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**Philippines**

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## **I. Methodology**

1. This report was prepared under the supervision of the Presidential Human Rights Committee Secretariat, assisted by the Department of Foreign Affairs and Department of Justice.
2. Updated data was gathered from government bodies concerned, and drafts of the report were subjected to a series of consultations involving the Commission on Human Rights, a broad range of civil society organizations and non-government organizations, and sectors such as the youth and academe.<sup>1</sup>
3. The guidelines adopted by the Human Rights Council in its decision 17/119 for the preparation of information under the Universal Periodic Review were taken into account.
4. The Government of the Republic of the Philippines affirms its continuing commitment to comply with its obligations under relevant human rights treaties to which it is a State Party. The Philippine Government consistently undertakes the harmonization of its domestic laws with these treaties under the principle of progressive realization, and continually broadens its human rights perspective in the performance of its principal role as duty-bearer.

## **II. Developments since previous Universal Periodic Review**

5. This segment of the report contains the most recent updates of policies, programs, projects, and related actions of the Philippine Government along the major strategic tracks of its human rights advocacy which include:
  - Mainstreaming of human rights as a tool in good and effective governance;
  - Deepening and broadening the Government's commitment to human rights;
  - Aggressive advancement of economic, social, and cultural rights;
  - Sustainability of efforts in promoting sectoral rights, with special attention given to women's and children's rights;
  - Establishment of complementary mechanisms to further the protection of civil and political rights.

### **Mainstreaming of human rights as a tool in good and effective governance**

6. President Benigno Simeon Aquino III assumed office in June 2010 and outlined a 16-point agenda known as the Social Contract with the Filipino People that identifies critical areas that advance the promotion and protection of human rights.
7. These areas include the campaign against corruption; employment for empowerment; education as the central strategy for human development; advancement and protection of public health; equal access to justice; rule of law; promotion of rural development; capacity building for poverty alleviation; private sector involvement; domestic employment as counter-balance to overseas migration for employment; integrity in public service; professionalized bureaucracies; gender equality; just peace and redress of neglect for Mindanao peoples; urban development; and sustainable use of natural resources.
8. With the theme "Mainstreaming Human Rights in Development and Governance," the second Philippine Human Rights Plan 2012-2017 reflects the 16-point Social Contract

of President Aquino and sets the track for mainstreaming human rights in government and Philippine society. The Philippine Human Rights Plan, crafted under the supervision of the Presidential Human Rights Secretariat, covers the Philippine Government courses of action in line with its commitments under international human rights treaties.

9. The Philippine Government has also mainstreamed human rights in the development of agency policies, plans, and programs through the Philippine Development Plan 2011-2016, which is the blueprint of the Government's economic and social growth agenda. The Philippine Development Plan invokes the human rights-based approach to development as one of its main guiding principles.

10. Administrative Order 249, signed on 13 December 2008, to highlight the State's observance of the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights, directed Executive agencies to address relevant human rights issues, such as the need for the Philippine justice system to swiftly resolve human rights violations, observance of human rights in peace and order and internal security operations, conduct of education campaign on people's rights under the Philippine justice system, enhancing people's access to lawyers and paralegals, human rights constituency-building in the security sector and among students and youth, improvements in the education system, and establishment of centers for human rights education.

11. The Order also required that the overall formulation of the country's development policies, plans, and programs be in accordance with the human rights-based approach to development. It stressed that special attention be given to vulnerable groups such as women, indigenous peoples, children in armed conflict and in conflict with the law, returning overseas workers, and to the fight against poverty, provision of adequate housing, and local government accountability in human rights information dissemination.

### **Deepening and broadening the Government's commitment to human rights**

12. In August 2011, the Philippines ratified the Rome Statute of the International Criminal Court. Even prior to ratification, the Philippine Government already incorporated the spirit of the Rome Statute within domestic laws with the passage in December 2009 of Republic Act No. 9851, or the "Philippine Act on Crimes against International Humanitarian Law, Genocide, and Other Crimes against Humanity." Human rights defenders played a key role in the early harmonization of the Rome Statute in domestic law, as well as in its ratification.

13. The possible ratification of other treaties, such as the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the International Convention on Economic, Social and Cultural Rights, is seriously being considered. In July 2011, a proposed law was filed in the Philippine Senate which adopted the definition of enforced disappearance under the Convention and also provided for preventive measures and compensation to victims.

14. In May 2011, the Philippines ratified the 1954 Convention Relating to the Status of Stateless Persons, which accords to stateless persons the same treatment accorded to aliens generally in the country's territory.

15. The Philippines continues to uphold its responsibility to protect refugees and displaced persons under the 1951 Convention Relating to the Status of Refugees. In 2009 an agreement between the Government, the United Nations High Commissioner for Refugees, and the International Organization for Migration established an Emergency Transit Mechanism for the protection of refugees in a country of asylum who are under

threat of refoulement or are in need of international protection, and require transit through the Philippines pending onward settlement to a third country.

16. The Philippines actively promotes human rights within the Southeast Asian region, particularly through the vision of the Association of Southeast Asian Nations (ASEAN) Socio-Cultural Community. At the 19th ASEAN Summit held on 17-19 November 2011 in Bali, Indonesia, the Philippines was at the forefront in several critical areas that impact human rights promotion and protection.

17. These areas include migrant workers' protection, specifically on the drafting of the implementing protocols of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers which was adopted in 2007 in Cebu during the Philippines' chairmanship of ASEAN; food security, specifically on the ratification of ASEAN Plus Three Emergency Rice Reserve Agreement; disaster management, specifically on the ratification of the Establishment Agreement of the ASEAN Humanitarian Assistance Center; education, and ensuring attainment of the Millennium Development Goals.

