. UN Convention against Corruption	Ratification: 15.09.2005 No reservations	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC). For the most recent review, no information is publicly available yet.

16.6. El Salvador – Treaty Ratification and Reporting

Convention	Status of ratification / reservations[90]	Compliance with reporting obligations to monitoring bodies
1. Convention on the Prevention and Punishment of the Crime of Genocide	Ratified: 1950 No reservations	**No country reporting obligations**
2. International Convention on the Elimination of All Forms of Racial Discrimination	Ratified No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted 25.09.2014. Next country report due 20.12.2017. Latest monitoring body report issued on 24.09.2014.
3. International Covenant on Civil and Political Rights	Ratified: 30.11.1979 Reservation regarding the competence of the Human Rights Committee	**Lack of compliance with country reporting obligations** Latest country report due by 01.07.2014. Last country report submitted 13.01.2009. Latest monitoring body report issued on 18.11.2010.
4. International Covenant on Economic, Social and Cultural Rights	Ratified: 30.11.1979 No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted 19.06.2014. Next country report due 30.05.2019. Latest monitoring body report issued on 18.06.2014.
5. Convention on the Elimination of All Forms of Discrimination against Women	Ratified: 19.08.1981 Reservation regarding the application of Article 29, paragraph 1	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted 11.05.2015. Latest monitoring body report issued on 07.11.2008.
6. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified: 17.06.1996 No reservations	**Lack of compliance with country reporting obligations** Latest country report due by 20.11.2013. Last country report submitted 2.07.2007. Latest monitoring body report issued on 09.12.2009.
7. Convention on the Rights	Ratified: 17.06.1996	**Compliant with country reporting obligations**

[90] Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.

of the Child	No reservations	All country reports submitted. Last country report submitted 21.02.2008. Next country report due 03.06.2016. Latest monitoring body report issued on 17.02.2010.
8. Convention concerning Forced or Compulsory Labour, No. 29	Ratification: 1995	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Direct Request 2015.
9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratification: 2006	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2015; Direct Request 2015. Country Case at ILC 2015.All country reports submitted.
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98	Ratification: 2006	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2015.
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratification: 2000	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Direct Request 2013
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratification: 1958	**Compliant with country reporting obligations** All country reports submitted.
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratification: 1995	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2013; Direct Request 2013
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratification: 1996 Minimum age specified: 14 years	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Direct Request 2015
15. Convention concerning Minimum Age for Admission to Employment, No. 182	Ratification: 2000	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2015; Direct Request 2015
16. CITES	Accession: 30.04.1987 No reservations	**Lack of compliance with country reporting obligations** Last country report submitted on 30.10.2015 (2014 Annual Report). Country report (Annual Report) for 2013 due. Biennial Report for 2005-06, 2007-08, 2009-10, 2011-12 and 2013-14 also due.
17. Montreal Protocol	Accession: 02.10.1992	**Compliant with country reporting obligations**

	No reservations	All country reports submitted. Most recently, annual data for 2014 was submitted on 01.05.2015.
18. Basel Convention	Ratification: 13.12.1991 No reservations	**Lack of compliance with country reporting obligations** National Country reports for 2010, 2011, 2012 and 2013 due.
19. Convention on Biological Diversity	Ratification: 08.09.1994 No reservations	**Compliant with country reporting obligations** All country reports submitted. Latest country report submitted on 19.09.2014 (Fifth National Report).
20. UN Framework Convention on Climate Change	Ratification: 04.12.1995 No reservations	**Compliant with country reporting obligations** All country reports submitted. First National Communication submitted on 10.05.2000. Second National Communication submitted on 11.09.2013.
21. Cartagena Protocol on Biosafety	Ratification: 26.09.2003 No reservations	**Lack of compliance with country reporting obligations** Last country report submitted 12.12.2011 (Second National Report). Interim National Report (2005) and First National Report (2007) due. Third National Report due on 01.11.2015.
22. Stockholm Convention	Ratification: 27.05.2008 No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted on 01.09.2014 (Third Round National Report).
23. Kyoto Protocol	Ratification: 30.11.1998 No reservations	**No country reporting obligations**
24. UN Single Convention on Narcotic Drugs	Ratification: 26.02.1998 No reservations	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC).
25. UN Convention on Psychotropic Substances	Accession: 11.06.1998 No reservations	
26. UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Accession: 21.05.1993 No reservations	
27. UN Convention against Corruption	Ratification: 01.07.2004 No reservations	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC). The executive summary of the most recent review has been available to the public since 18.11.2013.

