



SUBMISSION OF THE COMMISSION ON HUMAN RIGHTS OF THE PHILIPPINES ON THE OCCASION OF THE FOURTH CYCLE UNIVERSAL PERIODIC REVIEW ON THE PHILIPPINES

31 MARCH 2022

I. Introduction

1. The Commission on Human Rights of the Philippines (hereinafter the “Commission/CHRP”)¹ submits its inputs for the 4th Cycle Universal Periodic Review (UPR) on the Philippines², as the State under Review (SuR). The Commission issued advisories to the government on the implementation of the 3rd Cycle UPR recommendations in [2018](#) and in [2020](#) respectively, with the latter as a midterm assessment of the government’s progress on the recommendations it has fully accepted.³

II. Implementation of UPR Recommendations

2. Approximately 12% of the 257 recommendations given to the Philippines have been fully implemented,⁴ 12% partially implemented with some progress, and 21% technically implemented; 2% not implemented; and 53% not supported in the last four years.⁵

¹ As the National Human Rights Institution (NHRI) of the Philippines, the Commission on Human Rights has the mandate vested by the 1987 Philippine Constitution and the Paris Principles to promote and protect the full range of human rights including civil and political rights, and economic, social and cultural rights. It has the responsibility to regularly report and monitor human rights situations and violations, and recommend steps in advancing the realization of human rights and dignity of all. The Commission has “A”-status accreditation from the Sub-Committee for Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI).

² This submission covers the years 2016 to 2022 1stQ and is based on the Commission’s own documentation of independent monitoring activities, investigation and inquiry reports, statements and consultations. It takes into consideration local and international reports from government, civil society, the media, and international non-governmental organizations.

³ Owing to the page limit, the Commission has selected for this submission the most pressing human rights concerns that we deem necessary to be highlighted by the Recommending States. The human rights advisories are provided in the Annexes as well as the reports of the Commission on thematic human rights concerns which should be read in conjunction with this main submission.

⁴ [A table listing the implementation status of the 257 recommendations made to the Philippines in the third UPR is included at Annex A. The table indicates which recommendations have been fully implemented; partially implemented with some progress; technically implemented; not implemented; and not supported at the time of the UPR.](#)

⁵ The implementation matrix, with explanatory commentary on why the Commission has ranked each recommendation as such is **ATTACHED** to this submission.

3. The Commission reiterates the importance of setting a human rights agenda through a National Human Rights Action Plan. Despite previously pledging to support several recommendations specific to the NHRAP,⁶ the Commission's apparent exclusion from activities since 2017 runs counter to the objective of strengthening the government's human rights commitments. **Consider extending a standing invitation to engage CHRP in all human rights-centered initiatives including the NHRAP process and implementation.**⁷

III. Constitutional and legislative framework

4. The Commission regrets the withdrawal of the Philippines from the Rome Statute of the International Criminal Court. The Convention for the Protection of All Persons from Enforced Disappearance⁸ and the communications protocols under ICESCR, CRC, and CRPD have not been ratified.⁹ **We recommend to ratify all human rights instruments pending and urge the State to rejoin the Rome Statute to demonstrate willingness to address persisting impunity for human rights violations.**
5. Despite ratifying the OP-CAT in 2012, there is still no law¹⁰ establishing a National Preventive Mechanism (NPM).¹¹ **We recommend fulfilment of the OPCAT to establish the NPM through legislation without further delay.**
6. **We welcome the passage of landmark human rights laws.¹² However, considering the rise in attacks against human rights defenders, we recommend the enactment of the HRD bill with dispatch.**^{13,14}
7. **Absence of a Charter casts doubt on the government's commitment to ensuring the Commission's independence and fiscal autonomy as required by the Constitution and the Paris Principles. We urge the enactment of the Commission's Charter Bill to include the establishment of a Human Rights Institute.**¹⁵
8. CHRP cannot overemphasize the Philippines' commitment to various international human rights instruments that prohibit the reintroduction of the death penalty in the Philippines. **Attempts to reintroduce death penalty must cease. We urge government to work with CHRP and civil society to seek humane and effective**

⁶ UPR third cycle Recommendation Nos. 133.34-133.41.

⁷ According to the letter from PHRC dated 23 March, CHR was involved in the conduct of the midterm assessment of the PHRP-3 via a series of *ugnayang bayan* online sessions

⁸ UPR third cycle Recommendation Nos. 133.2-133.5.

