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**UNIVERSAL PERIODIC REVIEW**

**Report of the Working Group on the Universal Periodic Review**

**The Philippines \***

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## **Introduction**

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its first session from 7 to 18 April 2008. The review of the Philippines was held at the 10th meeting on 11 April 2008. The delegation of the Philippines was headed by H.E. Eduardo R. Ermita, Executive Secretary (Minister) and Chairman of the Presidential Human Rights Committee of the Philippines. For the composition of the delegation, see annex to the present report. At its 14th meeting held on 15 April 2008, the Working Group adopted the present report on the Philippines.
2. On 28 February 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of the Philippines: Malaysia, Mali and Germany.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of the Philippines:
  - (a) A national report submitted in accordance with paragraph 15 (a) (A/HRC/WG.6/1/PHL/1);
  - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/1/PHL/2);
  - (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/1/PHL/3).
4. A list of questions prepared in advance by Ireland, Portugal, Canada, Italy, Sweden, Finland, the Netherlands, the United Kingdom of Great Britain and Northern Ireland, France and Romania was transmitted to the Philippines through the troika. These questions are available on the extranet of the UPR.

## **I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS**

### **A. Presentation by the State under review**

5. At the 10th meeting of the Working Group on 11 April 2008, the Executive Secretary (Minister) and Chairman of the Presidential Human Rights Committee, Mr. Eduardo R. ERMITA, introduced the national report of the Philippines, which focuses on five major issues and assured of the willingness of the Government and the people of the Philippines to place the highest priority on the protection and promotion of the rights of all Filipinos. He recalled that the Philippines has experienced significant human rights abuses both during times of war and during a long period of dictatorship. The Philippines strongly supported the implementation of the UPR as a pioneering innovation in the common global effort to promote and protect human right everywhere.
6. First, the Philippines has created and nurtured vital institutions the mandates of which are crucial to the promotion and protection of human rights. The 1987 Constitution created an independent commission on human rights, the Commission on Human Rights of the Philippines (CHRP), which has gained the respect of the international community in the performance of its mandate. The Constitution also created the Office of the Ombudsman as an independent body to protect the people from governmental corruption and abuse. In the Executive Branch, the Presidential Human Rights Committee (PHRC) monitors and coordinates human rights compliance

of the administration as a strategy for good and effective governance. Both chambers of the Philippine Congress have committees on human rights, while the judiciary has consistently upheld human rights protection under the rule of law.

7. Second, the Government is dedicated to constantly improving its human rights record by further strengthening its institutions, mainstreaming human rights and educating all Filipinos to foster a culture of human rights and peace. The human rights education programmes of the Department of Education, together with the Commission on Human Rights, have won recognition by UNESCO. The Armed Forces of the Philippines and Philippine national police organizations, as well as the National Bureau of Investigation also have their respective human rights offices. At the grass-roots level, and specifically villages, there are the Barangay Human Rights Action Centers, a programme started by the Commission on Human Rights and the Department of Interior and Local Government, which will be further strengthened as part of the governance portfolio of UNDP.

8. Third, the Government measures its gains in good and effective governance in accordance with its faithful observance of the principles and standards of human rights. The rights-based approach governs all actions of the State in the performance of its duties and responsibilities towards the people, which is an integral component of the development strategies pursued by the Arroyo administration. It is set forth in the Philippine Medium-Term Development Plan and the Comprehensive Agrarian Reform Programme, programmes designed to attain the Millennium Development Goals by 2015. The Human Development Index (HDI) has steadily progressed since 1975 and today the Philippines ranks 90<sup>th</sup> among 177 countries. All these achievements were attained despite major challenges hampering development efforts brought about by natural disasters and calamities. The challenge now is to ensure that the benefits of economic growth are distributed and felt across all levels of Philippine society.

9. Fourth, the Government's human rights advocacy and programmes remain responsive to the demands of vulnerable sectors. The Philippines pursues a 25-year National Strategic Framework for Plan Development for Children, from 2000 to 2025, to build a child-sensitive and child-friendly society. Local Councils for the Protection of Children (LCPCs) have been established to coordinate and monitor the implementation of the Convention on the Rights of the Child (CRC). Children in conflict with the law are protected under the Juvenile Justice and Welfare Act of 2006. The Philippines has also achieved respectable improvements in lowering child mortality. With regard to women, the Philippines now ranks 77<sup>th</sup> among 177 countries in terms of the Gender-related Development Index (GDI), and 45<sup>th</sup> in terms of Gender Empowerment Measure (GEM), with Filipino women enjoying a higher ratio in estimated earned income. Regarding indigenous peoples, their rights are protected under the landmark Indigenous Peoples Rights Act (IPRA), which provides opportunities to exercise self-governance and to participate in determining economic development. Ancestral domains and ancestral lands are preserved and protected, and titled to indigenous cultural communities in accordance with their historical claims, with assistance to ensure that these lands are productive. Traditional indigenous legal systems are part of the legal framework. Concerning migrant workers, the Philippine Government has, over years, established mechanisms to address illegal recruitment and trafficking of persons through the Philippine Overseas Employment Agency. An Overseas Workers Welfare Administration (OWWA) and the Under-Secretary (Deputy Minister) for migrant workers affairs were established to look after their needs and welfare. During the interactive dialogue, aimed at improving human rights protection and promotion on the ground, the Philippines urged more countries to accede to the International Convention on the Protection of the Rights of All Migrant Workers And Members of Their Families (ICRMW), which is a core human rights instrument crucial to the development of a comprehensive international human rights legal system.