16.7. Georgia – Treaty Ratification and Reporting

Convention	Status of ratification / reservations[91]	Compliance with reporting obligations to monitoring bodies
1. Convention on the Prevention and Punishment of the Crime of Genocide	Accession: 11.10.1993 No reservations	**No country reporting obligations**
2. International Convention on the Elimination of All Forms of Racial Discrimination	Accession: 02.07.1999 No reservations	**Compliant with country reporting obligations** Latest country report submitted on 03.07.2014. Latest monitoring body report issued on 20.09.2011.
3. International Covenant on Civil and Political Rights	Accession: 25.01.1994 No reservations	**Compliant with country reporting obligations** Last country report was submitted on 26.06.2012. Next country report will be due by 31.07.2019. Latest monitoring body report issued on 18.08.2014.
4. International Covenant on Economic, Social and Cultural Rights	Accession: 25.01.1994 No reservations	**Lack of compliance with country reporting obligations** Georgia's latest country report (3rd Periodic Report) was due on 30.07.2007. According to the Government of Georgia, it is being finalised for submission by the end of 2015. Latest country report was submitted on 19.06.2001. Latest monitoring body report issued on 19.12.2002.
5. Convention on the Elimination of All Forms of Discrimination against Women	Accession: 22.09.1994 No reservations	**Compliant with country reporting obligations** Latest country report submitted on 27.06.2012. Next country report due on 01.07.2018. Latest monitoring body report issued on 18.07.2014.
6. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Accession: 22.09.1994 No reservations	**Lack of compliance with country reporting obligations** Georgia's latest country report (Periodic Report) was due in 2011. According to the Government of Georgia, it is being finalised for submission by the end of 2015. Latest country report was submitted in 24.11.2003. Latest monitoring body report issued on 25.07.2006.
7. Convention on the Rights of the Child	Accession: 21.04.1994 No reservations	**Compliant with country reporting obligations** Latest country report was submitted in December 2014 and not yet examined by the monitoring body. Latest monitoring body report issued on 23.06.2008.
8. Convention concerning Forced or Compulsory Labour, No. 29	Ratification: 1993	**Compliant with country reporting obligations** All national country reports submitted. Latest CEARC comments: Direct Request 2013

[91] Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.

9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratification: 1999	**Compliant with country reporting obligations** All national country reports submitted Latest CEACR comments: Direct Request 2015, Observation 2015
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98	Ratification: 1993	**Compliant with country reporting obligations** All national country reports submitted Latest CEACR comments: Direct Request 2015, Observation 2015
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratification: 1993	**Compliant with country reporting obligations** All national country reports submitted Latest CEACR comments: Direct Request 2014, Observation 2014
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratification: 1996	**Compliant with country reporting obligations** All national country reports submitted Latest CEACR comments: Direct Request 2013
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratification: 1993	**Compliant with country reporting obligations** All national country reports submitted Latest CEACR comments: Direct Request 2014, Observation 2014
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratification: 1996	**Compliant with country reporting obligations** All national country reports submitted Latest CEACR comments: Direct Request 2013, Observation 2013
15. Convention concerning Minimum Age for Admission to Employment, No. 182	Ratification: 2002	**Compliant with country reporting obligations** All national country reports submitted Latest CEACR comments: Direct Request 2013
16. CITES	Accession: 13.09.1996 No reservations	**Compliant with country reporting obligations** All country reports submitted. Latest country report (Annual Report) submitted on 28.10.2015.
17. Montreal Protocol	Accession: 21.03.1996 No reservations	**Compliant with country reporting obligations** All country reports submitted. Most recently, annual data for 2014 was submitted on 31.03.2015.
18. Basel Convention	Accession: 20.05.1999 No reservations	**Compliant with reporting obligation** All country reports submitted. Latest country report submitted 22.01.2015 (2013

		Annual Report).
19. Convention on Biological Diversity	Accession: 02.06.1994 No reservations Georgia made a declaration to the CBD at accession.[92]	**Compliant with country reporting obligations** All country reports submitted. Latest country report submitted on 10.06.2015 (Fifth National Report).
20. UN Framework Convention on Climate Change	Accession: 29.07.1994 No reservations	**Compliant with country reporting obligations** First National Communication submitted on 10.08.1999. Second National Communication submitted on 02.10.2009.
21. Cartagena Protocol on Biosafety	Accession: 04.11.2008 No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted on 05.11.2015 (Third National Report).
22. Stockholm Convention	Ratification: 04.10.2006 No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted on 03.09.2014 (Third Round National Report).
23. Kyoto Protocol	Accession: 16.06.1999 No reservations	**No country reporting obligations**
24. UN Single Convention on Narcotic Drugs	Accession: 27.03.2000 No reservations	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC).
25. UN Convention on Psychotropic Substances	Accession: 08.01.1998 No reservations	
26. UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Accession: 08.01.1998 No reservations	
27. UN Convention against Corruption	Accession: 04.11.2008 Georgia made a reservation to this Convention.[93]	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC). Latest report was issued in 2013. The Executive Summary has been publicly available since 30.05.2012. The full report is also available to the public.

[92] Under the GSP Regulation this declaration is permissible, as it is not prohibited by the Convention and for GSP+ purposes is not considered to be incompatible with the object and purpose of the Convention as it does not meet criteria of point (c) of Article 9(1).

[93] Under the GSP Regulation this reservation is permissible, as it:

(a) is not prohibited by the Convention;

(b) for GSP+ purposes is not considered to be incompatible with the object and purpose of the Convention as it does not meet criteria of point (c) of Article 9(1). The convention does not set out a process for determination of the incompatibility with the object and purpose of the convention. Therefore provisions of Article 9(1)(c)(ii) are applied to determine whether the reservation is incompatible with the object and purpose of the convention. No EU Member

State objected to the reservation opposing the entry into force of the convention as between them and Georgia.

