

Recommendations & Pledges

PHILIPPINES

Second Review Session 13

Review in the Working Group: 29 May 2012
Adoption in the Plenary: 20 September 2012

Philippines' responses to recommendations (as of 11.08.2014):

| In the Report of the Working Group: | In the Addendum: | During the plenary: | Summary: |
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| 53 recs. accepted (8 of which were considered as having already been implemented or being in the process of implementation) and 35 pending | Out of the 35 pending, 9 were accepted ¹ and 28 were noted (-> pending) ² . | The recommendations noted will be "further studied" (-> pending) | Accepted: 62 Rejected: 0 No clear position: 0 Pending: 28 Total: 90 |

Paragraph headers are as in the Report of the Working Group, but the nature of responses to recommendations may have subsequently been changed.

List of recommendations contained in Section II of the Report of the Working Group A/HRC/21/12:

129. The recommendations formulated during the interactive dialogue and listed below enjoy the support of the Philippines:

¹ The delegation lists recommendation 131.20 as both accepted and noted. It might be an error as it does not mention 131.19. The latter is therefore considered as accepted and 131.20 is considered as noted.

² Two recommendations were split into two as one part was clearly accepted and the other part was clearly noted. The total number of recommendations is now 90.

A - 129.1. Further consolidate its national human rights infrastructure, including support to the Commission on Human Rights (Egypt); Continue to improve its capacity to uphold human rights, including by increasing the Commission on Human Rights' (CHR) fiscal autonomy and organizational capacity, as well as further efforts to prevent human rights violations by Armed Forces of the Philippines and Philippines National Police personnel (Australia); Continue the work to build-up the capacity in the area of human rights protection, including through strengthening the national human rights institution (Russian Federation); Intensify the efforts and measures to consolidate the state of law and its national mechanisms on human rights (Viet Nam);

A - 129.2. Continue human rights education and training programmes, including for security and law enforcement officials (Egypt); Pursue its efforts in promoting education and training in human rights, in particular for the capacity-building of law enforcement officials (Morocco); Guarantee that armed forces and police benefit from human rights training (France); Further capacity building, such as through human rights education targeting government authorities, particularly law enforcement agencies, and an effective implementation of a national oversight mechanism (Japan); Increase human rights training, awareness, and funding at all levels of the Armed Forces and National Police to ensure military and law enforcement officials protect human rights and thoroughly investigate allegations of violations (United States of America); Continue to promote the education and training in human rights of the law enforcement officials to increase the awareness about their role on the protection of fundamental rights of people, in particular the most vulnerable and marginalized groups (Venezuela, Bolivarian Republic of);

A - 129.3. Continue to work on the elaboration of the National Human Rights Action Plans (Palestine); Continue implementing the plans and programmes of the second Philippines Human Rights Plan 2012-2017 (Qatar);

A - 129.4. Continue to mainstream human rights in the public sector (Sri Lanka); Further mainstream human rights in all policies, programmes and activities of the Government (Viet Nam);

A - 129.5. Endorse a closer cooperation with national and international human rights institutions, and work for the full and effective participation of young people and youth-led organizations at all levels (from local to international) (Norway);

A - 129.6. Continue cooperating with the special procedures of the Human Rights Council on the basis of its national priorities (Belarus);

A - 129.7. Fully implement the Magna Carta of Women for promoting gender equality (Republic of Korea); Provide more resources to support the effective implementation of the Magna Carta of Women (Malaysia); Effective implementation of the Magna Carta of Women in all fields, inter alia, labour relations, access to justice and health care, including aspects of sexual and reproductive health; and sexual violence (Spain);

A - 129.8. Continue promoting the empowerment of women (Nicaragua); Continue its efforts to implement domestic policies to further promote gender equality and strengthen the protection of women against discrimination and violence (Singapore); Intensify efforts to fight violence against women by the public awareness-raising campaigns, by adequately resourcing the relevant initiatives and by training law enforcement personnel (Liechtenstein); Undertake concrete measures to further promote gender equality in employment, gender responsive approach in the judicial system and better maternal care (Thailand);