⁹ UPR third cycle Recommendation Nos. 133.5-133.8, 133.24.

¹⁰ UPR second cycle Recommendation Nos. 129.1 (A/HRC/21/12 - Para. 129), and 131.13 (A/HRC/21/12 - Para. 131 and A/HRC/21/12/Add.1 - Para. 3(d) - Para. 620; Treaty Body Concluding Observations (CAT and CESCR, 2016); UPR third cycle Recommendation Nos. 133.27-133.28, 133.33.; See: Commission on Human Rights, "[Position Paper on National Preventive Mechanism \(NPM\) Act](#)", 07 Jul. 2021.; [Para. 25, CHRP Submission to the 3rd UPR cycle \(2017\)](#).

¹¹ As such, the Commission has adopted a resolution designating itself as the country's NPM to fill the gap while the proposed law is still languishing in Congress since the last cycle. See: [Para. 25, CHRP Submission to the 3rd UPR cycle \(2017\)](#).

¹² Through consultations and review of our legislative agenda, the following have been enacted, see ANNEX A.

¹³ UPR third cycle Recommendation Nos. 133.173-174, 176-133.178, 182.; HB 10576 was adopted on January 17, 2022; its Senate (SB 179) counterpart is still pending with the Senate Committee on Justice and Human Rights. A follow-up letter was sent to the Committee on February 02, 2022.

¹⁴ [CHR Report on the Situation of Human Rights Defenders in the Philippines, 2020](#).

¹⁵ Despite UPR second cycle Recommendation Nos. 129.1 (A/HRC/21/12 - Para. 129), and 131.13 (A/HRC/21/12 - Para. 131 and A/HRC/21/12/Add.1 - Para. 3(d) - Para. 620; Treaty Body Concluding Observations (CAT and CESCR, 2016). It is currently the 18th congress.

measures to address criminality in the country.¹⁶

9. The Commission welcomed the Supreme Court decision to declare parts of the Anti-Terrorism Law as unconstitutional.¹⁷ However, provisions on warrantless arrest, extended detention without formal charge, potential invasions of privacy owing to surveillance, and lack of meaningful safeguards for erroneous law enforcement remain. **Ensure that counter-terrorism measures respect fundamental freedoms and are not weaponized against legitimate dissenters and human rights activists to help address the shrinking civic space in the country. Engage civil society and the CHR to ensure the HRBA to Counter-Terrorism is pursued and implemented on the ground through the UN Joint Action Programme (UNJP).**
10. Since the creation of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) by virtue of EO70¹⁸, “red-tagging” of and disinformation about activists, HRDs, and CSOs including members of indigenous peoples’ communities have become more systematic, resulting in increased threats, harassment, and targeted killings. The Commission in its Inquiry found that human rights defenders are greatly at risk due to inimical acts, practices, and omissions that threaten their life, liberty, and security.¹⁹ CHR has also been subjected to various forms of threats and harassment for its staunch criticism of the drug war and its members have been the target of attacks from high public officials.²⁰ **Government must address this practice and pursue disciplinary action against erring officials. The NTF-ELCAC should rescind its statements and refrain from making any additional damaging statements concerning HRDs.**

IV. Human rights in the Philippine context

CHRP

11. The House of Representatives voted to slash the Commission’s 2018 budget to only Php 1,000 (\$20) for its alleged ‘*unfair [treatment] in the delivery of services in the context of the drug war*’ and ‘*failure to perform*’ its mandate and for “defending criminal rights”.²¹ The backlash against the lawmakers forced a reversal of the decision, and the was restored.²² Recently, the CHR’s special provision in the 2022 General Appropriations for the Human Rights Institute was vetoed. While technicalities in law making can justify the veto, we note that the approved budget for the NTF-ELCAC for 2022 is 1756.36%

¹⁶ See the following Advisories on the death penalty: [The Political Economy of the Death Penalty: GSP+ and Implications in the Philippines – CHR \(V\) A2021-007](#); [Deterrence and the Death Penalty – CHR \(V\) A2021-003](#); [Effect of the Reimposition of the Death Penalty on the Philippines’ Extradition Treaties \(CHR A 2019-007\)](#).