16.8. Guatemala – Treaty Ratification and Reporting

Convention	Status of ratification / reservations[94]	Compliance with reporting obligations to monitoring bodies
1. Convention on the Prevention and Punishment of the Crime of Genocide	Ratified No reservations	**No country reporting obligations**
2. International Convention on the Elimination of All Forms of Racial Discrimination	Ratified No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted 12.05.2013. Next country report due 20.12.2017.
3. International Covenant on Civil and Political Rights	Accession No reservations	**Compliant with country reporting obligations** Last country report submitted 21.10.2009. Latest monitoring body report issued on 19.05.2012.
4. International Covenant on Economic, Social and Cultural Rights	Accession No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted 16.12.2011. Next country report due 30.11.2019. Latest monitoring body report issued on 08.12.2014.
5. Convention on the Elimination of All Forms of Discrimination against Women	Ratified No reservations	**Lack of compliance with country reporting obligations** Latest country report due 01.09.2015. Last country report submitted 07.01.2007. Latest monitoring body report issued on 12.02.2009.
6. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Accession Reservations made, but later withdrawn	**Compliant with country reporting obligations** Last country report submitted 05.01.2012. Next country report due 31.05.2017. Latest monitoring body report issued on 24.06.2013.
7. Convention on the Rights of the Child	Ratified No reservations	**Compliant with country reporting obligations** Latest country report due on 01.10.2015. Last country report submitted 14.04.2008. Latest monitoring body report issued on 25.10.2010.

[94] Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.

8. Convention concerning Forced or Compulsory Labour, No. 29	Ratification: 1989	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Direct Request 2013.
9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratification: 1952	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2015. Country Case at ILC 2015.
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98	Ratification: 1952	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2015.
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratification: 1961	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2014, Direct Request 2014
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratification: 1959	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2013
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratification: 1960	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2014; Direct Request 2014
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratification: 1990 Minimum age specified: 14 years	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2013, Direct Request 2013
15. Convention concerning Minimum Age for Admission to Employment, No. 182	Ratification: 2001	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2013, Direct Request 2013
16. CITES	Ratification: 07.11.1979 No reservations Guatemala did not agree on the Bonn Amendment (introducing financial changes).	**Lack of compliance with reporting obligations** Last country report submitted on 15.04.2015 (Annual Report for 2013). Country report (Annual Report) for 2014 due. Biennial Reports for 2005-06, 2007-08, 2011-12, and 2013-14 also due.
17. Montreal Protocol	Accession: 07.11.1989 No reservations	**Compliant with country reporting obligations** All country reports submitted. Most recently, annual data for 2014 was submitted on 08.05.2015.

18. Basel Convention	Ratification: 15.05.1995 No reservations	**Lack of compliance with country reporting obligations** Last country report submitted on 29.12.2014 (2013 Annual Report). Country reports (Annual Reports) due for 2007, 2008, 2009, 2010, and 2011.
19. Convention on Biological Diversity	Ratification: 15.07.1995 No reservations	**Compliant with country reporting obligations** All country reports submitted. Latest country report submitted on 09.04.2015 (Fifth National Report).
20. UN Framework Convention on Climate Change	Ratification: 15.12.1995 No reservations	**Compliant with country reporting obligations** First National Communication submitted on 01.02.2002.
21. Cartagena Protocol on Biosafety	Ratification: 28.10.2004 No reservations	**Lack of compliance with country reporting obligations** Last country report submitted on 01.11.2015 (Third National Report). First National Report (2005) due.
22. Stockholm Convention	Ratification: 30.07.2008 No reservations	**Lack of compliance with country reporting obligations** Last country report submitted on 29.08.2014 (Third Round National Report). First Round National Report (2006) is due.
23. Kyoto Protocol	Ratification: 05.10.1999 No reservations	**No country reporting obligations**
24. UN Single Convention on Narcotic Drugs	Ratification: 01.12.1967 No reservations	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC).
25. UN Convention on Psychotropic Substances	Accession: 13.08.1979 No reservations	
26. UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Ratification: 28.02.1991 No reservations	
27. UN Convention against Corruption	Ratification: 03.11.2006 No reservations	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC). The executive summary of the most recent review has been publicly available since 30.10.2015.

16.9. Mongolia – Treaty Ratification and Reporting

Convention	Status of ratification / reservations[95]	Compliance with reporting obligations to monitoring bodies
1. Convention on the Prevention and Punishment of the Crime of Genocide	Ratified No reservations	**No country reporting obligations**
2. International Convention on the Elimination of All Forms of Racial Discrimination	Ratified No reservations	**Compliant with country reporting obligations** Latest country report submitted on 22.05.2014. Latest monitoring body report issued on 07.07.2015.
3. International Covenant on Civil and Political Rights	Ratified No reservations	**Lack of compliance with country reporting obligations** Last country report submitted on 14.09.2009. Latest country report due 01.05.2015. Latest monitoring body report issued on 02.05.2011.
4. International Covenant on Economic, Social and Cultural Rights	Ratified No reservations	**Compliant with country reporting obligations** Latest country report submitted on 23.02.2012. Latest monitoring body report issued on 19.10.2006.
5. Convention on the Elimination of All Forms of Discrimination against Women	Ratified No reservations	**Compliant with country reporting obligations** Latest country report submitted on 11.12.2014**.** Latest monitoring body report issued on 07.11.2008.
6. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified No reservations	**Compliant with country reporting obligations** Latest country report submitted on 23.03.2015. Latest monitoring body report issued on 20.01.2011.
7. Convention on the Rights of the Child	Ratified No reservations	**Compliant with country reporting obligations** Latest country report submitted on 03.06.2015. Latest monitoring body report issued on 01.03.2010.
8. Convention concerning Forced or Compulsory Labour, No. 29	Ratification: 2005	**Lack of compliance with country reporting obligations** Latest country report due in September 2015. Latest CEACR comments: Direct Request 2013
9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratification: 1969	**Compliant with country reporting obligations** Last country report submitted in September 2015 (out of cycle, as initially due in 2014). Latest CEACR comments: Direct Request 2015

[95] Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.