10. Fifth, the Government's commitment to human rights remains paramount, even amidst active insurgencies and other threats to national security. The Philippines has ongoing peace processes with two secessionist movements and three insurgent groups. The Government and the leftist rebels have reached an agreement, the Comprehensive Agreement on the Respect for Human Rights and International Humanitarian Law. The Armed Forces of the Philippines have official policies and guidelines on the treatment of children involved in armed conflict and have incorporated provisions on human rights and international humanitarian law in the conduct of internal security operations. The Philippine Human Security Act of 2007 provides several safeguards against possible abuses by law enforcement agencies. The Philippines pursues a comprehensive counter-terrorism strategy, integrating security, law enforcement, development and human rights. It should be noted that neither the independent Melo Commission in the Philippines, nor the Special Rapporteur on extrajudicial, summary or arbitrary executions have considered extrajudicial killings as a matter of State policy. As a result of Government efforts, in partnership with civil society, the incidence of extrajudicial killings drastically fell in 2007 by 83 percent. Last November, President Arroyo created the Interagency Task Force against Political Violence mandated to investigate, prosecute and punish all political violence, which has already achieved steps toward prosecuting and convicting perpetrators of such acts. The judiciary has also promulgated new rules to enhance human rights protection. The Writ of Amparo gives victims and their families the remedy of requiring agencies to give specific information on cases, as well as temporary protective measures, including witness protection. The Writ of Habeas Data was issued to complement the Writ of Amparo to assist any person whose right to privacy, life, liberty or security is violated or threatened. Relief includes the deletion, destruction or rectification of erroneous data or information. In addition to these measures taken by the Executive Branch and the courts, President Arroyo has prioritized bills and legislation providing for harsher penalties for political killings and the harshest penalties for rogues in uniforms. The President has also certified as urgent legislation to strengthen the Witness Protection Programme.

11. Finally, the Government recognizes that human rights promotion and protection is best pursued within proactive partnership networks that bring together domestic and international cooperation. One successful example is the partnership between the Government and a faith-based group (Gawad Kalinga) to provide low-cost housing for the poor. Another example is the Government's party-list system that helps ideological groups and sectoral interests to achieve representation in the Philippine Congress. Currently, there are 21 party list representatives representing 15 parties. The Philippines legitimized the communist party through the repeal of the Anti-Subversion Law in 1992 and looks forward to working with all stakeholders in the near future in the framework of national consultations to formulate the second national human rights action plan and programme. The Philippines continues to work closely with other countries and regional and international organizations such as the European Union on human rights issues. The Philippines welcomed the expansion and deepening of human rights initiatives as a key pillar of international cooperation.

12. In responding to questions provided in advance, the Philippines recalled that the Constitution guaranteed the freedom of expression and assembly. The Public Assembly Act has been declared constitutional by the Supreme Court, including its limitations on this freedom for public order and safety and the requirement that police exercise maximum tolerance while keeping public order. The Commission on Human Rights of the Philippines (CHRP) monitors demonstrations and publicizes incidents. Local Governments have designated places where public demonstrations can be held without needing a permit. On freedom of expression, the Supreme Court has recently issued a directive that in cases of libel, punishment should be confined to the imposition fines rather than imprisonment. Concerning minors in detention, the Juvenile and Justice Act and the Welfare Act

of 2006 prohibit inhuman or degrading treatment or punishment of children, and also prohibit the detention of children under 15. In August 2005, all children in conflict with the law were transferred from the capital to “centres for restoration activities”. Furthermore, regular visits are conducted in all these facilities by the Council for the Welfare of Children. Education activities are also offered in them, including special education and development of technical skills. The challenge now is the establishment of more facilities at the local level. Following the recommendations of the United Nations Study on Violence against Children, the Philippines has launched a national programme of action on violence against children, and a Group on Violence against Children will monitor the activities of this programme. The Philippines has also enacted several laws to protect children, including against child labour. Concerning witness protection, a law has expanded the witness protection programme by providing the coverage of hospitalization costs and free education for the witnesses. Human rights defenders, as valuable members of the democratic process, are consulted in decision-making, legislation and programmes, are able to run for public office, and are resources for trainings for Government agencies, military and the judiciary. The database established by the CHRP allows everyone to share information through a directly accessible site. The collaboration between the Government and human rights defenders is illustrated by the recent support provided by the Government to a European Union initiative aimed at supporting civil society efforts in their role to address killings of activists and journalists.

## **B. Interactive dialogue and responses by the State under review**

13. During the ensuing interactive dialogue, several delegations commended the Philippines on the commitment, constructive and consultative approach and report to the UPR process. 41 delegations made statements.