18. In November 2011, the Philippines hosted the visiting Myanmar Human Rights Commission. This newly formed human rights institution of Myanmar sought to learn from the Philippine experience in human rights. Its visit provided an opportunity to interact with the Commission on Human Rights, Presidential Human Rights Committee, the Philippine Commission on Women, the Council for the Welfare of Children, as well as non-government and civil society organizations (e.g., the Ateneo Human Rights Center, the Coalition on the Convention on the Rights of the Child, CEDAW Watch, and the Humanitarian Legal Assistance Foundation).

19. In January 2012, the Philippines hosted the ASEAN working group on the drafting of an ASEAN Human Rights Declaration.

### **Aggressive advancement of economic, social, and cultural rights**

20. The Philippine Development Plan for 2011-2016 operationalizes the President's Social Contract through key strategies to achieve inclusive growth through the pursuit of the different Millennium Development Goals, reduction of mass poverty, and creation of jobs that draw the vast majority of the population into the economic and social mainstream, among others.

21. The Philippine Development Plan covers the creation of productive and decent employment opportunities through private investment and entrepreneurship, especially among micro, small and medium enterprises; equal access to development opportunities across geographic areas and across different income/social spectra; provision of better education, and delivery of basic social services; achieving universal coverage in health; improved access to infrastructure, credit, land and technology; and responsive social protection programs to support, capacitate, and encourage the vulnerable sector to come out of poverty.

### **Sustainability of efforts in promoting sectoral rights, with special attention given to women's and children's rights**

22. The Philippines was ranked 8<sup>th</sup> in the latest Global Gender Gap Index of the World Economic Forum, where it closed its male-female gender gaps in four inter-linking areas: economic participation and opportunity; education and employment; empowerment and decision-making; and health and life-expectancy.

23. The Government, through the Philippine Human Rights Plan 2012-2017, monitors the progress of responsible parties in their implementation of the provisions of the Magna Carta of Women, or Republic Act 9710 signed on 14 August 2009, on the establishment of social protection and safety nets for women who are victims of natural calamities and of the economic crisis.

24. The following are relevant laws, aside from the Magna Carta of Women, enacted during the reporting period that significantly bear on women's and children's rights:

- Anti-Pornography Act of 2009;
- Anti-Photo and Video Voyeurism Act of 2010;
- Expanded Breastfeeding Promotion Act;
- Amended Migrant Workers and Overseas Filipino Act;
- Crimes Against International Humanitarian Law;
- Legitimization of Children Born to Underage Parents;
- Anti-Torture Act;
- Requiring the Certification of the Department of Social Welfare and Development to declare a "Child legally available for Adoption".

### **Establishment of complementary mechanisms to further the protection of civil and political rights**

25. The Philippine Government is currently undertaking a review of various cases of alleged human rights violations, particularly those that deal with extrajudicial killings, enforced disappearances, and torture, and whose primary suspects are members of the security sector. The military, apart from its own internal monitoring, has been actively participating in mechanisms such as:

- The National Monitoring Mechanism for the prevention of extrajudicial killings, enforced disappearance and torture;
- Monitoring and Response System for the Prevention of Grave Child Rights Violations;
- Complaint and Monitoring Working Group of the Government of the Philippines-Monitoring Committee of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL), a peace agenda agreement signed by the Government with the National Democratic Front of the Philippines;
- Monitoring Mechanism for the Prevention of Violations of Workers' Rights for the prevention of violations of International Labor Organization Conventions Numbers 87 and 98, and;
- Procedures of Reporting and Monitoring of Human Rights Violations in coordination with the Philippine Association of Human Rights Advocates.

### **III. Updates in promotion and protection of human rights**

#### **Peace process**

26. The Philippine Government continuously pushes for the respect of human rights as an essential pillar in the peace process with groups in armed conflict with the State. Human rights are clearly defined in mechanisms agreed upon by the State with rebel and secessionist groups. These are the CARHRIHL, Committees on the Cessation of Hostilities, and the 2009 Agreement on the Protection of Civilian Components of the International Monitoring Team (APCC-IMT).

27. Under the APCC-IMT, the Philippine Government and the Moro Islamic Liberation Front panel "re-confirm their obligations under humanitarian law and human rights law to take constant care to protect the civilian population and civilian properties against the dangers arising in armed conflict situations." The parties also agreed to commit themselves to:

- Refrain from intentionally targeting or attacking non-combatants, prevent suffering of the civilian population and avoid acts that would cause collateral damage to civilians;
- Refrain from targeting or intentionally attacking civilian properties or facilities such as schools, hospitals, religious premises, health and food distribution centers, or relief operations, or objects or facilities indispensable to the survival of the civilian population and of a civilian nature;
- Take all necessary actions to facilitate the provision of relief supplies to affected communities;
- Take all precautions feasible to avoid incidental loss of civilian life, injury to civilians, and danger to civilian objects;
- Ensure that all protective and relief actions shall be undertaken in a purely non-discriminatory basis covering all affected communities;
- To effect the above objectives, the two sides also agreed to "issue or re-issue orders to their respective military units or security forces (including paramilitaries, associated militias, and police units) to conduct their operations consistent with their obligations and commitments.

#### **Access to Justice**

28. The Philippine Supreme Court approved on 9 September 2008, the *Rule of Procedure for Small Claims Cases* in AM No. 08-8-7-SC, providing for an inexpensive and expeditious means to settle actions before first-level courts (excluding Shari'ah Circuit Courts) for money claims not exceeding PhP100,000.00. Lawyers are not allowed and user-friendly forms are provided in the proceedings. Decisions are to be rendered on the first day of hearing and are final and cannot be appealed.

29. The above Rule stems from the Supreme Court's *Increasing Access to Justice by the Poor Program* that aimed to widen the avenues to justice for the poor by unclogging court dockets of civil cases involving the poor. It was found that 70% of the caseloads of the first-level courts in Metro Manila consist of small claims cases, and that many of the litigants in these cases are poor.