10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98	Ratification: 1969	**Compliant with country reporting obligations** Last country report submitted in September 2015 (out of cycle, as initially due in 2014). Latest CEACR comments: Direct Request 2008
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratification: 1969	**Lack of compliance with country reporting obligations** Latest country report due in 2013. Latest CEACR comments: Observation 2015, Direct Request 2015
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratification: 2005	**Lack of compliance with country reporting obligations** Latest country report due in September 2015. Latest CEACR comments: Direct Request 2013
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratification: 1969	**Lack of compliance with country reporting obligations** Latest country report due in 2013. Latest CEACR comments: Observation 2015; Direct Request 2015
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratification: 2002 Minimum age specified: 15 years	**Lack of compliance with country reporting obligations** Latest country report due in September 2015. Latest CEACR comments: Direct Request 2015
15. Convention concerning Minimum Age for Admission to Employment, No. 182	Ratification: 2001	**Lack of compliance with country reporting obligations** Latest country report due in September 2015. Latest CEACR comments: Direct Request 2015
16. CITES	Accession: 05.01.1996 No reservations	**Lack of compliance with country reporting obligations** Last country report submitted on 14.01.2011 (Annual Report for 2010). Country reports (Annual Reports) are due for 2011, 2012, 2013, and 2014. Biennial Reports are due for 2005-06, 2007-08, 2009-10, 2011-12, and 2013-14.
17. Montreal Protocol	Accession: 07.03.1996 No reservations	**Compliant with country reporting obligations** All country reports submitted. Most recently, annual data for 2014 was submitted on 10.05.2015.
18. Basel Convention	Ratification: 15.04.1997 No reservations	**Lack of compliance with country reporting obligations** National Reports are due for 2007, 2008, 2009, 2010, 2011, 2012, and 2013.
19. Convention on Biological Diversity	Ratification: 30.09.1993 No reservations	**Compliant with country reporting obligations** All country reports submitted.

		Latest country report submitted on 29.0.6.2015 (Fifth National Report).
20. UN Framework Convention on Climate Change	Ratification: 30.09.1993 No reservations	**Compliant with country reporting obligations** First National Communication submitted 01.11.2001. Second National Communication submitted 10.12.2010.
21. Cartagena Protocol on Biosafety	Ratification: 22.07.2003 No reservations	**Lack of compliance with country reporting obligations** Latest country report submitted on 23.09.2011 (Second National Report). Interim National Report (2005) and First National Report (2007) due. Third National Report due on 01.11.2015.
22. Stockholm Convention	Ratification: 30.04.2004 No reservations	**Lack of compliance with country reporting obligations** Latest country report submitted on 03.11.2010 (Second Round National Report). First Round (2006) and Third Round (2014) National Reports due.
23. Kyoto Protocol	Accession: 15.12.1999 No reservations	**No country reporting obligations**
24. UN Single Convention on Narcotic Drugs	Accession: 06.05.1991 No reservations	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC).
25. UN Convention on Psychotropic Substances	Accession: 15.12.1999 No reservations	
26. UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Accession: 25.06.2003 No reservations	
27. UN Convention against Corruption	Ratification: 11.01.2006 No reservations	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC). The executive summary of the most recent review has been available to the public since 25.08.2011.

16.10. Pakistan – Treaty Ratification and Reporting

Convention	Status of ratification / reservations[96]	Compliance with reporting obligations to monitoring bodies
1. Convention on the Prevention and Punishment of the Crime of Genocide	Ratified: 12.10.1957 No reservations	**No country reporting obligations**
2. International Convention on the Elimination of All Forms of Racial Discrimination	Ratified: 21.09.1966 No reservations	**Compliant with country reporting obligations** Latest country report submitted on 02.11.2015. Latest monitoring body report issued on 15.03.2009.
3. International Covenant on Civil and Political Rights	Ratified: 23.06.2010 Reservations made at ratification, of which two remain, on Articles 3 and 25[97]	**Compliant with country reporting obligations** Latest country report submitted on 19.10.2015.
4. International Covenant on Economic, Social and Cultural Rights	Ratified: 17.04.2008 Reservation made[98]	**Compliant with country reporting obligations** Latest country report submitted on 16.10.2015.
5. Convention on the Elimination of All Forms of Discrimination against Women	Ratified: 12.03.1996 Accession subject to the provisions of the Pakistan constitution Reservation to Article 29	**Compliant with country reporting obligations** Latest country report submitted on 16.06.2011 (Fourth Report). However, delay on reply to follow-up questions to Fourth Report (examined February 2013), due on 01/03/2015. Next country report due on 01.03.2017 (Fifth Report). Latest monitoring body report issued on 26.03.2013.
6. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified: 23.06.2010 Reservations made at ratification, of which reservations to Articles 8,	**Compliant with country reporting obligations** Latest country report submitted on 04.01.2016 (First Report).