A - 129.9. Ensure free and effective birth registration for all children (Portugal);

A - 129.10. Maintain the momentum in actively pursuing efforts to further protect the rights of women and children, especially through the enactment of legislation (Brunei Darussalam); Continue to intensify its efforts in addressing all the remaining challenges of human rights, in particular, in the fields of promotion of economic growth, social protection and equity with special attention given to women's and children's rights through ongoing programs and plans of action (Cambodia);

A - 129.11. Intensify its efforts to protect the rights of other vulnerable groups, especially persons with disability, minorities and indigenous peoples so as to allow them equal access to social, educational, health and other services (Thailand); Continue its work in relation to the promotion of the protection of the rights of specific vulnerable groups in society such as senior citizens, the poor and those affected

by natural disasters (Trinidad and Tobago); Study the possibility to develop new measures so that programs to combat poverty include vulnerable people such as seniors and people with disabilities (Argentina);

A - 129.12. Further its efforts to effectively eliminate extrajudicial killings (Republic of Korea); Continue its efforts to tackle extrajudicial killings and enforced disappearance to strengthen the rule of law and respect for human rights (Singapore); Work towards the complete elimination of torture and extrajudicial killings, and intensify efforts to carry out the prosecution of such crimes (Holy See);

A - 129.13. Carry out impartial investigations into all allegations of enforced disappearances perpetrated by law enforcement officers (Germany); Conduct independent and impartial inquiry in relation to all enforced disappearances and extrajudicial executions and that the perpetrators of these crimes be brought to justice (France); Continue to work as a matter of urgency to ensure that there are mechanisms 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 (Trinidad and Tobago);

A - 129.14. Effectively fight against extrajudicial killings, including by non-State actors, by strengthening accountability mechanisms and implementing the necessary reforms (Germany); 1

A - 129.15. Eliminate completely extrajudicial executions, as promised in the previous UPR, in this way bringing to justice those responsible and intensify efforts to eradicate the use of torture and inhuman or degrading treatment from the armed and security forces of the State (Spain); End impunity for extrajudicial killings, enforced disappearances and torture, including those perpetrated by security forces, by undertaking thorough investigations and vigorous prosecutions of perpetrators (United States of America);

A - 129.16. Take further steps to combat extrajudicial killings and enforced disappearances, including by providing sufficient funding to the national police force and by ensuring that alleged perpetrators of extrajudicial killings are swiftly brought to justice (Sweden); Continue to reassess the necessity, and, where the need exists, consider devising programmes that incorporate the prohibition of extrajudicial killings and enforced disappearances for the Philippines Army and National Police; and establish the adequate safeguards and monitoring mechanisms to guarantee compliance (Timor-Leste); Ensure that the police and National Bureau of Investigation pursue serious rights violations allegedly committed by military and police personnel (United Kingdom of Great Britain and Northern Ireland);

A - 129.17. Continue its efforts to fully prohibit torture and eliminate all forms of other ill-treatment at every level (Republic of Korea); Continue to consolidate its national action aimed at prohibiting torture (Egypt);

A - 129.18. Prevent cases of torture in facilities of detention through the provision of legal safeguards for detainees and effective investigations into allegations of torture and the prosecution and sentencing of perpetrators (Austria);

A - 129.19. Reinforce its training programmes for all law enforcement personnel on the absolute prohibition of torture (Turkey);

A - 129.20. Effectively implement the Anti-Torture Act with a special focus on the responsibility of superior officers, access to medical services and the establishment of a sufficiently resourced rehabilitation programme for victims (Ireland); Carry out the necessary measures to implement fully the 2009 Act against Torture, making special emphasis in investigation and sanction of those responsible for each crime (Mexico); Effectively implement the 2009 Anti-Torture Act, with a particular focus on ensuring that all investigations and prosecutions of allegations of torture and ill-treatment fully cover the possibility of command responsibility as stipulated in section 13 of the Act (Denmark);

