



**MEMORANDUM**

**FOR :** **The Undersecretary for Special Concerns, and Director, in concurrent capacity, Biodiversity Management Bureau**  
**The Assistant Secretary for Policy, Planning, and Foreign-Assisted and Special Projects, and Director, in concurrent capacity, Forest Management Bureau**  
**The Director, Land Management Bureau**

**FROM :** **The OIC Director, Policy and Planning Service**

**SUBJECT :** **REQUEST FOR INPUTS RE: EU GSP+ FOLLOW-UP QUESTIONS**

**DATE :** **17 AUG 2021**

This refers to the follow-up questions re: European Union’s Generalised Scheme of Preferences Plus (EU GSP+) 2021 which is part of the ongoing fourth GSP+ monitoring process. The said follow-up questionnaire was discussed during the *EU GSP+ Inter-agency Meeting on the 4th Monitoring Scorecard* held last week, 12 August 2021.

The Department has already provided its comments on the issue under “Environment” (Item no. 20). However, one of the major agreements during the meeting is for the Department to also provide inputs on the follow-up question re: “Indigenous people” (Item no. 7) as suggested by the National Commission on Indigenous Peoples (NCIP), considering that the Department is also one of the implementing agencies of the IPRA Law.

In this regard, we would like to request for your inputs/ comments on the said follow-up question found below:

<b>ISSUES - DESCRIPTION</b>	<b>UPDATES/CONCRETE DEVELOPMENTS / ACHIEVEMENTS ON IMPLEMENTATION</b>
<p><u><b>Indigenous people</b></u></p> <p>7. What progress has been made in the implementation of the Indigenous People’s Rights Act and other initiatives to ensure the rights of the country’s indigenous population?</p>	

We would appreciate receiving an advance copy of your inputs **on or before 20 August 2021**, through this email address: [psddivision@gmail.com](mailto:psddivision@gmail.com), to facilitate consolidation and immediate submission to DTI.

For your appropriate action, please.

  
**MELINDA C. CAPISTRANO**

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Note: Kindly submit inputs in MS Word format.

**PHILIPPINE RESPONSE TO THE 2021 EU-GSP+ FOLLOW-UP QUESTIONNAIRE**

<b>GENERAL</b>	
<p><b>GENERAL</b></p> <p>1. The European Union (EU) is concerned with the continued reports of extra-judicial killings, enforced disappearances and arbitrary detentions taking place within the scope of the “war on drugs” and the climate of impunity among security forces. How do you address the claims of impunity against human rights violations and the atmosphere created by the “war on drugs”? What measures is the government taking to ensure accountability for those responsible? We also recognise the cooperation between the Philippines and UN offices with the adoption of a joint programme on human rights. Could you please give an update on the cooperation that has been set up within the joint programme?</p>	<p><i>INTER-AGENCY'S INPUTS</i></p>
<p><b><u>HUMAN RIGHTS: Death penalty</u></b></p> <p>2. Cognizant that the reinstatement of the death</p>	

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<p>penalty would constitute a violation of the International Covenant on Civil and Political Rights (ICCPR) and its Second Optional Protocol, what steps are being taken to safeguard compliance with the ICCPR?</p>	
<p><b><u>Threatening, murdering and disappearances of human rights defenders</u></b></p> <p>3. The EU is concerned with the practice described as 'red-tagging' which leads to limitations on the freedom of expression and the labelling of persons exercising their legitimate human rights, including activists, as terrorists. What measures have been taken to ensure the protection of human rights defenders, including environmental human rights defenders? How do you address the stigmatization related to 'red-tagging,' which has contributed to an atmosphere of impunity and to the killings of activists?</p>	
<p><b><u>Freedom of opinion, expression and press</u></b></p>	

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<p>4. What factors led to the Philippines' lower rankings in the World Press Freedom Index?</p>	
<p><b><u>Freedom of opinion, expression and press</u></b></p> <p>5. Which measures is the government taking to ensure respect of the rights of freedom of opinion, expression and the press, including to combat disinformation and hate speech? What will be done to guarantee that the Cybercrime Prevention Act is in line with UN standards?</p>	
<p><b><u>Sexual Orientation Identity Expression (SOGIE)</u></b></p> <p>6. Please provide an Update on the Sexual Orientation Identity Expression (SOGIE) bill.</p>	
<p><b><u>Indigenous people</u></b></p> <p>7. What progress has been made in the implementation of the Indigenous People's Rights Act and other initiatives to ensure the rights of the</p>	