[96] Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.

[97] Pakistan made nine reservations to the ICCPR at ratification. Leading up to joining the GSP+, most reservations were withdrawn, and the remaining reservations were made more specific. Currently, Pakistan has reservations to Articles 3 and 25.

[98] Reservation: 'with a view to achieving progressively the full realization of the rights recognized in the present Covenant, Pakistan shall use all appropriate means to the maximum of its resources.'

[99] Pakistan made several reservations to the CAT at ratification. Leading up to joining the GSP+, most reservations were withdrawn, and the remaining reservations were made more specific. Currently, Pakistan has reservations to Articles 8, 28, and 30.

	28, and 30 remain[99]	
7. Convention on the Rights of the Child	Ratified: 12.11.1990 No reservations	**Compliant with country reporting obligations** Last country report submitted on 23.05.2014. Latest monitoring body report issued on 15.09.2009.
8. Convention concerning Forced or Compulsory Labour, No. 29	Ratification: 1957	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2014; Direct Request 2014
9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratification: 1951	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2013; Direct Request 2013
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98	Ratification: 1952	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2013
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratification: 2001	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2012
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratification: 1960	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2014; Direct Request 2014
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratification: 1961	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2012; Direct Request 2012
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratification: 2006 Minimum age specified: 14 years	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2014; Direct Request 2014
15. Convention concerning Minimum Age for Admission to Employment, No. 182	Ratification: 2001	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2014; Direct Request 2014
16. CITES	Accession: 20.04.1976 No reservations	**Lack of compliance with country reporting obligations** Last country report submitted on 03.02.2015 (Annual Report for 2014). Country reports (Biennial Reports) due for 2003-04,

		2005-06, and 2009-10.
17. Montreal Protocol	Accession: 18.12.1992 No reservations	**Compliant with country reporting obligations** All country reports submitted. Most recently, annual data for 2014 was submitted on 30.04.2015.
18. Basel Convention	Ratification: 26.07.1994 No reservations	**Lack of compliance with country reporting obligations** Last country report submitted on 10.04.2015 (2013 National Report). Country reports U(Annual Reports) for 2008, 2010, and 2011 due.
19. Convention on Biological Diversity	Ratification: 26.07.1994 No reservations	**Compliant with country reporting obligations** All country reports submitted. Latest country report submitted on 31.03.2014 (Fifth National Report).
20. UN Framework Convention on Climate Change	Ratification: 01.06.1994 No reservations	**Compliant with country reporting obligations** First National Communication submitted on 15.11.2003.
21. Cartagena Protocol on Biosafety	Ratification: 02.03.2009 No reservations	**Lack of compliance with country reporting obligations** Last country report submitted on 12.09.2014 (Second National Report). Interim National Report (2005) and First National Report (2007) due. Third National Report due on 01.11.2015.
22. Stockholm Convention	Ratification: 17.04.2008 No reservations	**Lack of compliance with country reporting obligations** No country reports submitted. First Round (2006), Second Round (2010), and Third Round (2014) National Reports due.
23. Kyoto Protocol	Accession: 11.01.2005 No reservations	**No country reporting obligations**
24. UN Single Convention on Narcotic Drugs	Ratification: 09.07.1965 No reservations	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC).
25. UN Convention on Psychotropic Substances	Accession: 09.06.1977 No reservations	
26. UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Ratification: 25.10.1991 No reservations	
27. UN Convention against Corruption	Ratification: 31.08.2007	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC). For Pakistan's most recent review, no summary information is publicly

		available yet.

16.11. Panama – Treaty Ratification and Reporting

Convention	Status of ratification / reservations[100]	Compliance with reporting obligations to monitoring bodies
1. Convention on the Prevention and Punishment of the Crime of Genocide	Ratified: 1950 No reservations	**No country reporting obligations**
2. International Convention on the Elimination of All Forms of Racial Discrimination	Ratified: 1967 No reservations	**Lack of compliance with country reporting obligations** Latest country report due on 04.01.2013. Last country report submitted on 12.02.2009. Latest monitoring body report issued on 19.05.2010.
3. International Covenant on Civil and Political Rights	Ratified: 1977 No reservations	**Lack of compliance with country reporting obligations** Latest country report due on 31.03.2012. Last country report submitted on 09.02.2007. Latest monitoring body report issued on 17.05.2008.
4. International Covenant on Economic, Social and Cultural Rights	Ratified: 1977 No reservations	**Lack of compliance with country reporting obligations** Latest country report due on 30.06.2004. Last country report submitted on 19.07.1999. Latest monitoring body report issued on 24.09.2001.
5. Convention on the Elimination of All Forms of Discrimination against Women	Ratified: 1981 No reservations	**Lack of compliance with country reporting obligations** Latest country report due on 01.02.2014. Last country report submitted on 07.07.2008. Latest monitoring body report issued on 05.02.2010.
6. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified: 1987 Declaration made[101]	**Compliant with country reporting obligations** Last country report submitted on 19.05.1997. Next country report due by 27.09.2016 (initially due 2000). Latest monitoring body report issued on 21.05.1998.
7. Convention on the Rights of the	Ratified: 1990	**Compliant with country reporting obligations**

[100] Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.

[101] Declaration: 'The Republic of Panama declares in accordance with article 30, paragraph 2 of the Convention that it does not consider itself bound by the provision of paragraph 1 of the said article.'