14. New Zealand commended the Philippines for its willingness to engage in frank dialogue and share its experience in identifying and overcoming human rights challenges with others. It asked the delegation to provide further information on steps taken to address the gaps in matching the location of services to combat violence against women and their children with the incidences of violence that occur by region. New Zealand recommended that the Philippines continue to develop a gender-responsive approach to issues of violence against women and continue to build a supportive environment for women and children within the judicial system, which should take into account the special needs for rehabilitation and post-conflict care of women and children in vulnerable situations and conflict areas.

15. Pakistan noted the extensive consultative process and stated that an important indicator of the Philippines' dedication to the UPR mechanism and to the cause of human rights is the supervision of this process from the top, namely through the Presidential Human Rights Committee (PHRC). It highlighted the valuable contribution of the Philippines to regional and international human rights norm setting, especially in areas such as the rights of women and migrant workers. It also welcomed national efforts made to address concerns highlighted by treaty bodies and special procedures in areas such as violence against women, treatment of human rights defenders, extrajudicial killings and enforced disappearances. It requested that the Philippines share its experience in coordinating human rights issues through the PHRC and provide additional information on the specific powers it exercises vis-à-vis other judicial, executive and legislative mechanisms.

16. India commended the Philippines for the efforts it has made in the promotion and protection of human rights and asked for further details on (a) functions, powers and appointment procedures of national human rights mechanisms/institutions such as the Barangay Human Rights

Action Centre; (b) the Community-Based Monitoring System designed to better address poverty at the local level; and (c) how the Government is balancing the effects of migration and the phenomenon of “brain drain”.

17. Singapore commended the Philippines for the gains made in human development and towards attaining the Millennium Development Goals, in particular in the area of women empowerment, and expressed appreciation for the frank national report and the priority given to areas of concern such as combating corruption and extrajudicial killings. It welcomed the President’s leadership in seeking prosecution for extrajudicial killings, the creation of special courts for such cases and the review of the procedures of the Department of National Defence and the Armed Forces to ensure that human rights standards are observed during operations.

18. China appreciated the work in reducing the extreme poverty with a community-based system to assist the poor population. China congratulated the Government for improving the health of its population and appreciated the efforts made by the Philippines to guarantee the rights of women and children and the measures taken to resolve the issue of extrajudicial killings. The commitment to the protection of the rights of migrants was also highlighted. It asked the Philippines to elaborate further on the challenges faced in addressing the issue of trafficking of women and children.

19. Canada was encouraged that the Philippines has expressed its commitment to end extrajudicial killings but remained concerned that hitherto there had been few convictions. It referred to the Task Force USIG, the Melo Commission, and the visit of the Special Rapporteur on extrajudicial, summary or arbitrary executions. Canada appreciated the information provided about the role of the Supreme Court and considered the development of the Writ of Amparo as a positive one. It encouraged follow-up and recommendations on these initiatives, and requested clarifications on the Executive Order which has had an impact on the Writ of Amparo. It was also concerned about the security forces and recommended that the Philippines ensure that members of the security forces are trained on human rights and on their responsibility to protect human rights and human rights defenders.

20. Slovenia thanked the Philippines for its comprehensive national report as well as for its presentation. It took note of the request of the Special Rapporteur on the promotion and protection of human rights while countering terrorism to undertake a visit to Philippines, underlining that inputs by special procedures can and should form an important and useful input to the UPR review process. Slovenia recommended that the Philippines enable the visit by the Special Rapporteur as soon as possible. It also recommended that it sign and ratify the International Convention on the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and that it report regularly to the Committee against Torture.

21. Cuba noted that the Philippines has managed to make considerable progress in promoting and protecting human rights, particularly the implementation of various ambitious programmes and projects, despite major difficulties. It welcomed these efforts, which demonstrate its commitment to the cause of human rights and its political will to defend them. It asked for additional information on the experience of the Philippines in connection with follow-up programmes in communities to learn poverty indicators, which could be an example of good practice.

22. The Democratic People’s Republic of Korea congratulated the Philippines for introducing a comprehensive report. It remarked that as a developing country facing challenges such as economic difficulties and devastating natural disasters, the Philippines has made consistent and energetic

endeavours to improve the human rights situation in the country. It noted the successful implementation of several programmes and requested additional information on the Government's strategy on female empowerment and challenges encountered in this regard.

23. Turkey congratulated the Philippines on its systematic, comprehensive and informative country report with thorough analysis of roadmap for international cooperation. It also commended on the extensive programme for promotion and protection in a multi-linguistic, multiethnic, and geographically dispersed country. Turkey noted with interest that community-based (Village Justice System) or traditional dispute resolution systems are recognized as legal dispute settlement mechanisms. It asked for further details on the effectiveness of this system and how the uniformity of the justice system is ensured in the country. In the national report the Philippines mentioned the need for the establishment of a comprehensive legal framework to integrate the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in the national legal system for the promotion of gender equality and women's rights. Turkey asked the delegation to elaborate on their expectations from the international community, if any, in assisting efforts to address the challenges faced in providing the full enjoyment of women's rights.