¹⁷ Particularly the broad definition of terrorism and the second mode of designating individuals, groups, organizations, or associations as terrorist, one who finances terrorism, or as a terrorist organization or group

¹⁸ [Executive Order No. 70, s. 2018: Institutionalizing the Whole-of-Nation Approach in Attaining Inclusive and Sustainable Peace, Creating the National Task Force to End Local Communist Armed Conflict \(NTF-ELCAC\), and Directing the Adoption of a National Peace Framework.](#)

¹⁹ It has also given rise to a government-led hate campaign and the painting of HRDs as coddlers of criminals, or even criminals themselves. This not only discredits legitimate human rights issues but also fosters a dangerous environment where people are encouraged to target and treat HRDs as destabilizers and enemies of the government.

²⁰ [Facebook post of the Southern Luzon Command, AFP: “Response on the Statement made by CHR Commissioner Karen Dumpit Against the UNHRC”, 12 Oct 2020.](#)

²¹ Mogato, Manuel. [“Philippine Congress Backs Annual Budget of Just \\$20 For Agency Probing Drugs War”](#). *Reuters*, 2017.

²² The Commission’s 2018 budget of PhP 693 million was approved by the Senate. Despite an increase of PhP 156 million, the amount was still insufficient to meet the Commission’s needs, given its workload and the ongoing perpetration of suspected extrajudicial murders.

greater than that of CHRP despite complaints on its unabated activities that pose grave threat to human rights defenders.²³

EJK

12. CHRP continues to experience difficulties in investigation being prevented from obtaining copies of police records.²⁴ Notably, most of the cases handled by the Commission since 2016 are *motu proprio*²⁵, as witnesses are in fear of retaliation from perpetrators.²⁶ Continued incitement to kill persons suspected of using or selling drugs coming from the highest levels of the government invalidates any efforts towards strengthening national mechanisms for accountability.²⁷ Such incitement has predisposed police to use 'shortcuts'²⁸ by promising them protection from litigation, reward system, and forced quotas. The release of DOJ's investigation into 52 drug-related deaths and the recent 251 cases is a positive development.²⁹ 42 of the 52 cases and 57 of the 251 cases are logged with CHRP and investigations are ongoing. Had the sharing of information been undertaken at the onset, cases would have been investigated with less difficulty. **We strongly urge the government to abide by the ruling of the Supreme Court in the petitions questioning the constitutionality of the drug war to share information to the petitioners.³⁰ Guarantee results on the ground that should be felt by victims and their families consistent with commitments made before the Human Rights Council.^{31,32}**

13. The drug problem in the Philippines has been primarily viewed as an issue of criminality and lawlessness, centered on punitive measures and lead agencies are *"unable to distinguish the drug users from pushers"*,³³ the Commission reiterates the **pursuance of the HRBA to drugs control under the UNJP.**³⁴

Shrinking civic space

²³ The approved budgets for 2022 are as follows: PHP 921,156,000 for CHR and PHP 17,100,000,000 for NTF-ELCAC.

²⁴ including, but not limited to, police blotter, progress reports, investigation reports, and forensic reports, as evidenced by various memorandums issued by the Philippine National Police, and by virtue of the Presidential Order "not to share files with the (Commission).

²⁵ *Motu proprio* investigations are initiatives of the Commission pursued even without formal complainants.

²⁶ See: Commission on Human Rights, [Report on Investigations Related to the Anti-Illegal Drug Campaign \(Analysis on Regions NCR, III, and IV-A\)](#). September 2021.

²⁷ President Duterte's verbal orders are interpreted as immediate and official policies that are carried out by executive branch agencies and local government units without due process, in violation of the Constitution. The President's orders resulted in a lack of sound and evidence-based measures to adequately inform the public about the implementation of such orders, as well as reprisal against those who express disagreement with government policy and practice. The verbal orders are a usurpation of Congress's legislative authority, as well as a violation of the Bill of Rights' guarantees of due process and the right to be presumed innocent, among other things.

²⁸ i.e., Quick to pull the trigger.

²⁹ This is the first time the DOJ has disclosed information since investigations started in February 2020.

³⁰ Buan, Lian. ["In Battle for Civil Liberties, Supreme Court Is Needed Now More than Ever."](#) *RAPPLER*, 27 Aug. 2020.

³¹ [Statement and Concluding Remarks of Hon. Menardo I. Guevarra, Secretary of Justice at the Enhanced Interactive Dialogue on the Philippines 44th Human Rights Council Session in Geneva](#), 30 Jun 2020.