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country's indigenous population?	
<b><u>Gender</u></b>  8. How is the "Handbook on the Application of the Enhanced Gender Mainstreaming Evaluation Framework" issued by the Philippine Commission on Women in 2016 used to advance gender equality programmes?	
<b><u>Gender</u></b>  9. With reference to the Convention on the Elimination of Discrimination against Women (CEDAW) could you please provide update and figures on the following: a) Violence Against Women (VAW) Data Harmonization b) Trafficking of women c) The implementation of the Responsible Parenthood and Reproductive Health Act in particular social	

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<p>protection programmes for teenage mothers,</p> <p>d) The implementation of Government of the Philippines's Adolescent Health and Development component of the Philippine Population Management Programme</p> <p>e) The implementation of the Department of Health Administrative Order No 2018-003: National Policy on the Prevention of Illegal and Unsafe Abortion and Management of Post-Abortion Complications</p> <p>f) Government of the Philippines's plan of action to address sexism and inequalities in the justice sector and police harassment</p>	
<p><b><u>Children</u></b></p> <p>10. We have taken note of the important toll on children</p>	

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<p>during the fight against the pandemic in the Philippines, which has required many children to stay at home, with various degrees of home education possibilities. In this context, what measures does the administration consider taking to ensure complete and structured schooling for Filipino children?</p>	
<p><b><u>LABOUR RIGHTS</u></b></p> <p>11. Please provide a detailed reply and explanations regarding the serious allegations of extrajudicial killings, abductions, enforced disappearances, and illegal arrests of trade unionists and labour leaders as well as other forms of violence and intimidation against trade unionists.</p>	
<p><b><u>Labour Rights</u></b></p> <p>12. Please inform about any investigating or other procedures initiated, the number of pending, opened, and concluded cases as well</p>	

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<p>as their results for 2019, 2020 and 2021.</p>	
<p><b><u>Labour Rights</u></b></p> <p>13. What steps has the Government of the Philippines undertaken to ensure that the investigations be completed without delay and shed full light on the facts and the circumstances in which such actions occurred, determine responsibilities, punish the perpetrators and prevent the repetition of similar events?</p>	
<p><b><u>Labour Rights</u></b></p> <p>14. What is the Government of the Philippines response to the calls for an international accountability mechanism referring to the widespread and systematic nature of the alleged killings, and the failure of domestic mechanisms to ensure accountability thus far?</p>	
<p><b><u>Labour Rights</u></b></p> <p>15. Please provide update on the situation regarding child labour, including:</p>	



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<ul style="list-style-type: none"><li>a. The Government efforts to eliminate child labour;</li><li>b. Actions undertaken to address the significant number of children subject to commercial sexual exploitation, including the alleged rise in online sexual exploitation during the COVID-19 pandemic, and the continued use and recruitment of children by armed forces and groups;</li><li>c. The Government efforts to prevent children under 18 years from engaging in hazardous working conditions in domestic work;</li><li>d. Actions undertaken to stop the practice of trafficking, military recruitment and involvement of children in conflicts in the country</li></ul>	
<b><u>Labour Rights</u></b>	

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<p>16. When does the Government of the Philippines foresee to be in a position to receive a highlevel tripartite mission requested by the 2019 Conference Committee? Are there other options under consideration (e.g., virtual meeting, etc.)?</p>	
<p><b><u>Labour Rights</u></b></p> <p>17. What is the state of play of bringing the national legislation in line with ILO Convention 87 on freedom of association?</p>	
<p><b><u>Labour Rights</u></b></p> <p>18. What measures have been undertaken to ensure that the launching of the Joint Industrial Peace Concerns Office by the Philippine National Police (PNP) and Philippine Economic Zone Authority (PEZA) in January 2020 does not violate ILO Conventions 87 and 98? Please provide also the relevant information on the implementation of the Joint Industrial Peace Concerns Office (Memorandum of Agreement, implementing rules</p>	

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<p>and regulations, guidelines, etc.).</p>	
<p><b><u>Labour Rights</u></b></p> <p>19. What is the state of play about the bill on the end of contractualization (ENDO)? Are there any chances that it will be adopted before the end of the current legislature?</p>	
<p><b><u>ENVIRONMENT</u></b></p> <p>20. Could you please share an update on the ratification process of the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer.</p>	
<p><b><u>GOOD GOVERNANCE</u></b></p> <p>21. What are the concrete steps taken or planned to be implemented as to ensure that proportionate, efficient and dissuasive sanctions are enforced to combat corruption. Any measure taken in order to adapt the capacity of the law enforcement so as to meet the challenges in investigating high level corruption cases?</p>	

**THE PHILIPPINES**  
**FOLLOW UP QUESTIONS: 2020-2021 GSP+ MONITORING CYCLE**

**HUMAN RIGHTS**

**General**

1. The European Union (EU) is concerned with the continued reports of extra-judicial killings, enforced disappearances and arbitrary detentions taking place within the scope of the “war on drugs” and the climate of impunity among security forces. How do you address the claims of impunity against human rights violations and the atmosphere created by the “war on drugs”? What measures is the government taking to ensure accountability for those responsible?

