

## ADVANCE QUESTIONS TO PHILIPPINES

### **CANADA**

- The ongoing extra-judicial killings in the Philippines is a key concern as it spans a range of human rights abuses and creates an apparent culture of impunity.
- What measures is the government taking to improve the protection of witnesses (highlighted in both Alston Report and EU Needs Assessment Mission) and the conviction of perpetrators?

### **FINLAND**

- We acknowledge that the Government of the Philippines has made commitments to protect children from violence, including by adopting, in 2004, the Anti-Violence against Women and Their Children Act (Republic Act No. 9262) which defines violence against women and their children, providing for protective measures for victims and penalties for the perpetrators of such violence<sup>1</sup>, and by setting in place the Inter-agency Council on Violence Against Women and Children (IAC-VAWC)<sup>2</sup>.
- With regard to the United Nations study on violence against children<sup>3</sup>, which states that "no violence against children is justifiable; all violence against children is preventable", we would appreciate to receive further information on legislative, administrative and other measures taken to implement the Study's overarching and setting-specific recommendations. In particular, we would greatly appreciate if the Government of the Philippines could share with us good practices to prevent and respond to violence against children<sup>4</sup>.

### **FRANCE**

- Les Philippines envisagent-elles de signer la Convention internationale pour la protection de toutes les personnes contre les disparitions forcées ? A quelles difficultés seraient confrontées les Philippines pour signer et ratifier cette Convention ?
- Les cas de disparitions forcées et les cas d'exécutions extrajudiciaires, dont sont principalement victimes des journalistes et des défenseurs des droits de l'Homme, sont évalués entre 200 et 1000 depuis 2001. Si l'on peut noter une baisse notable du nombre de nouveaux cas depuis quelques mois, le nombre des affaires résolues

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<sup>1</sup> Concluding observations adopted by the Committee on Rights of the Child (CRC/C/15/Add.259) in 2005 and concluding comments adopted by the Committee on the Elimination of Discrimination against Women (CEDAW/C/PHI/CO/6) in 2006. Furthermore, the national report for the universal periodic review submitted by the Government of the Philippines, paragraphs 16, 74 and 144.

<sup>2</sup> The national report for the universal periodic review submitted by the Government of the Philippines, paragraph 66.

<sup>3</sup> Report of the independent expert for the United Nations study on violence against children (A/61/299).

<sup>4</sup> Report (which provides information on the dissemination of the United Nations study on violence against children and on progress made in the initial phase of follow-up to the study) of the independent expert for the United Nations study on violence against children (A/62/209, see footnotes 15, 27 and 63).

reste faible. Au regard de l'engagement n°19 des Philippines pris dans le cadre de sa candidature pour l'élection au Conseil des droits de l'Homme, quel suivi le Gouvernement des Philippines a-t-il apporté ou entend-il apporter aux recommandations de la Commission Melo (qui a présenté son rapport à la Présidente Arroyo en 2007) et à celles du Rapporteur spécial sur les exécutions sommaires ou extrajudiciaires ?

- Le gouvernement peut-il confirmer le nombre d'enfants qui se trouveraient engagés dans des mouvements armés (principalement la NPA et le MILF), évalué à environ 1500 ? Quelles sont les mesures prises par le Gouvernement pour prévenir le recrutement et favoriser la réhabilitation des enfants qui ont été enrôlés ? Quels sont les résultats des programmes de réinsertion mis en place depuis 2001 ?
- La mise en place de la Commission des droits de l'Homme des Philippines et son accréditation par le Comité international de coordination des institutions nationales montre l'engagement des autorités en faveur de la protection des droits de l'Homme. Cependant il a été souligné (notamment par le Comité des droits de l'Enfant) que la Commission manquait de ressources. Le Gouvernement envisage-t-il de renforcer les moyens de la Commission ?
- Malgré des efforts pour améliorer le cadre législatif pour lutter contre la traite des êtres humains, en particulier des femmes et des enfants, les victimes, selon certains organes des traités, feraient face à des difficultés pour demander justice et obtenir réparation. Comme les autorités s'engagent effectivement contre cette situation et quels moyens financiers y consacrent-elles ?
- Une loi de protection (Writ of Amparo) a été promulguée aux Philippines. Un engagement important du Gouvernement concerne le renforcement du programme de protection des témoins. Quelles mesures le Gouvernement des Philippines a-t-il prises ou entend-il prendre pour mettre en œuvre ce renforcement ?