³² See: **Bloody Sunday**: [Statement of CHR welcoming the DOJ's preliminary investigation on the Batangas couple killed on 'Bloody Sunday' raids](#). 02 Mar 2022; **Killing of Spanish national**: [Statement of CHR on the killing of Spanish surfer and businessman Diego Bello Lafuente during an alleged police drug operation in Siargao](#). 10 Jan 2020; [Statement on the DOJ's filing of charges of murder and planting of evidence against cops on the death of Spanish national in Siargao](#). 08 Mar 2022.

³³ PDEA and PNP, ICAD Conference, 08 November 2019. See: [ICAD, Co-Chairperson's Report, 2019](#).

³⁴ [Advisory on the accepted and noted recommendations by the Philippines during the third cycle of the Universal Periodic Review \(A2018-011\)](#).

14. CHR's *Inquiry*³⁵ on HRDs reported on the pattern of violence enabled by the weaponization of laws against dissidents which occurs within an overall climate of impunity. Reprisals and killings have extended to journalists and media workers, HRDs, and critics to the policies of the administration.³⁶ The continued incarceration of Senator Leila De Lima³⁷ as well as the arrest and detention of Women HRDs Sally Ujano,³⁸ Dr. Naty Castro,³⁹ and Maria Ressa are emblematic⁴⁰ cases such as those against Rappler and the denial of ABS-CBN's franchise all contribute to the shrinking civic space in the country. Acts of intimidation against diplomatic actors, donor organizations and international organizations supportive of human rights advocacy initiatives in the Philippines are also reported.⁴¹

Covid-19

15. The punitive response to COVID-19 has exacerbated existing inequalities, affecting persons and groups already facing multiple and intersecting forms of discrimination.⁴² CHR has issued COVID-19 advisories to remind the State of its obligations.⁴⁵ Covid has severely affected Older Persons and policies have negatively impacted on rights because of movement restrictions and blanket prohibitions.⁴⁶ The rights of older persons will always be at risk of being violated if vulnerabilities are not recognized and addressed. While the National Commission of Senior Citizens (NCSC) was created to *"formulate policies for the promotion and protection of senior citizens' rights"*, **the NCSC needs support to function effectively by expediting its full operationalization including clarifying its relationship with other governmental bodies/mechanisms. Implement the HRBA to address the COVID-19 Pandemic to focus on specific vulnerabilities and differentiated needs of children, women, persons with disabilities, persons deprived of liberty, indigenous peoples, internally displaced persons, older persons, medical and other frontline workers, migrant workers, and other groups.**

³⁵ See: [Report on the Situation of Human Rights Defenders in the Philippines, 2020.](#)

³⁶ [Executive Order No. 70, Series of 2018 \(EO 70\) - "Institutionalizing the Whole-of-Nation Approach in Attaining Inclusive and Sustainable Peace, Creating a National Task Force to End Local Communist Armed Conflict, and Directing the Adoption of a National Peace Framework"](#). During the 2019 Inquiry on the situation of human rights defenders in the Philippines initiated by the CHR, National Security Council attorney Rey Ola-a claimed that EO70 is, in fact, "a system of good governance." While EO70 does seek to prioritize the provision of vital services in conflict-affected areas, promote social inclusion, and ensure the active participation of all sectors of society in building inclusive and sustainable peace, it is also a double-edged sword used by governments to justify targeting, oppressing, vilifying, and flagging progressive organizations.

See: [CHR Report on the Situation of Human Rights Defenders in the Philippines, 2020.](#)

³⁷ [Statement on Senator Leila de Lima's 4th year in detention](#), 21 Feb 2021.

³⁸ [Statement of CHR Commissioner Karen Gomez-Dumpit, Focal Commissioner on Women's Rights, on the arrest of Maria Salome "Sally" Crisostomo-Ujano](#), 16 Nov 2021.;

³⁹ [Statement on the arrest of health worker Dr. Natividad 'Naty' Castro](#), 21 Feb 2022.

⁴⁰ [Statement on the arrest of Rappler CEO Maria Ressa](#), 14 Feb 2019.; [Statement on the court's guilty verdict on the cyber libel case against Maria Ressa](#), 17 Jun 2020.