24. The Holy See expressed its appreciation to the Philippines for taking the lead in inter-religious dialogue. It enquired how the human rights of Filipino migrant workers (up to 10 per cent of the population) and of their families are protected. It further noted that the Philippines has abolished the death penalty and aims at a consistent protection of the right to life. In this regard, the Holy See recommended the complete elimination of torture and extrajudicial killings, and the protection of children in the womb, notwithstanding undue pressure from certain groups.

25. Italy congratulated the Philippines for its very comprehensive report and the high degree of commitment and transparency with which it has undertaken the UPR exercise. It asked for further details on national efforts to integrate CEDAW into domestic legislation through a "Magna Carta of Women" bill, and recommended the establishment of an organic legal framework to eliminate gender-based discrimination and to promote gender equality. It also recommended that the Philippines address legislative gaps in the field of children's rights in order to fully comply with the 2005 recommendations of the Committee on the Rights of the Child. It requested further details on steps taken to integrate human rights education into the school system.

26. France congratulated the Philippines for its precise report and appreciated its commitment to human rights. It also noted the cases of forced disappearances and extrajudicial killings, which mostly affect journalists and human rights defenders, and it observed that they are numerous, and that the number of resolved cases remains low. It asked what follow-up the Government has provided to recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions. It further asked what measures are taken to prevent recruitment and to assist the rehabilitation of children in armed movements and about the results of the programmes since 2001 to assist the integration of these children. Finally, France asked if the Government planned to increase the resources of the Commission on Human Rights, as emphasized by the Committee on the Rights of the Child.

27. Thailand thanked for the well-prepared report and the candour of the presentation. It highlighted economic, social, cultural and political progress made by the Philippines, and believes that it is at the forefront in its commitment to strengthen engagement with the Human Rights Council. Thailand hoped to see this cooperation strengthened and enhanced, including with special procedures. It also commended its active role both regionally - in the impetus towards the establishment of an ASEAN human rights body - and internationally, in particular regarding the ICRMW.



28. Norway commended the Philippines for the comprehensive cooperation with the United Nations human rights system, including the ratification of the seven core human rights treaties and its willingness to have accepted the Special Rapporteur on extrajudicial, summary or arbitrary executions visit to the country, and requested more information on concrete steps taken to alleviate the situation of extrajudicial killings of activists, human rights defenders and journalists, including in follow-up to recommendations made by the Special Rapporteur.
29. Japan commended the efforts made by the Government of the Philippines to prepare a comprehensive national report covering wide-ranging issues. It regarded highly the efforts of the Philippines to ensure fundamental rights for vulnerable groups, including women, and was interested to know how the Government will facilitate cooperation among all stakeholders to achieve more targeted and strategically designed actions to address needs of vulnerable groups. It appreciated measures taken to address the issue of extrajudicial killings and welcomed the cooperation with the Special Rapporteur on extrajudicial, summary or arbitrary executions on this issue. It requested more information on how the Government evaluates the effects of the measures taken so far, especially in the view of facilitating investigations, and if additional measures are contemplated to further facilitate the efforts of the Government to improve the situation in this regard.
30. Algeria congratulated the Philippines for the comprehensive report, involving active participation of civil society and for being one of the first developing countries to become party to the seven core human rights treaties. Algeria requested further information on the reasons underlying the high proportion of women involved in emigration flows, and how it is seeking to mitigate the adverse effects of this migration on children.
31. The Syrian Arab Republic thanked and congratulated the delegation for its valuable expose about the situation of human rights in the country and drew attention to the ambitious plans of the Philippines to address poverty, malnutrition, women emancipation, unemployment, human settlements and the recruitment of children in armed conflict. Syria asked for additional information on current national plans to address the fast population growth and the high immigration rate.
32. Tunisia thanked and congratulated the Philippines for the exhaustive presentation and the participative approach to its report. Tunisia referred to the important achievements of the Philippines in the implementation of CEDAW, in particular the narrowing of inequalities between women and men, and requested further details on the main difficulties and challenges in addressing this issue, specifically in the labour market.
33. Latvia welcomed the abolition of the death penalty in the Philippines in 2006 and noted with appreciation the ratification in November 2007 of the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty. It also mentioned the cooperation with special procedures and asked whether the Philippines would consider extending a standing invitation to them in the nearest future.
34. Guatemala congratulated the Philippines for the openness and honesty of its national report as well as the importance granted to the issue of migrants' rights. Guatemala highlighted the bilateral agreements concluded with various receiving countries to provide social security benefits, and requested more information on how these bilateral agreements are reached and how they function in practice.
35. Sudan was encouraged by the strategic plan, the medium-term development plan and the anti-poverty strategy put in place for the achievement of the Millennium Development Goals, which

shows the Philippines' very positive engagement with the United Nations and the international community at large. It recommended that the Philippines share with other countries, especially developing countries, its experience in the area of justiciability of economic and social rights.

36. Egypt expressed appreciation for the comprehensive report and thorough presentation. It requested further information on the system of overseas protection of the rights of migrants and their families, and on measures taken to educate migrants on their rights in order to assist them whenever they need support in the application of their rights and provide them with legal representation in disputes. It was interested to hear about the successful experience of the Philippines to cooperate with civil society on these issues and its assessment of the impact of non-accession of ICRMW by receiving States on the effective enjoyment by migrants of their human rights. Egypt also requested to be informed of the steps taken by the Government to ensure the rights of minorities and to create a more inclusive society.