Child	No reservations	All country reports submitted. Last country report submitted on 31.03.2009. Next country report due by 10.07.2016. Latest monitoring body report issued on 21.12.2011.
8. Convention concerning Forced or Compulsory Labour, No. 29	Ratification: 1966	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Direct Request 2014
9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratification: 1958	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2013
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98	Ratification: 1966	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2013
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratification: 1958	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2013, Direct Request 2013
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratification: 1966	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Direct Request 2014
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratification: 1966	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2013, Direct Request 2013
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratification: 2000 Minimum age specified: 14 years[102]	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Direct Request 2015

[102] Minimum age specified for maritime employment and maritime fishing, and for young persons that have not completed compulsory schooling: 15 years. Minimum age specified for underground work in mines: 18 years. The scope of the Convention is limited to those branches of economic activity or types of undertaking listed in Article 5 paragraph 3.

15. Convention concerning Minimum Age for Admission to Employment, No. 182	Ratification: 2000	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2014
16. CITES	Ratification: 17.08.1979 No reservations	**Not fully Compliant with country reporting obligations** Last country report submitted on 27.06.2012 (Annual Report for 2011). Country reports (Annual Reports) due for 2012, 2013, 2014. Biennial Reports also due for 2009-10, 2011-12, 2013-14.
17. Montreal Protocol	Accession: 03.03.1989 No reservations	**Compliant with country reporting obligations** All country reports submitted. Most recently, annual data for 2014 was submitted on 12.05.2015.
18. Basel Convention	Ratification: 22.02.1991 No reservations	**Not fully Compliant with country reporting obligations** Last country report submitted on 30.04.2014 (2012 National Report). National Reports due for 2009, 2010, and 2013.
19. Convention on Biological Diversity	Ratification: 30.09.1993 No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted on 07.11.2014 (Fifth National Report)
20. UN Framework Convention on Climate Change	Ratification: 17.01.1995 No reservations	**Compliant with country reporting obligations** First National Communication submitted 20.07.2001. Second National Communication submitted 02.03.2012.
21. Cartagena Protocol on Biosafety	Ratification: 01.05.2002 No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted on 23.10.2015 (Third National Report).
22. Stockholm Convention	Ratification: 05.03.2003 No reservations	**Not fully Compliant with country reporting obligations** Last country report submitted on 28.10.2010 (Second Round National Report). First Round (2006) and Third Round (2014) National Reports due.
23. Kyoto Protocol	Ratification: 05.03.1999 No reservations	**No country reporting obligations**
24. UN Single Convention on Narcotic Drugs	Ratification: 04.12.1963 No reservations	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC).
25. UN Convention on Psychotropic Substances	Accession: 18.02.1972 No reservations	
26. UN Convention against Illicit Traffic in Narcotic Drugs	Ratification: 13.01.1994 Reservation made on Article 5,	

and Psychotropic Substances	paragraphs 1 and 2	
27. UN Convention against Corruption	Ratification: 23.09.2005	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC). The executive summary of the most recent review has been publicly available since 27.06.2013.

16.12. Paraguay – Treaty Ratification and Reporting

Convention	Status of ratification / reservations[103]	Compliance with reporting obligations to monitoring bodies
1. Convention on the Prevention and Punishment of the Crime of Genocide	Ratified: 14.06.2005 No reservations	**No country reporting obligations**
2. International Convention on the Elimination of All Forms of Racial Discrimination	Ratified: 18.08.2003 No reservations	**Compliant with country reporting obligations** Last country report submitted on 20.10.2015. Latest monitoring body report issued on 12.09.2011.
3. International Covenant on Civil and Political Rights	Ratified: 10.06.1992 No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted on 31.12.2010. Next country report due on 30.03.2017. Latest monitoring body report issued on 29.04.2013.
4. International Covenant on Economic, Social and Cultural Rights	Ratified: 10.06.1992 No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted on 06.11.2011. Next country report due on 30.03.2020. Latest monitoring body report issued on 19.03.2015.
5. Convention on the Elimination of All Forms of Discrimination against Women	Ratified: 06.05.1987 No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted on 12.10.2015. Latest monitoring body report issued on 08.11.2011.
6. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified: 12.03.1990 No reservations	**Lack of compliance with country reporting obligations** Most recent country report due on 25.11.2015. Last country report submitted on 19.10.2010. Latest monitoring body report issued on 25.11.2011.
7. Convention on the Rights of the Child	Ratified: 25.09.1990 No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted on 20.03.2008.

[103] Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.