⁴¹ <https://www.bbc.com/news/world-asia-41600434>

⁴² In the context of community quarantine rules, the Commission received reports of Excessive exposure to sunlight and confinement in dog kennels are among the alleged punishments for breaking quarantine regulations. LGBTQ members were sometimes forced to do humiliating activities as punishment. Allegations of unjust punishment of high-ranking officials and ordinary residents who violated quarantine have also surfaced, abuse of authority against children who reportedly violated curfew ordinances, such as children being arrested, confined in dog cages, locked in a coffin, paraded in the streets and forced to sit for hours under the heat of the sun as punishment for curfew violation. These incidents show blatant disregard by the law enforcers on the protocol on handling Children At Risk (CAR) and Children in Conflict with the Law (CICL) as provided under the Juvenile and Justice Welfare Act.

⁴³ See: Commission on Human Rights, [Terminal Report on "Gender-Based Violence Observatory Project"](#). 14 Apr 2019.

⁴⁴ See: [CHR GBV Online Portal](#).

⁴⁵ See: [COVID-19 Advisories](#).

⁴⁶ See: Commission on Human Rights, [Advisory on the Human Rights of Older Filipinos amid the Coronavirus Disease](#). 14 Apr. 2020.

V. Civil and political rights

Torture and CIDT

16. There has only been one conviction at the regional trial court level since the Anti-Torture Act's passage in 2009⁴⁷. The secret detention cell discovered by CHR in the Raxabago Manila Police District Station was dismissed by the Ombudsman after 4 years from filing.⁴⁸ A Petition for Certiorari is submitted before the Supreme Court alleging grave abuse of discretion committed by the Office of the Ombudsman in the dismissal of the criminal complaint despite existence of probable cause. The pre-existing overcrowding problems in detention facilities in the country have been further compounded by arrests from drug operations. It is reported that many arrests result in dismissal of cases for lack of evidence, infirmities in arrests making pretrial detention as serious human rights concern. Severe overcrowding and the conditions it create has led to heightened health and sanitation problems and increased jail violence.⁴⁹ CHRP recorded 197 complaints of torture from January 2016 to September 2019. Whilst the State has accepted the report of the UN Sub-Committee on the Prevention of Torture's June 2015 visit, it still has not made its findings public.⁵⁰ **Disclose findings from the 2015 SPT visit as they are crucial in resolving management shortcomings in detention facilities that violate international human rights principles. We urge the full implementation of the Mandela Rules. Government is urged to address the severe overcrowding in detention facilities, add value to current capacity building programs for successful prosecution of erring officials. These measures include installation of equipment and other tools for monitoring search and arrest operations and places of detention. Government must pursue accountability for incidences that involve lapses in the application of rules of procedures and reports of torture and other cruel, inhuman, degrading treatment. These must be pursued, closely monitored, and publicly reported.**
17. Lack of clarity and the problematic implementation in the application of good conduct time allowance (GCTA) has led to the forced surrender of those granted early release (some of whom have died in detention), conditional pardon or other form of executive clemency, despite vested rights.⁵¹ **Proper implementation of RA 10592 or the laws on good conduct time allowance, on time allowance for studying, teaching and mentoring, and on special time allowance for loyalty must be ensured, and respect the rights of the detainees and prisoners to the rights to liberty, to the speedy disposition of their cases, to speedy trial and to competent counsel. Inform how GCTA cases are assessed and the status of the cases of former offenders forced to surrender.⁵² Families and victims of those offenders released under GCTA should also be given proper notice about these cases. Cases on the anomalies surrounding GCTA application should be pursued.**

⁴⁷ Mateo, Janvic. [“Pampanga Cop Gets 2 Years for Torture.”](#) *Philstar.com*, Philstar.com, 2 Apr. 2016.

⁴⁸ Buan, Lian. [“Ombudsman Clears Manila Policemen behind Dingy ‘Secret Cell.’”](#) *RAPPLER*, 26 Apr. 2021.

⁴⁹ See: [Advisory on Protecting the rights of persons deprived of liberty \(PDLs\) during the COVID-19 crisis and early release of older persons, low risk inmates and persons with chronic medical condition or bailable offenses](#), 11 May 2020.; [“Gang Riot in Overcrowded Prison in the Philippines Turns Deadly.”](#) *Al Jazeera*, 30 Sept. 2019.

⁵⁰ UPR third cycle Recommendation No. 133.18 (A/HRC/36/12/Add.1).