37. The Republic of Korea thanked the Philippines for its detailed national report and informative presentation. It also commended the Government for its efforts to protect human rights in an ethnically, culturally and linguistically diverse country. Korea asked for additional information on (a) the promotion and protection of indigenous peoples in newly industrialized regions and remote regions; (b) policy measures to prevent cross-border trafficking of women children for sexual exploitation and forced labour; (c) on the Government's plans to accede the Optional Protocol to the Convention against Torture and the International Convention on the Protection of All Persons from Enforced Disappearance.

38. The Russian Federation welcomed the efforts made by the Philippines in promoting and protecting human rights, and in particular the ratification of the main international human rights treaties and the development of the second plan of action and programme on human rights, the abolition of death penalty, and the activities of national human rights mechanisms. It was interested to hear about the activities of human rights mechanisms in the Philippines, in particular the human rights office within the armed forces. It also requested information on measures taken to protect the rights of indigenous peoples in the Philippines and the cooperation with NGOs representing indigenous peoples.

39. Answering to some of the questions, the Philippines informed that there are several bills related to the rights of the child in accordance with the observation of the Committee on the Rights of the Child. Responding to Japan, the delegation stated that the Government is providing opportunities to local authorities and civil society to participate in the implementation of various programmes and in monitoring facilities for vulnerable groups. Furthermore there are laws which protect those vulnerable groups. Regarding follow-up to the recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions, the President has issued Administrative Order 211, creating the Task Force against political violence. As a matter of transparency, the Task Force can be accessed through its website, and it issues monthly reports; it has also transmitted three reports to the Special Rapporteur. In addition, extrajudicial killings are specifically addressed by the twin rules of court of the Writ of Amparo and the Writ of Habeas Data, which are also preventive measures. On gender issues, the Supreme Court has created a committee on gender responsiveness in the judiciary system, which is currently implementing and mainstreaming the gender plan within the judiciary. This plan includes the conduct of training programmes, the development of gender statistics and a gender responsive database, and the promotion of the use of non-sexist language. To further protect women, the Philippines is one of the ten pilot countries cooperating with the United Nations Joint Programme on Violence Against Women. The Philippines Programme is being designed with multi-stakeholder consultations.

The “Magna Carta of women” is a bill that defines discrimination and that will translate CEDAW principles into the national legal system. It hopefully will be passed by the Philippines Congress before the current session ends in 2010. The task of monitoring this law, when passed, will be challenging and the Philippines will appreciate the support of the international community in this regard. The Philippines continued to make progress in women’s participation in public life including advancing towards the 30 per cent target of women in elective positions. Concerning the protection of migrant women, the Philippines have a set of services including social welfare services, and preventive measures are also undertaken through, for example, pre-departure seminars. The Philippines has passed a strong law against human trafficking, especially of women and children, that covers prevention, protection and reintegration of victims. Regarding poverty indicators, the Philippines have adopted a community-based monitoring system as an organized process of data collection, which encourages participation at grass-roots level in the collection of data. On the issue of indigenous peoples, the Indigenous Peoples Rights Act (IPRA) adopted in 1997 has created the National Commission on Indigenous Peoples, which administers programmes for indigenous peoples and indigenous cultural communities. Traditional legal system is culture sensitive, accessible, preserves the dynamics of indigenous knowledge systems and practices, promotes self-governance, expedites resolution of cases, encourages community participation, based on tradition and precedent, and respect for the elders, and provides premium on restitution not retribution. The Philippines committed to responding further in writing to the questions raised in due course.

40. Australia commended the Philippines on establishing the Melo Commission and inviting the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the country, and asked for more information on the implementation of their recommendations. It also asked about the role of the national human rights institution in the promotion and protection of human rights.

41. Switzerland welcomed the recent abolition of the death penalty and the ratification of the Second Optional Protocol to ICCPR, as well as measures taken to address extrajudicial killings in the country. Switzerland recommended that the Philippines intensify its efforts to carry out investigations and prosecutions on extrajudicial killings and punish those responsible. The witness protection programme should be strengthened. It also recommended that the Philippines address the root causes of this issue in the context of the appropriate reform of the judiciary and the security forces.

42. The United Kingdom, while noting that the Philippines has incorporated the majority of international human rights instruments into domestic law, mentioned that reporting obligations to treaty bodies are often delayed and implementation of treaty obligations remains a problem. It asked for additional information on how compliance with the treaty body recommendations is being ensured through the strengthening of institutional mechanisms. It also asked what measures are being taken to ensure that anti-corruption measures are implemented and that senior figures as well as low ranking officials are brought to justice. The United Kingdom welcomes the Philippines’ cooperation with the visits of the Special Rapporteur on extrajudicial, summary or arbitrary executions and of an EU Needs Assessment Mission, and asked the Government when it expected to see concrete results following these visits and the recommendations of the Melo Commission. On illegal child recruitment by insurgent groups taking place in the Philippines, the United Kingdom asked the Government to consider whether the international community can assist in addressing this issue. The United Kingdom recommended that the Philippines ratify the Optional Protocol to CAT. It also expressed its wish to see that progress will continue on the ongoing peace negotiations in Mindanao between the Government and the Moro Islamic Liberation Front. Noting the involvement of civil society in the preparatory process of the national report, it recommended that civil society also be fully involved in the follow-up to the session.