A - 129.21. Establish without delay a national mechanism to prevent torture, such as provided for by the OP-CAT (France); Start an open, transparent and inclusive consultation on the most appropriate National Preventive Mechanism (New Zealand); Prepare and implement an action plan for the establishment of an effective OPCAT-compliant National Preventive Mechanism, with access to the necessary resources for it to adequately fulfil its mandate (Denmark);

A - 129.22. Recognize victims of trafficking, often young people, as such and provide them with protection and assistance (Norway);

A - 129.23. Ensure the effective enforcement of domestic legislation and further strive to eradicate human trafficking through cooperation with the international community, including by accepting a visit by the Special Rapporteur (Japan);

A - 129.24. Extend the prohibition of corporal punishment to the home and the family (Portugal); Ensure compliance with the rights of children and women, in prohibiting in particular corporal punishment and in implementing a plan of action against domestic violence (France); Explicitly prohibit all corporal punishment when raising children, at home, at school, institutions, the penal system and in all other areas, in accordance with Article 19 of the Convention on the Rights of the Child (Uruguay); Carry out education and awareness raising campaigns to inform parents and other actors of non-violent methods of disciplining and educating children (and the right of children to protection) (Uruguay); Intensify its awareness-raising campaign on the harmful effect of corporal punishment and on the use of alternative and non-violent forms of discipline in a manner consistent with the child's dignity (Liechtenstein);

A - 129.25. Continue the promotion of measures to disarm and dismantle private armed groups as well as to impede the utilization of child soldiers (Chile);

A - 129.26. Continue with judicial reform, improving the capacity of the penal system to combat impunity (Spain);

A - 129.27. Allocate adequate resources to the National Monitoring Mechanism to ensure it effectively carries out its mandate (South Africa);

A - 129.28. Continue its efforts in addressing cases or reports of past incidents of extrajudicial killings, enforced disappearance and torture in the country, including through the EPJUST Programme, the Joint Coordinating Centres on Private Armies, and the National Monitoring Mechanism (Indonesia);

A - 129.29. Take measures to resolve the cases of delayed justice and impunity, including through judicial reforms (Republic of Korea); Effectively fight impunity for cases of extrajudicial killings and enforced disappearance committed by the armed forces and the police, as well as non-state actors (Austria); Address concerns about impunity, through reforms in the criminal justice system, as well as by ensuring the speedy investigation, arrest, prosecution, trial and conviction of perpetrators (Netherlands);

A - 129.30. Continue efforts to combat impunity and ensure alleged perpetrators of serious human rights violations are brought to justice, including through renewed efforts to arrest Major General Jovito Palparan Jr., former Governor Joel Reyes and the perpetrators of the Maguindanao massacre (Australia);

A - 129.31. Take new, additional measures, to ensure that the military exercises full control over Civilian Armed Forces Geographical Units and the police over Civilian Volunteer Organizations, holding these units accountable for the Philippines' obligations under international human rights law (United States of America);

A - 129.32. Promote accountability by taking the necessary measures to allow the responsible entities (such as the Ministry of Justice, the National Police, the National Bureau of Investigation, the Commission on Human Rights and the Office of the Ombudsman) to conduct investigations into allegations of human rights violations in an efficient, independent and impartial manner so that justice is served (Canada);

A - 129.33. Take immediate measures to effectively implement the Juvenile Justice and Welfare Act of 2006 (Norway);

A - 129.34. Continue improving the conditions of detention centres and ensure that juvenile offenders do not share spaces of detention with adult offenders (Ecuador); Improve prison conditions in line with the BJMP Modernization Act and with special regard to assuring the separation of the child and juvenile from adult prisoners (Germany);