⁵¹ See: [Statement of CHR spokesperson, Atty Jacqueline Ann de Guia, on the application of the good conduct time allowance to persons deprived of liberty](#), 24 Aug. 2019.; Lian Buan, Rambo Talabong & Jodesz Gavilan, [Bilibid returnees die in Duterte administration blunders](#), *RAPPLER*, 14 December 2019; [4 NBP inmates die in 3 days](#), *THE PHILIPPINE STAR*, 17 November 2019.

⁵² Considering good conduct allowances cannot be revoked once granted.

ESCR

18. The Commission launched a National Inquiry on Climate Change (NICC) to investigate and evaluate the impact of climate change on the Filipino people's human rights. Following a nearly three-year inquiry, the Commission concluded that certain firms contributed significantly to anthropogenic climate change and may be held legally accountable for its consequences.⁵³

IDP

19. Thousands of individuals displaced by Typhoon Haiyan and the Zamboanga Siege in 2013 had yet to achieve durable solutions, while many IDPs affected by the Marawi Crisis in 2017 continued to stay in dilapidated transitory shelters, without any definite information of their resettlement. **Improve the timely and urgent implementation of programs that will address housing, land, and property concerns that are fully compliant with the minimum human rights standards.**
20. There are intensified efforts to implement the Reproductive Health Law. However, Reproductive Health Education and Information to be fully supported and implemented. **Ensure that existing barriers to access of RH services for women and girls especially those with disabilities are addressed. Support the capacity, safety, and job security of service providers on the ground particularly barangay health workers. Intensify efforts to educate the public on Reproductive health rights with focus on information needs and service delivery to priority target audiences.**

Women

21. Other landmark legislation has been enacted to ensure gender equality and protection of women and LGBTQIA+ rights. These include the Safe Spaces Act,⁵⁴ An Act Increasing the Age of Sexual Consent to 16 years old,⁵⁵ and An Act Prohibiting the Practice of Child Marriage⁵⁶. Although passage of said laws are a positive development, government must **ensure their full implementation especially the anti-child marriage act considering existing cultural practices, persisting beliefs and long-standing traditions.**
22. Women Human Rights Defenders (WHRDs) continue to confront gendered and misogynistic attacks in both offline and online spaces. The attacks are often responses to WHRDs' active opposition to government policies and calls for accountability. **Misogyny perpetrated by authorities must be stopped and**

⁵³ See: [NICC Resources](#)

⁵⁴ The law protects people from sexual harassment in public spaces, both physical and online. The law is closely related to the first Anti-Sexual Harassment Act (RA 7877) of 1995, but the latter expands its definition of sexual harassment to cover catcalling, whistling, and misogynistic and homophobic slurs, and other unwanted forms of sexual harassment in public places such as workplaces, schools, streets and alleys, recreational spaces, and online spaces. # Unlike RA 7877 where only persons in authority can be charged as offenders, in RA 11313, anyone can be an offender. See: <https://www.officialgazette.gov.ph/2019/04/17/republic-act-no-11313/>

⁵⁵ [Republic Act No. 11648 or an Act Providing for Stronger Protection Against Rape and Sexual Exploitation and Abuse, Increasing the Age for Determining the Commission of Statutory Rape, Amending for the Purpose Act No. 3815, As Amended, Otherwise Known as the "Revised Penal Code" Republic Act No. 8353, Also Known as the "Anti-Rape Law of 1997", and the Republic Act No 7610, As Amended, Otherwise Known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act.](#)

⁵⁶ Law Prohibiting child marriage - defines child marriage as "any marriage entered in to where one or both parties are children and solemnized in civil church proceedings, or in any recognized traditional, cultural or customary manner" See: <https://mirror.officialgazette.gov.ph/downloads/2021/12dec/20211210-RA-11596-RRD.pdf>

addressed through the pursuance of cases against erring public officials and other individuals.