43. Belarus noted the amount of work done by the Philippines to ensure economic and social rights for its citizens, and that it has achieved a high level of human development. International recognition has been given to the Philippines in its combat against trafficking, in which it has achieved considerable results. It recommended that the Philippines continue its successful policy in combating trafficking in human beings at the national level and play a leading role at the international level on this matter.

44. Cameroon congratulated the Philippines for the report and the broad consultations which led to its drafting. The progress achieved in the all areas in promoting and protecting human rights was appreciated. It wished to know the difficulties encountered in overcoming the delay noted in the presentation of reports to treaty bodies, and requested information on measures adopted to protect street children from different forms of violence they face, as noted by the Committee on the Rights of the Child.

45. Azerbaijan welcomed the efforts made by the Government to eradicate poverty, in particular the anti-poverty strategy and the progress achieved in ensuring the rights of vulnerable groups, including women, children and disabled persons. Azerbaijan asked how the Philippines planned to strengthen the CHRP, and requested it to elaborate on the national plans and strategies in combating trafficking in persons, especially women and children and on how it envisaged addressing the insufficient staff and low salaries in Government services.

46. The Netherlands welcomed that legislative measures have been introduced criminalizing torture. As a follow-up, it recommended that further concrete steps be taken to criminalize torture and to sign and ratify the Optional Protocol to CAT. It also recommended that a follow-up report be provided on efforts and measures to address extrajudicial killings and enforced disappearances, taking into account the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions.

47. The United States of America thanked the Philippines for its interest in implementing best practices gleaned from the various reviews. It asked for information on actions being taken to address extrajudicial killings and ensure the prosecution and conviction of perpetrators, and on how it ensures human rights compliance among members of the police and the security forces.

48. Palestine noted that the Philippines was one of the first countries to ratify major human rights instruments, and its continued efforts to implement these instruments. The Philippines faces many challenges given the diversity of the population, but despite challenges, is committed to combating poverty by the establishment of several programmes. Palestine encouraged the Philippines to continue signing agreements with receiving countries to protect the rights of migrant workers.

49. Bangladesh requested information on how the Philippines managed migration and how the economic benefits are distributed to the families of the migrants; on the social cost of migration, particularly migration of women; and on the initiatives undertaken by the Government to ensure that the human rights of migrant workers are protected in receiving country. It also requested information on the Philippines' general experience with regard to cooperation with receiving countries, and whether the Government considers the non-adherence of many receiving countries to the ICRMW as a hindrance in guaranteeing the enjoyment of human rights of migrants.

50. Nigeria took note of the inclusive and transparent manner in which the report was prepared, involving a wide range of stakeholders. It commended the Philippines on its comprehensive policies

and strategies aimed at reducing extreme poverty with the objective of meeting the Millennium Development Goals and targets. Nigeria recommended that the Philippines step up efforts to continue to meet the basic needs of the poor and other vulnerable groups.

51. The Islamic Republic of Iran commended the Philippines' positive approach to the UPR and the constructive and participatory engagement in preparing the national report. It asked the delegation to elaborate on best practices to combat human trafficking and on ways to protect women and children from trafficking.

52. Brazil expressed its appreciation for the report and the progress that the country has made in various areas and requested further clarification on measures and institutional changes adopted to address the issue of extrajudicial killings and enforced disappearances. It recommended that the Philippines consider extending a standing invitation to special procedures.

53. Mexico acknowledged the progress made by the Philippines relating to (a) the abolition of the death penalty and ratification of the Second Optional Protocol to ICCPR; (b) the hosting of national seminars on the establishment of national human rights institutions; (c) promoting rights of migrants; (d) legislative progress on women's rights, (e) the willingness of the Government to use the UPR report as a basis for a study on which to elaborate the second National Human Rights Action Plan. Mexico made the following recommendations: (a) the National Plan should take into account the recommendations formulated by treaty bodies and special procedures; (b) national legislation and customs and traditional practices should be harmonized with the Convention on the Rights of the Child and CEDAW; (c) the ratification of the Optional Protocol to CAT and the International Convention on the Protection of All Persons from Enforced Disappearance should be considered.

54. Indonesia congratulated the Philippines for its comprehensive report. It indicated that as members of ASEAN, Indonesia and the Philippines have embarked, together with other States, on a process aimed at establishing a regional human right mechanism. Indonesia welcomed the broad consultation in setting up the second national plan and the report for UPR, and the great attention invested to the issue of migrant workers, which can serve as a model for other countries.

55. Sri Lanka indicated that despite the violence and human rights atrocities committed by the insurgent groups, the Philippines is fully committed to safeguarding the democratic values and tried several peace pacts. Against this background, Sri Lanka fully understands the challenges and constraints the Philippines faces in the promotion and protection of human rights. The Philippines is a model in handling migrant issues; it is among the largest migrant sending countries and a model in handling issues related to migration. Sri Lanka requested what specific steps have been taken to address the brain drain and social problems ensuing from migration. Sri Lanka joined Philippines in its call, made in its national report, for a road map on international cooperation on migration issues, and for receiving countries to ratify the ICRMW, and noted that the establishment of assistance and service institutions locally would be a major achievement.