		Next country report due on 01.10.2017. Latest monitoring body report issued on 10.02.2010.
8. Convention concerning Forced or Compulsory Labour, No. 29	Ratification: 1967	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2014; Direct Request 2014
9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratification: 1962	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2013
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98	Ratification: 1966	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2013
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratification: 1964	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Direct Request 2011
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratification: 1968	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Direct Request 2007
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratification: 1967	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Direct Request 2012
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratification: 2004 Minimum age specified: 14 years	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2014; Direct Request 2014
15. Convention concerning Minimum Age for Admission to Employment, No. 182	Ratification: 2001	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2014; Direct Request 2014
16. CITES	Ratification: 15.11.1976 No reservations	**Lack of compliance with country reporting obligations** Last country report submitted 31.10.2015 (Annual Report for 2014). Country reports (Annual Report) for 2008 due. Biennial Report for 2013-14 due.
17. Montreal Protocol	Accession: 03.12.1992 No reservations	**Compliant with country reporting obligations** All country reports submitted. Most recently, annual data for 2014 was submitted on

		26.02.2015.
18. Basel Convention	Ratification: 28.09.1995 No reservations	**Lack of compliance with country reporting obligations** Country reports (Annual Reports) for 2007, 2008, 2009, 2012, and 2013 are due.
19. Convention on Biological Diversity	Ratification: 24.02.1994 No reservations	**Lack of compliance with country reporting obligations** Last country report submitted on 13.06.2003 (Second National Report). First (1998), Third (2006), Fourth (2010), and Fifth (2014) National Reports are due.
20. UN Framework Convention on Climate Change	Ratification: February 1994 No reservations	**Compliant with country reporting obligations** First National Communication submitted on 10.04.2002. Second National Communication submitted on 08.12.2011.
21. Cartagena Protocol on Biosafety	Ratification: 10.03.2004 No reservations	**Lack of compliance with country reporting obligations** Latest country report submitted on 24.09.2012 (Second National Report). Interim National Report (2005) and First National Report (2007) due. Third National Report due on 01.11.2015.
22. Stockholm Convention	Ratification: 01.04.2004 No reservations	**Lack of compliance with country reporting obligations** Latest country report submitted on 02.08.2011 (Second Round National Report). First Round (2006) and Third Round (2014) National Reports due.
23. Kyoto Protocol	Ratification: 27.08.1999 No reservations	**No country reporting obligations**
24. UN Single Convention on Narcotic Drugs	Ratification: 03.02.1972 No reservations	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC).
25. UN Convention on Psychotropic Substances	Ratification: 03.02.1972 No reservations	
26. UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Ratification: 23.08.1990 No reservations	
27. UN Convention against Corruption	Ratification: 01.06.2005	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC). The Executive Summary of the 2014 review has been available to the public since 04.09.2014.

16.13. Peru – Treaty Ratification and Reporting

Convention	Status of ratification / reservations[104]	Compliance with reporting obligations to monitoring bodies
1. Convention on the Prevention and Punishment of the Crime of Genocide	Ratified: 24.02.1960 No reservations	**No country reporting obligations**
2. International Convention on the Elimination of All Forms of Racial Discrimination	Ratified: 29.09.1971 No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted on 23.04.2013. Latest monitoring body report issued on 24.09.2014.
3. International Covenant on Civil and Political Rights	Ratified: 28.04.1978 No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted on 23.06.2011. Next country report due on 28.03.2018. Latest monitoring body report issued on 29.05.2013.
4. International Covenant on Economic, Social and Cultural Rights	Ratified: 28.04.1978 No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted on 26.05.2009. Next country report due on 18.05.2017. Latest monitoring body report issued on 30.05.2012.
5. Convention on the Elimination of All Forms of Discrimination against Women	Ratified: 13.09.1982 No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted on 19.02.2012. Latest monitoring body report issued on 24.07.2014.
6. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified: 07.07.1988 No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted on 27.07.2011. Most recent country report due on 23.11.2016. Latest monitoring body report issued on 21.02.2013.
7. Convention on the Rights of the Child	Ratified: 04.09.1990 No reservations	**Compliant with country reporting obligations** All country reports submitted.

[104] Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.

		Last country report submitted on 06.11.2013. Latest monitoring body report issued on 14.03.2006.
8. Convention concerning Forced or Compulsory Labour, No. 29	Ratification: 1960	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2014; Direct Request 2014
9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratification: 1960	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2013; Direct Request 2013
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98	Ratification: 1964	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2013
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratification: 1960	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2015; Direct Request 2015
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratification: 1960	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Direct Request 2014
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratification: 1970	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2015; Direct Request 2015
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratification: 2002 Minimum age specified: 14 years	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2014; Direct Request 2014
15. Convention concerning Minimum Age for Admission to Employment, No. 182	Ratification: 2002	Latest CEACR comments: Observation 2013; Direct Request 2013
16. CITES	Ratification: 27.06.1975 No reservations	**Lack of compliance with country reporting obligations** Last country report submitted on 31.10.2015 (Annual Report for 2014). Country report (Biennial Report) due for 2013-14.
17. Montreal Protocol	Accession: 31.03.1993 No reservations	**Compliant with country reporting obligations** All country reports submitted. Most recently, annual data for 2014 was submitted on

		27.04.2015.
18. Basel Convention	Ratification: 23.11.1993 No reservations	**Lack of compliance with country reporting obligations** Country reports (Annual Reports) are due for 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
19. Convention on Biological Diversity	Ratification: 07.06.1993 No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted on 02.10.2014 (Fifth National Report).
20. UN Framework Convention on Climate Change	Ratification: 1994 No reservations	**Compliant with country reporting obligations** First National Communication submitted on 21.08.2001. Second National Communication submitted on 28.09.2010.
21. Cartagena Protocol on Biosafety	Ratification: 14.04.2004 No reservations	**Compliant with reporting obligations.** All national country reports submitted. Last country report submitted on 01.10.2015 (Third National Report).
22. Stockholm Convention	Ratification: 14.09.2005 No reservations	**Lack of compliance with country reporting obligations** Latest country report submitted 12.09.2014 (Third Round National Report). First Round National Report due (2006).
23. Kyoto Protocol	Ratification: 12.09.2002 No reservations	**No country reporting obligations**
24. UN Single Convention on Narcotic Drugs	Ratification: 22.07.1964 No reservations	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC).
25. UN Convention on Psychotropic Substances	Accession: 28.01.1980 No reservations	
26. UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Ratification: 16.06.1992 No reservations	
27. UN Convention against Corruption	Ratification: 16.11.2004	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC). The Executive Summary of the 2013 review has been publicly available since 30.05.2013. The full review is also publicly available.