23. The Commission has issued various human rights situation reports on women mandated under the Magna Carta of Women. These include Urban Poor women, Rural Women, Older Women and Women with Disabilities. **The Commission encourages continued partnership with government agencies including the Department of Interior and Local Government, Philippine Commission on Women, and others to respond positively to the recommendations contained in various CHRP Advisories and Reports.**⁵⁷

Children

24. Technology and the internet are also used to perpetrate and facilitate violence against minors, particularly girls. The abuse of children through OSAEC⁵⁸ has been exacerbated by the lack of employment opportunities of the parents, that will bring food and other needs of the families that fall victim to easy money of online exploitation of children. Several cases reported to the National Bureau of Investigation involve typical talking with exchange of nude photographs that ultimately led to blackmailing and extortion against child-victims.⁵⁹ **We urge government to address these nefarious practices and intensify efforts to pursue cases to ensure online and offline safety of vulnerable groups, especially children.**

Migration and Trafficking

25. The failure to present an effective defense is particularly concerning, given the culture of exploitation of OFWs in receiving nations, as previously highlighted in the Commission's Advisory on Overseas Filipino Workers on Death Row.⁶⁰ OFWs are vulnerable to being scapegoated for crimes due to their lack of rights and power, or they may have committed a crime in retribution or self-defense due to concerns about their safety. OFWs working in receiving countries that still use the death penalty face a disproportionate danger of being sentenced to death as a result of the lack of rights in a foreign system. **Push to ensure the non-punishment principle for victims of human trafficking, and work to ensure effective cooperation mechanisms at the national, regional, and international levels to identify and protect all victims of human trafficking. The Government should work more closely with receiving countries to recognize the disproportionate application of the death penalty against migrant workers and take measures to protect those working within its borders equally.**
26. The impacts of the pandemic have uncovered the gaps in the return and reintegration programs of the Philippines for OFWs and members of their families. Reliance on

⁵⁷ [Report on the CHR National Inquiry on the Reproductive Health and Rights of Women with Disabilities](#), 2021; [Initial Situationer of Urban Poor Women Focusing on Violence, Social Protection, and Housing](#) - January to February 2019. ; [An Initial Situationer of Older Women and Older Women in Detention](#), - February to March 2019.; [Situation Report on Social Realities Affecting Rural Women in the Philippines: Issues on Business and Human Rights, Reproductive and Care Work and Disaster and Crisis Situations](#), 2018;

[Situation Report on Monitoring of Economic, Social and Cultural Rights of Women with Disabilities](#), 2018.

⁵⁸ Online sexual abuse and exploitation of children. See: Commission on Human Rights. [Advisory on the Protection of children from online sexual abuse and exploitation during COVID-19 \(CHR V A2020-014\)](#).

⁵⁹ CHR-Region 2, Report on post inquiry monitoring activities. (25 July 2018); Commission on Human Rights, Regional inquiry on the situation on the rights of the child (Tuguegarao). (7-8 June 2018).

⁶⁰ See: [Advisory on OFWs on Death Row \(A2018-004\)](#); [Advisory on the Increased Vulnerability of Women Migrant Workers on Death Row \(A2021-005\)](#).

remittances and de facto labor policy on circular migration are being tested as thousands of OFWs return to the country because of loss of jobs, with little or no recourse in finding work back home. OFWs were repatriated with their wages not completely paid due to untimely termination of contracts, and they also have to face debts incurred for their migration abroad. **Ensure assistance and resolve complaints of repatriated OFWs, including compensation, wage nonpayment, and job loss.**⁶¹⁶² **Compensation funds must be established at the national level, including resources from the government, individual contributions, businesses, and philanthropic organizations. The new Department of OFWs should learn from the pandemic's effects on OFWs and their families to develop an informed and long-term post-pandemic program. Government programs should also be gender-responsive and inclusive, addressing the specific problems of women migrant workers, LGBTQIA+ OFWs, OFWs with disabilities and the social cost to families of OFWs left behind.**

Cooperation with the Human Rights Council and other Human Rights Mechanisms

27. The Commission acknowledges the steps taken by the Government to implement HRC Resolution 45/33, through the UN Joint Programme. However, we **urge the government to take time bound and tangible actions in response to the High Commissioner's findings and recommendations arising from the report on the human rights situation in the Philippines. All efforts should result in visible improvements of the situation on the ground that emanate from changes in policy and practice from the highest levels of public office. Open and safe spaces for discussion on the prevailing human rights situation at local levels, with the full participation of the Commission, HRDs and CSOs. We are with the human rights community in encouraging Government's full cooperation with the OHCHR in its monitoring of the human rights situation in the Philippines as well as cooperation with other mechanisms at international levels that will address and exact accountability for persisting human rights violations.**

⁶¹ Shelters in Philippine embassies have become places where domestic workers in distress have experienced abuse. A number of diplomatic officials have been found violating the rights of Filipino domestic workers.