56. In reply to questions put forward by various delegations, the Philippines elaborated on how it balances the negative and positive effects of migration. Brain drain is counter-balanced by enhancing means and skills, and matching these skills with requirements and also by an integration programme. The issue of exploitation is addressed by a programme of worker empowerment through education and the regulation of recruitment agencies. The question of separation of families is addressed by the programme of reintegration and reorientation. On the issue of social security benefits, the Philippines signed bilateral agreements with several countries to ensure that migrants

benefit from social security in receiving countries. The Philippines has been cited by the International Labour Organization and the International Organization on Migration for having the best migration management system in the world. Regarding country visits by special procedures and reporting obligations, in the past, the country was dealing with the enhancement of human rights mechanisms at the national level and one of the measures was to strengthen the PHRC. Last year the preparation of the UPR process has also take much time. The Government shall be now in the position to better consider organizing visits. Regarding reporting obligations, the leading agency mechanism within the PHRC is keen to further improve the compliance of the Philippines with treaty body obligations. In January 2007, the Philippines submitted three reports, on the Convention on the Rights of the Child, ICRMW, and on CAT. On human right education, the Philippines created a national human right education plan as part of the observance of its obligations related to the Human Rights Education Decade. On torture, the Philippines informed that the PHRC has recommended, just before leaving Manila for the UPR session, the ratification of the Optional Protocol to the Convention against Torture. The strategy to fight against corruption includes the creation of an Office of the Ombudsman, the adoption of continuous trial, and the establishment of cases management and information system.

57. Finally, the Head of Delegation expressed hope that the Philippines had given a good and honest picture of the human rights situation in the country. The Philippines stated that it is today an open and vibrant democracy in which human rights are recognized, but most importantly, cherished, upheld and protected. Nonetheless, the delegate indicated that the Philippines is keenly aware of the challenges that it faces as a developing country and given its particular circumstances. He expressed the hope that as a result of the interactive dialogue more ways to collaborate to overcome these challenges and improve conditions on the ground may be found. The Philippines, in response to the recommendations made in a spirit of cooperation, immediately announced the following voluntary commitments: (a) to continue to develop a gender-responsive approach to issues on women and children, including in the judicial system, and on violence against women and children; (b) to continue to develop domestic legislation for further protection of the rights of the child; (c) to maintain the momentum on addressing killings of activists and media professionals; (d) to continue and find additional measures to answer the basic needs of the poor and other vulnerable sectors. The Philippines took the opportunity of this first session of the UPR to renew its commitment as a human rights defender to protect the rights of all its citizens, and to observe the Universal Declaration of Human Rights which is marking its sixtieth anniversary. It hoped that the international community and the Human Rights Council will continue to assist through cooperation efforts and mechanisms.

## II. CONCLUSIONS AND/OR RECOMMENDATIONS

58. In the course of the discussion, the following recommendations were made to the Philippines:

1. **To continue to develop a gender-responsive approach to issues of violence against women and continue to build supportive environment for women and children within the judicial system; this environment should take into account the special needs for rehabilitation and post-conflict care of women and children in vulnerable situations and conflict areas (New Zealand);**
2. **To ensure that members of the security forces are trained on human rights and on their responsibility to protect human rights and human rights defenders (Canada);**
3. **To enable the visit by the Special Rapporteur on the promotion and protection of human rights while countering terrorism as soon as possible (Slovenia);**

4. **To sign and ratify the Optional Protocol to the Convention against Torture (Slovenia, Mexico, United Kingdom and the Netherlands) and the International Convention on the Protection of All Persons from Enforced Disappearance (Slovenia, Mexico);**
  5. **To report regularly to the Committee against Torture (Slovenia);**
  6. **To completely eliminate torture and extrajudicial killings (Holy See), to intensify its efforts to carry out investigations and prosecutions on extrajudicial killings and punish those responsible (Switzerland) as well as to provide a follow-up report on efforts and measures to address extrajudicial killings and enforced disappearances, taking into account the recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions (The Netherlands);**
  7. **To protect children in the womb, notwithstanding undue pressure from certain groups (Holy See);**
  8. **To establish an organic legal framework for eliminating gender-based discrimination and promoting gender equality (Italy);**
  9. **To address legislative gaps in the field of children rights in order to fully comply with the 2005 recommendations of the Committee on the Rights of the Child (Italy);**
  10. **To share with other countries, especially developing countries, its experience in the area of justiciability of economic and social rights (Sudan);**
  11. **To strengthen the witness protection programme and address the root causes of this issue in the context of the reform of the judiciary and the armed forces (Switzerland);**
  12. **While noting the involvement of civil society in the preparatory process of the national report, to fully involve civil society in the follow-up to the review (United Kingdom);**
  13. **To continue its successful policy in combating trafficking in human beings at the national level and to play a leading role at the international level on this matter (Belarus);**
  14. **To step up efforts to continue to meet the basic needs of the poor and other vulnerable groups (Nigeria);**
  15. **To consider extending a standing invitation to special procedures (Brazil);**
  16. **That the second National Human Rights Action Plan should take into account the recommendations formulated by treaty bodies and special procedures (Mexico);**
  17. **That national legislation and customs and traditional practices should be harmonized with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women (Mexico).**
59. **The response of the Philippines to these recommendations will be included in the outcome report to be adopted by the Human Rights Council at its eighth session.**