30. An early 2008 flagship program of the Supreme Court under the *Increasing Access to Justice by the Poor Program*, is the *Enhanced Justice on Wheels (EJOW) Project*, which is aimed to address the twin problems of clogged dockets and jail congestion by resolving

with dispatch criminal cases mostly involving the poor through the use of mobile courts. The *EJOW*'s other components include mobile court-annexed mediation for civil cases, a legal aid clinic for underprivileged litigants, medical and dental missions for the jail inmates, legal information dissemination for *barangay* officials, and dialogues with justice stakeholders.

31. The Supreme Court also promulgated on 10 September 2009 the *Rule on the Exemption from the Payment of Legal Fees of the Clients of the National Legal Aid Committee and of the Legal Aid Offices in the Local Chapters of the Integrated Bar of the Philippines*. This Rule buttressed a 30 October 2006 ruling in *Spouses Algura v. Local Government Unit of the City of Naga* that an application for exemption from legal fees may still be granted even if the applicant does not meet the salary and property requirements but meets the “indigency test.”

### **Environment**

32. On 13 April 2010, the Supreme Court approved the *Rules of Procedure for Environmental Cases* which serve as a significant catalyst for sweeping and far-reaching reforms in environmental litigation and protection. The *Rules*, the first of its kind in the world, took effect on 29 April 2010, and highlights the following provisions:

- Citizen suits to further force the Government and its agencies to act on its duty to protect and preserve the environment;
- Consent decree which allows for a compromise agreement between two parties in environmental litigation over issues that would normally be litigated in court, and other matters that may not necessarily be of issue in court;
- Environmental protection order issued by the court directing or enjoining any person or government agency to perform or desist from performing an act in order to protect, preserve, or rehabilitate the environment;
- Writ of *kalikasan* (*environment*) filed on behalf of persons whose constitutional right to a balanced and healthful ecology is violated or threatened by an unlawful act or omission of a public official or employee or private individual or entity, involving environmental damage of such magnitude as to prejudice the life, health, or property of inhabitants in two or more cities or provinces.

33. On 19 November 2010, the Supreme Court issued its first ever writ of *kalikasan* in the petition filed by residents of the West Tower Condominium against the owner and operator of a leaking fuel pipeline that forced residents to vacate their condominium units.

34. On 8 March 2011, the Supreme Court issued its second writ of *kalikasan* in the petition of three residents of Marinduque province against Placer Dome, Inc. and Barric Gold Corporation for the Marcopper mining incident in 1996. The two corporations were held accountable by the Supreme Court for the environmental damage caused by a mining accident.

### **Voluntary pledges for election to the Human Rights Council**

35. Cognizant of its voluntary pledge to be a voice for vulnerable groups, especially migrants, the Philippines consistently supported initiatives aimed at strengthening the promotion and protection of the human rights of migrants, including through wider ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

36. In relation to its voluntary pledge to be sensitive to current and emerging challenges which have an impact on human rights, such as climate change, the Philippines partnered

with Bangladesh to present Human Rights Council resolution 18/22 on human rights and climate change and supported the Office of the High Commissioner for Human Rights in conducting a seminar on “Addressing the Adverse Impacts of Climate Change on the Full Enjoyment of Human Rights” in February 2012.

37. With regard to its voluntary pledge to support advancing discussions on the right to development, the Philippines played an active role in meetings and negotiations of the Intergovernmental Working Group on the Right to Development.

38. Bearing in mind its voluntary pledge to continue promoting human rights education and training, as a member of the Platform for Human Rights Education and Training (consisting of Switzerland, Morocco, Italy, Costa Rica, Slovenia, Senegal), the Philippines played an important role in the negotiation and adoption of the United Nations Declaration on Human Rights Education and Training.

#### **IV. Implementation of accepted recommendations and voluntary commitments**

39. The Philippine Government has taken the following measures to implement the recommendations which it accepted as well as the voluntary commitments which it made during the first cycle of the Universal Periodic Review.

##### **To step up efforts to meet the basic needs of the poor and other vulnerable groups**

40. Under Executive Order No. 43, entitled “Pursuing our Social Contract with the Filipino People Through the Reorganization of the Cabinet Clusters,” issued on 13 May 2011, President Aquino created the Human Development and Poverty Reduction Cluster which focuses on improving the overall quality of life of the Filipino and translating the gains of good governance into direct, immediate, and substantial benefits that will empower the poor and marginalized segments of society. In 2011, twenty Cluster meetings have been conducted.

41. In line with the proposed Localization and Participation Framework, the National Anti-Poverty Commission, based on poverty incidence statistics, focuses its major poverty reduction programs on 609 municipalities and cities. The Framework is designed to maximize the anti-poverty impact of existing programs by generating greater local government unit and civil society participation. It also provides strategies for linking local and national anti-poverty planning designed to create and sustain an environment that would improve the economic state and overall well-being of members of the informal sector. The State highly recognizes and prioritizes the enhancement of informal sector members’ access to social protection benefits, representation in local governance and overall capacity.

42. In the meantime, the Department of Social Welfare and Development is pursuing the following anti-poverty programs:

a) *Kapit-bisig Laban sa Kahirapan*-Comprehensive and Integrated Delivery of Social Services that implements *barangay* or village small-scale projects in accordance with area-specific plans, priorities, and processes, with funding and in-kind support from the national and local governments;

b) *Pantawid Pamilyang Pilipino* Program (Pantawid Pamilya), a conditional cash transfer program which provides direct cash transfers to the poor subject to certain conditions;

c) Sustainable Livelihood Program is a community-based program which provides capacity-building to poor households identified through the National Household Targeting System-Poverty Reduction Project prioritizing *Pantawid Pamilya* beneficiaries. The program has two tracks: Microenterprise Development Track, and Guaranteed Employment through Job Network Service;

d) Passage of Republic Act 9994, or the Expanded Senior Citizens Act, enacted on 18 June 2010, provides privileges and benefits to senior citizens through appropriate institutional mechanisms. Related to this, the Philippines Social Pension for Senior Citizens, a non-contributory pension targeting indigent senior citizens who are frail, sickly or with disability, receiving no pension from any source, and with no regular support received from family or relatives, was launched on March 30, 2011;

e) Disaster Relief Augmentation provides food and non-food commodities in the event of natural or man-made disasters to enable local government units to conduct effective and efficient relief operation whenever their resources are inadequate for the needs of the affected population.