We also recognise the cooperation between the Philippines and UN offices with the adoption of a joint programme on human rights. Could you please give an update on the cooperation that has been set up within the joint programme?

**Death penalty**

2. Cognizant that the reinstatement of the death penalty would constitute a violation of the International Covenant on Civil and Political Rights (ICCPR) and its Second Optional Protocol, what steps are being taken to safeguard compliance with the ICCPR?

**Threatening, murdering and disappearances of human rights defenders**

3. The EU is concerned with the practice described as ‘red-tagging’ which leads to limitations on the freedom of expression and the labelling of persons exercising their legitimate human rights, including activists, as terrorists. What measures have been taken to ensure the protection of human rights defenders, including environmental human rights defenders? How do you address the stigmatization related to ‘red-tagging,’ which has contributed to an atmosphere of impunity and to the killings of activists?

**Freedom of opinion, expression and press**

4. What factors led to the Philippines’ lower rankings in the World Press Freedom Index?
5. Which measures is the government taking to ensure respect of the rights of freedom of opinion, expression and the press, including to combat disinformation and hate speech? What will be done to guarantee that the Cybercrime Prevention Act is in line with UN standards?

**Sexual Orientation Identity Expression (SOGIE)**

6. Please provide an Update on the Sexual Orientation Identity Expression (SOGIE) bill.

**Indigenous people**

7. What progress has been made in the implementation of the Indigenous People’s Rights Act and other initiatives to ensure the rights of the country’s indigenous population?

## **Gender**

8. How is the “Handbook on the Application of the Enhanced Gender Mainstreaming Evaluation Framework” issued by the Philippine Commission on Women in 2016 used to advance gender equality programmes?
9. With reference to the Convention on the Elimination of Discrimination against Women (CEDAW) could you please provide update and figures on the following:
  - a. Violence Against Women (VAW) Data Harmonization
  - b. Trafficking of women
  - c. The implementation of the Responsible Parenthood and Reproductive Health Act in particular social protection programmes for teenage mothers,
  - d. The implementation of Government of the Philippines’s Adolescent Health and Development component of the Philippine Population Management Programme
  - e. The implementation of the Department of Health Administrative Order No 2018-003: National Policy on the Prevention of Illegal and Unsafe Abortion and Management of Post-Abortion Complications
  - f. Government of the Philippines’s plan of action to address sexism and inequalities in the justice sector and police harassment

## **Children**

10. We have taken note of the important toll on children during the fight against the pandemic in the Philippines, which has required many children to stay at home, with various degrees of home education possibilities. In this context, what measures does the administration consider taking to ensure complete and structured schooling for Filipino children?

## **LABOUR RIGHTS**

11. Please provide a detailed reply and explanations regarding the serious allegations of extra-judicial killings, abductions, enforced disappearances, and illegal arrests of trade unionists and labour leaders as well as other forms of violence and intimidation against trade unionists.
12. Please inform about any investigating or other procedures initiated, the number of pending, opened, and concluded cases as well as their results for 2019, 2020 and 2021.
13. What steps has the Government of the Philippines undertaken to ensure that the investigations be completed without delay and shed full light on the facts and the circumstances in which such actions occurred, determine responsibilities, punish the perpetrators and prevent the repetition of similar events?
14. What is the Government of the Philippines response to the calls for an international accountability mechanism referring to the widespread and systematic nature of the alleged killings, and the failure of domestic mechanisms to ensure accountability thus far?
15. Please provide update on the situation regarding child labour, including:
  - a. The Government efforts to eliminate child labour;

- b. Actions undertaken to address the significant number of children subject to commercial sexual exploitation, including the alleged rise in online sexual exploitation during the COVID-19 pandemic, and the continued use and recruitment of children by armed forces and groups;
  - c. The Government efforts to prevent children under 18 years from engaging in hazardous working conditions in domestic work;
  - d. Actions undertaken to stop the practice of trafficking, military recruitment and involvement of children in conflicts in the country.
16. When does the Government of the Philippines foresee to be in a position to receive a high-level tripartite mission requested by the 2019 Conference Committee? Are there other options under consideration (e.g., virtual meeting, etc.)?
17. What is the state of play of bringing the national legislation in line with ILO Convention 87 on freedom of association?
18. What measures have been undertaken to ensure that the launching of the Joint Industrial Peace Concerns Office by the Philippine National Police (PNP) and Philippine Economic Zone Authority (PEZA) in January 2020 does not violate ILO Conventions 87 and 98? Please provide also the relevant information on the implementation of the Joint Industrial Peace Concerns Office (Memorandum of Agreement, implementing rules and regulations, guidelines, etc.).
19. What is the state of play about the bill on the end of contractualization (ENDO)? Are there any chances that it will be adopted before the end of the current legislature?