## **IRELAND**

- What measures have been taken to ensure full enjoyment of the freedoms of expression, assembly and association, with particular regard to the right to protest?
- What measures have been taken to promote the role of human rights defenders, through education and inclusion in decision-making, in particular amongst national authorities, law enforcement officials and security officers?
- What measures have been put in place to support the work of human rights defenders?

## **ITALY**

- We have noted in your national report that the Government of the Philippines will work towards the adoption of legislation concerning important aspects of the rights of the child. Minimum age of sexual consent; child pornography; corporal punishment and other forms of violence at home, school and within society; and

foster care and legitimization of children born from underage parents. Could you provide more information on the above initiatives, in particular about the adoption of legislation concerning corporal punishment and other forms of violence?

- Could you provide more information on what measures have been taken so far to address the problem of minors in detention, particularly in relation to the risk of physical and sexual abuses, to the separation of adults from children in detention centers and to educational activities within detention centers?

## **NETHERLANDS**

- In its report (para 133/139), the government is very positive on the developments regarding torture. Could you indicate which steps the government has taken and will take?
- Could the delegation elaborate on the policy regarding bringing an end to extrajudicial killings?
- Defamation is still a criminal offence punishable by imprisonment, even though the government mentions a possibility to decriminalize libel (para 125/126). Are there any plans to decriminalise libel?
- The CRC recommended in 2005 that the State strengthen its efforts to implement the Indigenous Peoples Rights Act (IPRA). Has this recommendation been implemented?
- In 2006, CEDAW urged the State to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services. The Government's report (para 77/78) does not indicate the extent to which CEDAW's request has been given follow-up. Could you brief the committee on this issue?

## **PORTUGAL**

- The Government of the Philippines has been struggling to end extrajudicial killings, and we welcome its collaboration with the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. The Government of the Philippines has been working on enhancing the prosecutions effort, fighting impunity and promoting a rights-based approach in the criminal justice. The judicial system is also working towards this goal; Could the delegation of Philippines elaborate further on the implementation of the Rule on the writ of Amparo and the Rule on the writ of Habeas Data issued by the Supreme Court, and on the concrete results of both rules?

## **ROMANIA**

We congratulate the Government of Philippines for the measures taken in combating the extrajudicial killings and enforced disappearances, in particular through establishing the independent Melo Commission in 2006, and for making these issues a priority of the Philippines Government.

We would like to ask the Philippines delegation if it could elaborate on the following issues:

- the independence of Justice;
- the protection of the freedom of expression and of the press;
- measures taken by the Government to prevent arbitrary arrests and detentions in the context of fighting terrorism, in particular to provisions contained in the Human Security Act.

We commend the Philippines authorities for involving civil society in the process of elaborating the National Report for the UPR.

- We would like to ask about the intentions of the Philippines` Government on the follow up and implementation of the outcome of the review; does the Philippines Government intend to meet the Human Rights stakeholders after the review, in view of debriefing and discussing ways of implementation the outcome of the review?

## **SWEDEN**

- The government of the Philippines has acknowledged the occurrence of a number of extrajudicial killings by agents of the state in the past several years. In his report from his visit to the Philippines in February 2007, the Special Rapporteur on extrajudicial, summary or arbitrary executions issued several recommendations toward the elimination of the practice. In its national report to the 2008 Universal Periodic Review, the government of Philippines described some of the measures it is taking with regard to the problem, including the creation of a special group of prosecutors from the Department of Justice and recommendations from the President on legislation on improved witness protection and harsher penalties for political killings. Could the government of the Philippines elaborate on the effect that these and other measures are having toward the elimination of extra-judicial killings?
- The constitution of the Philippines guarantees the freedom of expression. Civil society organizations have expressed concern, however, that a number of defamation charges brought by representatives of state bodies against journalists in the past several years have been employed to curb critical press coverage. What measures is the government of the Philippines taking to ensure that actions are not taken by agents of public authorities in contradiction of the purpose and principle of the freedom of expression?

## **UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

- Could you elaborate further please on the role civil society in the Philippines played in the preparation of your national report for this process?
- Your national report highlights the intention to strengthen institutional mechanisms, through the PHRC, to ensure that the Philippines complies fully with its reporting obligations to the UN Treaty bodies. This is a very welcome initiative. Could you elaborate on this please. Are any specific measures being considered?

- While encouraging, the anti-corruption measures referred to in your national report do not yet seem to be having an impact on perceptions regarding the widespread nature of corruption in the Philippines. What measures is the government taking to ensure that senior figures, as well as low ranking officials, are brought to justice?
- Could you elaborate further please on the existence of a national human rights institution in the Philippines, and if it operates in full compliance with the Paris Principles?

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