**To completely eliminate torture and extrajudicial killings, and to intensify its efforts to carry out investigations and prosecutions on extrajudicial killings and punish those responsible**

43. The Philippine Government welcomed the European Union-Philippines Justice Support Programme (EPJUST) as a major opportunity to put an end to extrajudicial killings and enforced disappearance in the country. The 18-month program conducted from 8 October 2009 to 4 April 2011 aimed to strengthen the capacity of the criminal justice system, the Commission on Human Rights, and civil society organizations in addressing and resolving human rights violations.

44. The EPJUST consisted of technical assistance, training, and advice provided by European Union experts to key government authorities, particularly those charged with investigation, prosecution and trial of persons involved in any way in extrajudicial killings and enforced disappearance. It had five components: Component A - Criminal Justice System (Philippine National Police, National Bureau of Investigation, Department of Justice, Judiciary and the Ombudsman); Component B – Commission on Human Rights; Component C - Civil Society Organizations; Component D - Uniformed Services (Philippine National Police, Armed Forces of the Philippines); and Component E – National Monitoring Mechanism.

45. From 2008 to 2011, the Philippine Government, through Task Force Usig, reported 27 cases of extrajudicial killings involving media practitioners and activists. These figures are included in the 165 cases in the unit's file since 2001. The decrease in the number of cases of extrajudicial killing and enforced disappearance in 2010 was particularly noted by the European Union EPJUST experts.

46. The Department of Justice, in Department Order No. 848 issued on 10 December 2010, formed a Special Task Force to Address extrajudicial killings and enforced disappearance to review all reported and unresolved cases. The task force complements Task Force 211, or the Task Force against Political Violence, which was created through Administrative Order No. 211, s. 2007.

47. The Government has taken a strong stand against private armies. Upon his assumption to office, President Aquino directed the Armed Forces of the Philippines and Philippine National Police to take decisive steps to dismantle and neutralize the remaining private or partisan armed groups in the country. A Joint Letter Directive 05-2010 was issued by the Armed Forces of the Philippines and Philippine National Police on 4 August

2010, to further intensify the campaign against these lawless elements, resulting in the arrest of 170 private/partisan armed group members and the confiscation of 216 firearms.

48. To ensure further unity of effort and effective coordination, the Armed Forces of the Philippines and Philippine National Police created the Joint Coordinating Centers on Private Armies (JCCPAs) at the level of the Directorate for Integrated Police Operation on the Philippine National Police side, and at the unified command level for the Armed Forces of the Philippines. The JCCPAs are tasked to, among others, craft and implement strategies to dismantle private/partisan armed groups; monitor and assess the security situation and coordinate the implementation of measures to prevent the proliferation of loose firearms; conduct arrest operations for private/partisan armed group members with arrest warrants, and account for loose firearms.

49. The Philippine Government, through the Presidential Human Rights Committee and with concerned government agencies, such as the Philippine National Police, Armed Forces of the Philippines, Department of Justice, Department of Labor and Employment, Department of National Defense, National Bureau of Investigation, Office of the Presidential Adviser on the Peace Process, and the Judiciary, has partnered with the Commission on Human Rights to set up the National Monitoring Mechanism that will bring together Government agencies, civil society organizations and the Commission on Human Rights in a credible and inclusive forum for monitoring the nation's progress in resolving extrajudicial killings, enforced disappearance and torture, thereby ending impunity.

50. The National Monitoring Mechanism's objectives are two-pronged: a) to develop an effective monitoring mechanism to ensure that justice is served to the victims of extrajudicial killings, enforced disappearance and torture; and b) to strengthen institutional mandates, capabilities and engagements in effectively resolving cases of extrajudicial killings, enforced disappearance and torture.

51. Specifically, the National Monitoring Mechanism shall have the following functions:

- Gather/receive/record cases or reports of incidents of extrajudicial killings, enforced disappearance and torture and initiate appropriate measures;
- Collate/record/review cases or reports of past incidents of extrajudicial killings, enforced disappearance and torture to determine the status of said incidents and/or initiate appropriate measures;
- Share and pool information, with the exception of classified information, regarding cases, researches, studies and best practices in addressing extrajudicial killings, enforced disappearance and torture;
- Propose policies for prevention and resolution of extrajudicial killings, enforced disappearance and torture;
- Catalogue cases of extrajudicial killings, enforced disappearance and torture;
- Come up with common case records, common reports and common nomenclature;
- Monitor and ensure the appropriate interlinking and fulfilment of institutional mandates in effectively addressing cases of extrajudicial killings, enforced disappearance and torture.

52. The Philippine Government, through the National Tripartite Industrial Peace Council Monitoring Body (TIPC-MB), ensures the expeditious investigation, prosecution, and resolution of cases concerning alleged harassment and assassination of labor leaders and trade union activists. The TIPC-MB has evaluated and built a comprehensive

inventory of cases with identified future actions required in each case to ensure investigation, prosecution and conviction.