## **ENVIRONMENT**

20. Could you please share an update on the ratification process of the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer

## **GOOD GOVERNANCE**

21. What are the concrete steps taken or planned to be implemented as to ensure that proportionate, efficient and dissuasive sanctions are enforced to combat corruption. Any measure taken in order to adapt the capacity of the law enforcement so as to meet the challenges in investigating high level corruption cases?

*END*

**URGENT**

03 August 2021

***Please see Distribution List.***

Dear Colleagues:

Following the successful submission of the Philippines' response to the 4<sup>th</sup> GSP+ Monitoring Scorecard to the European Commission last 15 September 2020, the Department would like to inform you that the European Commission has transmitted a list of follow-up questions (see *enclosed*) as part of the ongoing fourth GSP+ monitoring process.

The Department notes that the follow-up questionnaire includes request for updates in relation to the country's submission last year. Likewise, the follow-up questionnaire seeks further clarifications as well as the Philippines' commitment and indication of the next steps regarding the country's compliance to the 27 International Conventions on Human Rights, Labor, Environmental Protection and Good Governance.

The GSP+ inter-agency response will form an integral part of the European Commission's country report on the Philippines. The GSP+ inter-agency's inputs will help ensure that the EU Commission is better-informed regarding the government's policies and initiatives. It is therefore strongly encouraged that the inter-agency provides comprehensive responses to the scorecard, such as providing updated statistics/data, updates on programs, copies of relevant documents, and initiatives moving forward, as the scorecard allows the Philippines to officially present actual data and information untainted by biased opinions and perspectives.

In this regard, **the DTI would like to request the interagency to submit comprehensive responses to the identified topics that fall under their respective purviews.** As practiced during previous monitoring cycles, the information contained in the scorecard will be treated with utmost confidentiality

In preparation for the Philippines' supplemental response to the 4<sup>th</sup> GSP+ Monitoring Scorecard, the Department likewise transmits below the work program for the inter-agency's guidance:

<b>Date/Time</b>	<b>Activity</b>
10 August, close of business	Initial submission of inputs to the scorecard
12 August, 1400H	1 <sup>st</sup> Inter-agency Meeting on PH Draft Response
20 August, close of business	Submission of additional inputs and/or Updates
23 August, 1400H	2 <sup>nd</sup> Inter-agency Meeting on PH Draft Response
1 <sup>st</sup> Week of September	Finalization of PH Response to the Scorecard
	<i>Note: The DTI may call for a 3<sup>rd</sup> Inter-agency Meeting, if necessary.</i>
13 September 2021	Transmittal of the PH response to the EU through diplomatic channels
15 September 2021	European Commission deadline

**OFFICE OF THE ASSISTANT SECRETARY FOR INDUSTRY DEVELOPMENT AND TRADE POLICY GROUP**

The inter-agency discussions will discuss the inputs to the scorecard. In light of the alternative working arrangements due to COVID19, all correspondences/inputs shall be transmitted electronically. Likewise, inter-agency coordination will be conducted digitally (through emails and virtual meetings).

Inputs to the scorecard should be sent electronically in editable Microsoft Word (\*.doc or \*.docx) format to facilitate consolidation and editing when the inter-agency reviews and finalizes the responses. The inter-agency is encouraged to use the attached matrix template.

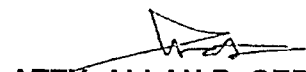
For the inter-agency's information and reference, please find enclosed the following documents:

1. PH Response to the 4<sup>th</sup> GSP+ Monitoring Scorecard
2. EU Note Verbale on the List of Follow-Up Questions
3. Matrix of Issues

Lastly, it will be greatly appreciated if the inter-agency could also submit the names of their new focal points (if any) or new email addresses to be included in the mailing list. To facilitate coordination, kindly contact the Bilateral Relations Division-Europe Desk ([BRD\\_EU@dti.gov.ph](mailto:BRD_EU@dti.gov.ph)) or Ms. Irish Tongohan ([IrishCassandraTongohan@dti.gov.ph](mailto:IrishCassandraTongohan@dti.gov.ph)).

The DTI looks forward to the inter-agency's proactive participation in the GSP+ process.

Very truly yours,

  
**ATTY. ALLAN B. GEPTY**  
Assistant Secretary  
Enclosures: as stated