16.14. Philippines – Treaty Ratification and Reporting

Convention	Status of ratification / reservations[105]	Compliance with reporting obligations to monitoring bodies
1. Convention on the Prevention and Punishment of the Crime of Genocide	Ratified: 07.07.1950 Reservations on Articles 4, 6, 7, 9	**No country reporting obligations**
2. International Convention on the Elimination of All Forms of Racial Discrimination	Ratified: 15.09.1967 No reservations	**Lack of compliance with country reporting obligations** Latest country report due 04.01.2012. Last country report submitted on 30.06.2008. Latest monitoring body report issued on 23.09.2009.
3. International Covenant on Civil and Political Rights	Ratified: 23.10.1986 No reservations	**Compliant with country reporting obligations** Last country report submitted 12.09.2010. Next country report due on 31.10.2016. Latest monitoring body report issued on 13.12.2012.
4. International Covenant on Economic, Social and Cultural Rights	Ratified: 07.06.1974 No reservations	**Compliant with country reporting obligations** Last country report submitted 25.11.2014.
5. Convention on the Elimination of All Forms of Discrimination against Women	Ratified: 05.08.1981 No reservations	**Compliant with country reporting obligations** Last country report submitted on 16.01.2015. Latest monitoring body report issued on 28.08.2006.
6. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified: 18.06.1986 No reservations	**Compliant with country reporting obligations** Last country report submitted on 25.11.2014. Latest monitoring body report issued on 29.05.2009.
7. Convention on the Rights of the Child	Ratified: 21.08.1990 No reservations	**Compliant with country reporting obligations** All country reports submitted. Last country report submitted on 18.01.2008. Next country report due on 19.09.2017. Latest monitoring body report issued on 22.10.2009.
8. Convention concerning Forced or Compulsory Labour, No. 29	Ratification: 2005	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2014; Direct

[105] Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.

		Request 2014
9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratification: 1953	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2013
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98	Ratification: 1953	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2013
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratification: 1953	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2015; Direct Request 2015
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratification: 1960	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2014; Direct Request 2014
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratification: 1960	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2011; Direct Request 2011
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratification: 1998 Minimum age specified: 15 years	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2014; Direct Request 2014
15. Convention concerning Minimum Age for Admission to Employment, No. 182	Ratification: 2000	**Compliant with country reporting obligations** All country reports submitted. Latest CEACR comments: Observation 2014; Direct Request 2014
16. CITES	Ratification: 18.08.1981. The Philippines has not agreed to the Bonn Amendment (on financial provisions)	**Lack of compliance with country reporting obligations** Last country report submitted on 02.11.15 (Annual Report for 2014). Country report (Annual Report) for 2008 is due. Biennial Reports for 2003-04, 2005-06, 2007-08, 2011-12, and 2013-14 also due.
17. Montreal Protocol	Accession: 17.07.1991 No reservations	**Compliant with country reporting obligations** All country reports submitted. Most recently, annual data for 2014 was submitted on 01.07.2015.
18. Basel Convention	Ratification: 21.10.1993 No reservations	**Compliant with country reporting obligations** All country reports submitted.

		Latest country report submitted 29.12.2014 (2013 Annual Report).
19. Convention on Biological Diversity	Ratification: 08.10.1993 No reservations	**Compliant with country reporting obligations** All country reports submitted. Latest country report submitted on 03.09.2014 (Fifth National Report).
20. UN Framework Convention on Climate Change	Ratification: 1994 No reservations	**Compliant with country reporting obligations** First National Communication submitted on 19.05.2000. Second National Communication submitted on 29.12.2014.
21. Cartagena Protocol on Biosafety	Ratification: 05.10.2006 No reservations	**Lack of compliance with country reporting obligations** Latest country report submitted on 28.10.2011 (Second National Report). Third National Report due on 01.11.2015.
22. Stockholm Convention	Ratification: 27.02.2004 No reservations	**Lack of compliance with country reporting obligations** Latest country report submitted on 05.08.2011 (Second Round National Report). First Round (2006) and Third Round (2014) National Reports due.
23. Kyoto Protocol	Ratification: 20.11.2003 No reservations	**No country reporting obligations**
24. UN Single Convention on Narcotic Drugs	Ratification: 02.10.1967 No reservations	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC).
25. UN Convention on Psychotropic Substances	Accession: 07.06.1974 No reservations	
26. UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Ratification: 07.06.1996 No reservations	
27. UN Convention against Corruption	Ratification: 08.11.2006 No reservations	**All country reports submitted** Monitoring body reviewing is fulfilled by UN Office on Drugs and Crime (UNODC). The Executive Summary of the 2013 publicly available since 10.12.2013.