53. The TIPC-MB has issued Resolutions to facilitate the movement of cases of extrajudicial killings, enforced disappearance, harassments, and abductions involving trade union leaders/ members. Of the six labor-related extrajudicial killing cases referred to the Department of Justice and Supreme Court for expeditious resolution, the Supreme Court reported that four cases pending before regular courts are now covered by a 20 January 2012 instruction to judges to expedite the hearing and decision within one hundred twenty days. The Office of the Court Administrator is monitoring the observance of this instruction.

54. The Philippine Government is continually enhancing its Witness Protection Program as a tool to expedite the resolution of cases. Included among these efforts are improving witness benefits as provided under Republic Act 7309, or the Victim Compensation Program; skills-training and education of witness-client; upgrading of training and equipment of security and administrative personnel; amending the Rules of Court to provide for perpetuation of a covered witness' testimony; and recognition of judges, social workers, health workers, local government units, law enforcers, armed forces personnel, financial and charitable institutions and civic organizations actively assisting the Program

55. Amendments have likewise been made to Republic Act 6981, or the "Witness Protection, Security and Benefit Act," that include the following:

- Prohibiting witnesses from communicating with the adverse party, or negotiating for, or entering into, an amicable settlement of the civil or criminal aspect of the case;
- Increasing the penalty for violation of the confidentiality proceedings, for refusal of a witness to testify, or giving false or misleading information and recantation of testimony;
- Empowering the Secretary of Justice to order concerned government agencies to effect a change in the identity, name and/or surname of a covered witness;
- Providing automatic entitlement to immunity from criminal prosecution of persons admitted to the Program;
- Prohibiting issuance by courts of restraining orders or injunctions against the DOJ for admitting a witness to the Program;
- Extending coverage of the Program to law enforcement officers who testify against fellow law enforcement or military officers/personnel;
- Increasing the penalty for harassment of witnesses.

56. The Department of Interior and Local Government and the Philippine National Police highlight the following actions during the reporting period:

- Presidential directives to the Department of Interior and Local Government and the Philippine National Police to investigate alleged vigilante killings in Davao (13 May 2009), and to intensify efforts against violence against members of media (11 March 2009);
- Strengthening of Regional Units of Task Force Usig, with the creation of "tracker teams" to pursue suspected killers of media personalities and to conduct manhunt operations on suspects at-large;
- An order for all law enforcement agencies to closely coordinate with media organizations;

- Adoption by the Department of Interior and Local Government of the Local Government Human Rights Program involving the training of members of the *Lupon Tagapamayapa, or the Barangay Justice System*;
- Supreme Court-Department of Interior and Local Government Memorandum of Agreement to carry out the Access to Justice for the Poor project by creating information desks in the local government units at the provincial, municipal and *barangay* levels;
- Department of Justice Department Order No. 848 creating a Special Task Force to address extrajudicial killings and enforced disappearance upon the directive of President Aquino;
- Institutional measures in the Philippine National Police to prevent torture and other human rights violations: anti-hazing anti-torture policy in police education and training courses; inspection of police stations with custodial facilities; production and distribution of posters on the rights of detained persons; and database development for close monitoring of human rights complaints and cases;
- Institutionalization of the *Anti-Torture Act of 2009*, specifically on its salient features, such as command responsibility, prohibition of places where torture may be done with impunity, compensation for victims, and inadmissibility of evidence obtained through torture.

57. In line with the Armed Forces of the Philippines' zero-tolerance-for-human rights violations campaign, cases, particularly those on extrajudicial killings, enforced disappearance and torture that involve armed forces officers and personnel, are acted upon by Human Rights Officers in accordance with due process of law and the military justice system. The Human Rights Officers monitor incidents of alleged human rights violations as reported in open sources, receive complaints, cause their investigation, and monitor the litigation of cases.

**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**

58. The Philippine Government commits itself to the continuing transformation of its security sector into one that is compliant with human rights, international humanitarian law (IHL), and the rule of law. Along this direction, the Government ensures that members of the security forces are continuously trained on human rights and IHL, specifically in their responsibility to protect human rights and the rights of human rights defenders. These responsibilities and obligations are embodied in the Armed Forces of the Philippines' Internal Peace and Security Plan, also known as *Bayanihan* (Cooperation).

59. The *Bayanihan* plan was crafted after multi-stakeholder consultations involving government, academe, the religious sector, the private sector, and non-government and civil society organizations. This ensures multi-sectoral involvement in the monitoring and evaluation phases of the Plan, which advances the concept of "winning the peace" through non-combat people-centered dimensions in military operations, more specifically dialogues that identify continuing reforms.

60. The Armed Forces of the Philippines-Human Rights Office (AFP-HRO) which is mandated to monitor the security forces' level of institutionalized respect for human rights, IHL, and the rule of law during actual field operations shall undergo further organizational restructuring and strengthening. This will enhance human rights advocacy within the military system that will lead to more education and training for officers and personnel, improved response mechanisms for incidents and accusations/allegations of human rights

or IHL violations, and broadened partnership with various human rights defenders' organizations.

61. The AFP-HRO organization has been replicated from the top levels down to the field levels. At the major service level, special staff under the Commander of the major service civil-military office are designated as Human Rights Officers. At the level of unified commands, no less than the deputy commanders are designated Human Rights Officers. And at the operational/tactical levels, the second-in-command officials – the Assistant Division Commanders, Deputy Brigade Commanders, and the Battalion Executive Officers – are designated as Human Rights Officers.

62. A manual entitled "The AFP Soldiers Handbook on Human Rights and International Humanitarian Law," jointly published in December 2010 by the Office of the Deputy Chief of Staff for Civil Military Operations and the AFP-HRO, in partnership with the Commission on Human Rights and the International Committee of the Red Cross and other human rights-based stakeholders/organizations/advocates guides the Human Rights Officers. Other knowledge products cover topics such as codes of conduct for combatants during armed conflict, anti-torture, civil relations, rights-based approaches in intelligence operations, IHL, international human rights treaties and conventions, etc.