**60. During the first session of the Working Group, on 11 April 2008, the Philippines, taking into consideration the recommendations listed above, announced the following voluntary commitments:**

- (a) To continue to develop a gender-responsive approach to issues on women and children, including in the judicial system and on violence against women and children**
- (b) To continue to develop domestic legislation for further protection of the rights of the child**
- (c) To maintain the momentum on addressing killings of activists and media professionals**
- (d) To continue and find additional measures to answer the basic needs of the poor and other vulnerable sectors**

**61. All conclusions and/or recommendations contained in this report reflect the position of the submitting State (s) and /or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.**



## **Annex**

### **Composition of the delegation**

The delegation of the Philippines was headed by H.E. Eduardo R. ERMITA, Executive Secretary (Minister) - Chairman of the Presidential Human Rights Committee of the Philippines and composed of:

Hon. Enrique A. MANALO, Undersecretary (Vice-Minister), Department of Foreign Affairs, Co-Head of the Delegation;

H.E. Erlinda F. BASILIO, Permanent Representative of the Philippines to the United Nations Office at Geneva;;Hon. Edwin R. ENRILE, Deputy Executive Secretary (Vice-Minister), Office of the Executive Secretary;;Hon. Cecilia Rachel V. QUISUMBING, Undersecretary (Vice-Minister), Office of the Executive Secretary;;Hon. Ricardo R. BLANCAFLOR, Undersecretary (Vice-Minister), Department of Justice;

Hon. Alicia R. BALA, Undersecretary (Vice-Minister), Department of Social Welfare and Development;

Hon. Melchor P. ROSALES, Undersecretary (Vice-Minister), Department of Interior and Local Government;

Mr. Evan P. GARCIA, Assistant Secretary, Department of Foreign Affairs;

Mr. Denis Y. LEPATAN, Deputy Permanent Representative of the Philippines to the United Nations Office at Geneva;

Mr. Roberto Emmanuel T. FELICIANO, Assistant Secretary, Department of National Defense;

Ms. Catherine MAE C. SANTOS, Assistant Secretary, National Anti-Poverty Commission;

Ms. Maria Teresa C. LEPATAN, Minister, Permanent Mission to the United Nations Office at Geneva;

Ms. Josephine M. REYNANTE, Director, Department of Foreign Affairs;

Mr. Ricardo V. GLORIA JR, Director, Department of Labor and Employment;

Mr. Jesus Enrique G. GARCIA II, Third Secretary, Permanent Mission to the United Nations Office at Geneva;

Mr. Fortunato R. ABRENILLA, Director, National Economic and Development Authority;

Ms. Herminia ANGELES, State Counsel, Department of Justice;

Ms. Emmeline VERZOSA, Executive Director, National Commission on the Role of Filipino Women;

Ms. Maria Elena S. CARABALLO, Deputy Executive Director, Council for the Welfare of Children;

Mr. Eugenio A. INSIGNE, Chairman, National Commission on Indigenous People;

Mr. Masli A. QUILAMAN, Director, National Commission on Indigenous People;

Ms. Paulynn P. SICAM, Office of the Presidential Adviser on Peace Process;

Ms. Sarah SISON, Presidential Human Rights Committee of the Philippines;

Mr. Jefferson A. TECSON, Presidential Human Rights Committee of the Philippines;

Mr. James Francis P. LUGTU, Presidential Human Rights Committee of the Philippines;

Ms. Leizel J. FERNANDEZ, Attaché, Permanent Mission to the United Nations Office at Geneva;

#### **Advisers**

Hon. Jose P. PEREZ, Senior Deputy Court Administrator, Supreme Court of the Philippines;

Dr. Virginia DANDAN;

Ms. Aurora JAVATE DE DIOS;

#### **Commission on Human Rights of the Philippines**

Hon. Purificacion C. VALERA QUISUMBING, Chairperson;

Hon. Quintin B. CUETO III, Commissioner;

Atty. Jacqueline B. VELORIA MEJIA, Executive Director;

Atty. Homero Matthew P. RUSIANA, Director, Field Operations Office;

Ms. Ana Elzy OFRENEO, Director, Human Rights Education and Advocacy Office;

Ms. Karen Lucia S. GOMEZ DUMPIT, Director, Government Linkages Office;

Ms. Maria Nerissa N. PIAMONTE, Director, Strategic Development and Planning Office;

Atty. Brenda E. CANAPI, Officer in Charge, Child Rights Center;

Atty. Maria Margarita Patron ARDIVILLA, Child Rights Center;

Atty. Russel MA-AO, Officer in Charge, Cordillera Administrative Region (CHR-CAR Regional Office).

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