63. The Armed Forces of the Philippines' human rights education and training curricula were reviewed and revised in May 2009 by the Office of the Deputy Chief of Staff for Education and Training, with the help of Commission on Human Rights and the International Committee of the Red Cross, resulting in the Graduated Curricula on Human Rights and International Humanitarian Law for the Military, series of 2009. This Curricula was again reviewed in 2011 at the 2<sup>nd</sup> National Educators Congress on Human Rights Education spearheaded by the Commission on Human Rights where recently promulgated laws related to human rights and IHL were integrated.

64. The review of the curriculum also paved the way for the formulation of the Armed Forces of the Philippines' Teaching File for Instructors on the Law of Armed Conflict to capacitate human rights instructors of the armed forces. The broad range of subjects that are covered by the instructional materials include all human rights-relevant domestic laws and international treaties and their applicability in peace and order and internal security operations.

65. Finally, the Armed Force of the Philippines' entire human rights, IHL and rule of law campaign framework shall be further defined in its upcoming Human Rights Action Plan. Designed on orders of the Chief of Staff, the Plan shall have six components: education and training; awareness and advocacy, and stakeholder partnership; monitoring, recording, and response procedures; issuance of reference certificates; exposure to best practices; rudiments in the filing of charges/ cases before the military justice system and criminal courts.

#### **To sign and ratify the Optional Protocol to the Convention against Torture**

66. The Philippine Senate concurred in the ratification of the Optional Protocol to the Convention Against Torture on 3 March 2012. In this regard, the Government, through the Presidential Human Rights Committee partnering with human rights defenders, is pilot-testing a prototype national preventive mechanism that will look into conditions of detainees in jails and other places of detention. Likewise, the implementing rules and regulations of the Anti-Torture Law of 2009, the crafting of which was spearheaded by the Department of Justice and the Commission on Human Rights, provides for rehabilitation and reform measures to improve conditions of detainees and the penal system in general.

**To report regularly to the Committee against Torture**

67. The Philippine Government continued its regular reporting to the UN human rights treaty bodies to which it is a State Party. Since the first Universal Periodic Review, the Philippines submitted five periodic reports under the following treaties: International Covenant on Economic, Social and Cultural Rights (11–12 November 2008), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) (23–24 April 2009), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (28–29 April 2009), International Convention on the Elimination of All Forms of Racial Discrimination (18–19 August 2009), and the Convention on the Rights of the Child (15 September 2009).

68. The Philippines submitted its periodic report to the International Covenant on Civil and Political Rights which will be considered by the Human Rights Committee in October 2012. Succeeding periodic reports for the CMW, CAT, and the Convention on the Elimination of All Forms of Discrimination Against Women are being crafted in line with new reporting guidelines.

**To continue its successful policy in combating trafficking in persons at the national level and play a leading role at the international level on this matter**

69. The Philippine Government has extended an invitation to the Special Rapporteur on Trafficking in Persons to visit the country in April 2012, in line with the Government's significant gains in the global campaign to combat trafficking in persons. Through the Inter-Agency Council Against Trafficking (IACAT), the Philippines has gained recognition for its efforts against trafficking in persons.

70. From 2008 to December 2011, the IACAT reports a total of 66 convictions involving 80 persons. Some 35 of these convictions involving 42 persons were handed down from July 2010 to December 2011, or during the first 18 months of the current administration.

71. Recent Government measures to combat trafficking in persons include the following:

- Department of Justice Circular No. 49 issued on 25 June 2010, and No. 57 on 29 July 2010, directing Prosecutors to prioritize and fast-track the resolution and trial of trafficking in persons cases, with further instruction to oppose Motions designed to delay the prosecution, and with the prohibition to dismiss cases on grounds of affidavits of desistance executed by the victims or his/her guardians;
- Department of Interior and Local Government-Department of Justice-Department of Social Welfare and Development Joint Memorandum Circular No. 2010-1 issued on 18 October 2010, on the creation of Local Committees on Anti-Trafficking and Violence Against Women and their Children to establish and strengthen local structures to collaboratively address the problems of trafficking in persons and violence against women and children, through policies and legislations;
- Memorandum of Agreement on 18 October 2010 by the Department of Interior and Local Government with the Blas Ople Policy Center and Training Institute, Visayan Forum Foundation, Inc., Association of Child Caring Agencies of the Philippines and the Philippine Center for Islam and Democracy, to better coordinate anti-trafficking in persons efforts of the government with that of civil society and private groups.

72. A complementary move by the Philippine Supreme Court is the issuance on 26 October 2010 of Circular No. 151-2010 by the Office of Court Administrator, directing all

trial courts nationwide to expedite and prioritize the disposition of trafficking in persons cases, and to submit a status report of said cases pending in their courts.

73. The Philippine Government implements, among others, the following priority projects in its campaign to fight trafficking in persons.

- Provision of assistance to victim-witnesses of cases of trafficking in persons for the duration of the investigation, prosecution and trial or until their reintegration to society;
- Daily monitoring, surveillance and interception operations by inter-agency task forces at international and domestic airports and seaports;
- Involvement of media in the anti-trafficking in persons campaign to enhance awareness and mobilize support;
- Continuing training of prosecutors, immigration officers, Foreign Service Officers, and labor inspectors and other personnel of Department of Labor and Employment and the Philippine Overseas Employment Administration on the proper appreciation of the pertinent laws on trafficking in persons and the provision of services to victims;
- Conduct of national or sub-national conferences on trafficking in persons to bring all stakeholders to assess progress, discuss emerging issues, stimulate and sustain local initiatives, and improve coordination, as well as strengthen individual capacities of national and regional anti-trafficking in persons mechanisms;
- Development of the 2011-2016 National Strategic Plan of Action against Trafficking in Persons, serving as the blueprint for all actions of national government, local governments, and non-government organizations involved in anti-trafficking in persons.

74. The Philippines pursues the following lead efforts to combat trafficking in persons at the international level:

- Expansion of anti-trafficking training programs for Foreign Service Officers and other personnel of Philippine embassies and consulates abroad;
- Active involvement in the United Nations and the ASEAN. The Philippines chairs the ASEAN-Senior Officials Meeting on Transnational Crimes (SOMTC) Working Group on TIP. The SOMTC, as the implementing arm of policies and plans adopted by the ASEAN Ministers Meeting on Transnational Crime, has the primary responsibility for implementing the ASEAN Declaration on Trafficking in Persons, which was adopted in 2004;
- Sustained cooperation through information-exchange with other countries;
- Hosting of two Expert Meetings on the development of an ASEAN Convention on Trafficking in Persons (ACTIP). The Philippine Government has consistently called for the early adoption of the ACTIP at the ASEAN;
- Presentation of thematic resolutions in the United Nations General Assembly and Human Rights Council, in partnership with Germany, on combating trafficking in persons, especially women and children.

**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 judicial system, taking into account the special needs for rehabilitation and post-conflict care of women and children in vulnerable situations and conflict areas**

75. The Philippine Government further strengthens the implementation of laws against violence against women and children through individual agency and inter-agency initiatives such as the following:

- The Department of Interior and Local Government directed the Philippine National Police to set up Women's and Children's Desks at police stations and at all levels in the country. As of February 2011, 1,829 desks, staffed by 2,977 police officers, 2,957 of which are well-trained female officers, have been made operational in these stations.
- A Joint Memorandum Circular issued on 9 December 2010, by the Department of Interior and Local Government, Department of Social Welfare and Development, Department of Education, Department of Health, and the Philippine Commission on Women, in line with provisions of the Magna Carta of Women provided for the creation of Violence against Women (VAW) Desks in *barangays*, or villages. The Circular also provides for *Barangay* Protection Orders for VAW victims and calls for local governments to allocate funds to sustain the VAW Desks. As of 31 October 2011, 26,981 *barangays* have VAW Desks.
- The Philippine Commission on Women spearheaded the inter-agency development of the Performance Standards and Assessment Tools for Services Addressing VAW, which benchmarks the quality and effectiveness of services provided to VAW victim-survivors, including trafficked victims, ensuring gender-sensitivity and needs responsiveness. The agencies involved are the Philippine National Police for investigatory services or procedures; Department of Health for medical or hospital-based services; Department of Social Welfare and Development for psychosocial services; Department of Justice for legal/ prosecution services; Department of Interior and Local Government and local government units for anti-VAW services at the *barangay*, municipal, city and provincial levels.
- The Inter-Agency Committee on the National Action Plan on Women, Peace and Security, led by the Office of the Presidential Advisor on the Peace Process, harmonizes national efforts and aligns the same to ensure responsiveness of the national programs to the needs of women in armed conflict.

76. The House Committee on Women & Gender Equality has pushed for the following affirmative measures:

- Amending RA 7877 to further strengthen the Anti-Sexual Harassment Act of 1995;
- Amending Revised Penal Code provisions on adultery and concubinage;
- Amending RA 8505 (Rape Victim Assistance and Protection Act of 1998) to broaden the current law's mandate of operating crisis centers in every province and city exclusively for rape victims, instead to cover other victims of unfortunate circumstances, such as prostitution and sexual exploitation, domestic violence, abuse and battery, rape, incest, sexual abuse, harassment or molestation, and others;
- Declaring November 25 of every year as National Consciousness Day for the Elimination of Violence Against Women;
- Amending RA 6949, to make National Women's Day observed in March 8 of every year as a Non-Working Holiday.

77. The Autonomous Region in Muslim Mindanao passed its own Gender and Development (GAD) Code on 31 January 2011, taking into account the 2006 CEDAW recommendation for “intensified dialogue with Muslim community in order to remove discriminatory provisions from the Code of Muslim Personal Laws,” particularly on early marriage, forced marriage and polygamy.

78. The Committee on Gender Responsiveness in the Judiciary, the over-all committee in charge of the GAD Program of the Supreme Court, spearheaded in March 2010 the National Summit on Family Courts, in partnership with the Philippine Judicial Academy and the Philippine Judges Association, with the theme “*Strengthening the Multi-Sectorial Framework for the Protection of Family, Women and Children.*” Participants in the Summit included selected family court judges, clerks of court, interpreters, social workers, prosecutors, representatives from the Public Attorney’s Office, the Senate and the House of Representatives, other government agencies, civil society and media. Three areas of concern were addressed, namely: regularization of family courts, codification of rules on women and children, and law reform.

79. The Summit was the culmination of the Regional Conferences conducted in 2008 and 2009 where various sectors comprising and assisting the Philippine Judiciary were consulted to identify problems, explore possible solutions, and develop a workable consensus on how to improve people’s access to justice in family courts.

80. The Supreme Court also promulgated the *Rule on Juveniles in Conflict with the Law* (Administrative Matter No. 02-1-18-SC, November 24, 2009).

**To 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 (CRC)**

81. The Philippine Commission on Women is closely coordinating with the House Committee on Basic Education as it undertakes means by which the 2005 CRC Concluding Observations can be made to relate to proposed legislation on the basic education of children.

82. The following are priority bills in the House of Representatives on child development and protection:

- House Bill (HB) No.13 providing for the safety and protection of the unborn child;
- HB No. 4244 providing for a comprehensive policy on responsible parenthood, reproductive health, and population and development;
- HB 166 “An Act Amending Republic Act No. 7610, otherwise known as the ‘Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act’ by penalizing any act that prevents the child to learn and use the language of his family in his Basic Education, and for other purposes”;
- HB No. 4481 on the institutionalization of foster care in the Philippines;
- HB No. 4480 on the special protection of children in situations of armed conflict
- HB No. 4455 on the promotion of positive discipline in lieu of corporal punishment;
- Anti-Prostitution Bill pending in both Houses of Congress;
- Seven consolidated bills on “An Act Establishing at least one (1) Special Education Center for Each School Division and at least three (3) Special Education Centers in Big School Divisions for Children with special needs, guidelines for government financial assistance and other incentives and support” which are currently filed in the 15<sup>th</sup> Congress.

**To share with other countries its experience in the area of justiciability of economic, social, and cultural rights**

83. The Philippine Government's reinvigorated focus on economic, social and cultural rights has led to a better appreciation of these rights' justiciability within the State's jurisdiction. Under Art. VIII, Sec. 1 of the Philippine Constitution, it is the duty of the courts to settle actual controversies involving rights which are legally demandable and enforceable, and to determine grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.

84. Two notable decisions of the Supreme Court relate to the furtherance of economic, social and cultural rights:

- In *Metro Manila Development Authority v. Concerned Residents of Manila Bay*, GR No. 171947-48, 18 December 2008, the Supreme Court ordered concerned government agencies to coordinate the cleanup, restoration, and preservation of the water quality of Manila Bay in line with the country's development objective to attain economic growth consistent with the protection, preservation, and revival of marine waters. The decision also required concerned government agencies to submit to the SC a quarterly progressive report of their activities.
- In *Roma Drug v. the Regional Trial Court of Guagua, Pampanga*, GR No. 149907, 16 April 2009, the Supreme Court, upholding the constitutionally-recognized right to health, declared that the provision of a law classifying "unregistered imported drugs" as "counterfeit drugs" and providing for criminal penalties for its importation deprives Filipinos to choose a less expensive regime for their health care by denying them a plausible and safe means of purchasing medicines at a cheaper cost.

85. Apart from its adjudicative power, the Supreme Court, as granted by the Constitution, may promulgate rules concerning the protection and enforcement of constitutional rights [Art. VIII, Sec. 5 (5)], including economic, social, and cultural rights.

**To fully involve civil society in the follow-up to the review**

86. The Philippine Government recognizes that effective engagement with civil society, in order to discuss and resolve various human rights issues and concerns, is essential to mainstream human rights in Philippine society. The Government, through the Presidential Human Rights Committee, launched the National Human Rights Forum series in 2009 to institutionalize such engagements and provide venues for dialogue and discourse that can complement multi-stakeholder human rights initiatives.

87. From 2009 to 2011, National Human Right Forums discussed critical human rights issues, such as the ratification of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment in March 2009; review of cases of some 30 alleged political detainees in April 2009; enforced disappearances and the anti-disappearance bill in May 2009; enhancing the rights of migrant workers in July 2009; children in armed conflict in August 2009; national human rights action plan in December 2009; human rights and IHL in March 2009; promotion and protection of the rights of persons with disabilities in April 2009; informal settlers in September 2009; advancing people's right to health in March 2010; claiming and defending women's rights in December 2011; and rights of lesbians, gays, bisexuals and transgenders, also in December 2011.

## V. Challenges and priorities

88. The Philippine Government recognizes that its efforts to advance human rights promotion and protection must continually evolve into more progressive actions.

89. Effective linking of human rights and development – Further mainstreaming of human rights in the public sector should re-affirm the public service ethos of the agencies of government, and enrich the normative content, processes, outputs, and outcomes of their public service delivery.

90. Popularization of economic, social, and cultural rights – Cognizant that economic, social and cultural rights have profound and wide-ranging impact on the lives and welfare of individuals and communities, the Philippine Government shall seek to enhance the policy and legal framework that will underpin the application of these rights, and use public discourse to cultivate a popular appreciation of these rights.

91. Accentuating the role of the private sector in promoting human rights – Public discourse on human rights has over-emphasized the nature and the extent of the involvement of only two dominant organizing forces in society – the public sector and civil society. The challenge is to fully engage the private sector as partner in promoting human rights – especially with respect to the affirmation and enforcement of the whole array of economic, social and cultural rights.

92. Providing support to the Commission on Human Rights for, but not the limited to, the following initiatives:

- a) Institutional strengthening of the Commission on Human Rights, especially in broadening its mandate to include monitoring of economic, social and cultural rights;
- b) Internal displacements;
- c) Compensation of the Martial Law victims;
- d) Accountability/culpability of non-state actors for human rights violations.

93. More focused attention to resolution of human rights cases – The Philippine Government is dealing decisively with urgent human rights cases, re-affirming the earnest observance of the rule of law, due process, and due diligence, and demonstrating sufficient political will to resolve and put closure to said cases, which are widely regarded by critics and observers as emblematic of the alleged culture of impunity that mar the political landscape and perpetuate violations of the civil and political rights of particular classes of people.

### Notes

<sup>1</sup> The following organizations were among those represented at the various consultations held during preparations for the National Report: Philippine Alliance of Human Rights Advocates, Task Force Detainees of the Philippines, Amnesty International, Families of Victims of Involuntary Disappearance, Mindanao People's Caucus, ESCR-Asia, Philippine Coalition for the International Criminal Court, Balay Rehabilitation Center, Human Rights for All Movement, Medical Action Group, Peoples Advocacy for Collaboration and Empowerment Inc., Sulong CARHRIHL, Philippine Airlines Labor and Employees Association-Youth, Akbayan Youth, Youth for Social Action, students from the University of the Philippines, University of Santo Tomas, University of the East-College of Law, Far Eastern University-College of Law, De La Salle University-College of Saint Benilde, Miriam College, Polytechnic University of the Philippines, Philippine Women's University, Philippine Normal University, Pamantasan ng Lungsod ng Maynila, National Defense College of the

Philippines, Philippine Public Safety College.

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