A - 129.35. Take necessary measures to provide adequate protection to journalists and human rights defenders, in particular regarding enforced disappearances and extrajudicial killings (France);

A - 129.36. Continue its efforts to fight against poverty (Bangladesh); Continue implementing the current policies to reduce poverty (Cuba); Continue its efforts to work against poverty and to try to link the fight against poverty and education (Saudi Arabia); Continue to increase its social programmes which are essential for the eradication of poverty and social marginalization (Venezuela, Bolivarian Republic of); Continue social-economic reforms directed towards the creation of new jobs, fighting poverty, increasing the quality of education and medical care (Russian Federation);

A - 129.37. Continue devising strategies and programmes to put an end to poverty for vulnerable groups, particularly women and children, and implement them (Bahrain); maintain the efforts to meet the basic needs of the poor and other vulnerable groups with the view to achieving an adequate standard of living for all (Brunei Darussalam); redouble its efforts in the area of wealth distribution and poverty eradication, including by allocating adequate human and financial resources and providing support and material assistance to the vulnerable groups in the rural areas (Malaysia); redouble its efforts, in assisting poor sections of the population, by endowing the Working Human Development Group with both the human and financial resources required to operate effectively and carry out its calling to ensure a decent living standard for all Filipinos (United Arab Emirates);

A - 129.38. Make additional efforts to achieve the Millennium Development Goals (Qatar); Provide more resources for the pursuit of all MDGs and the promotion of economic, social and cultural rights for the population, particularly social vulnerable groups and those who live in remote areas (Viet Nam);

A - 129.39. Continue adopting measures to promote and protect the enjoyment of economic, social and cultural rights (Cuba); Continue strengthening institutional measures to realize economic, social and cultural rights (Pakistan);

A - 129.40. Strengthen its normative protection of maternal health, approve and implement the bill on reproductive health, and release necessary financial resources for its implementation (Switzerland); Intensify efforts to meet the MDG5 on maternal mortality, including by ensuring universal access to SRHR and to information, education and counselling (Sweden);

A - 129.41. Increase its efforts, as a matter of urgency, in addressing high infant and maternal mortality rates, including providing an access to sexual and reproductive health information (Slovakia); Take steps to increase efforts to ensure the rights of individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to the highest attainable standard of sexual and reproductive health (New Zealand);

A - 129.42. Continue efforts to ensure access to education for all (Saudi Arabia); Increase measures on the right to education to ensure equal access to education for all children (Holy See);

A - 129.43. Continue implementing the work to promote the right to education and the rights of the child, through strengthening interagency coordination on the activities of the law enforcement bodies (Uzbekistan);

A - 129.44. Implement the Indigenous Peoples' Rights Act to ensure that economic activity, in particular mining; does not negatively affect the rights of indigenous peoples (Mexico);

A - 129.45. Continue its efforts for the preservation and sustainability of the environment (Ecuador); Intensify efforts on a national scale for the sustainable use of natural resources (Myanmar).

130. The following recommendations enjoy the support of the Philippines which considers that they are already implemented or in the process of implementation:

A - 130.1. Ratify the OP-CAT (Palestine);

A - 130.2. Continue to uphold and enact national laws and legislation in accordance with universally agreed human rights standards it has ratified (Egypt); 2

A - 130.3. Fight against human trafficking, especially in women and children (Spain); Continue stepping up efforts in the area of combating trafficking in human beings, including continuing the practice of implementing national plans of actions and other strategies in this area (Belarus); Continue in the successful policy of combating the trafficking of persons at the national level and participate in such efforts at the international level (Holy See); Keep up the fight against human trafficking, illegal recruitment and labour exploitation, including the exploitation of domestic workers, especially of women (Netherlands); Prosecute and punish traffickers and those who exploit the prostitution of women; and also protect victims of trafficking (Uruguay); Further strengthen the measures to combat human trafficking and provide the necessary assistance to the victims of trafficking (Latvia);

A - 130.4. Further strengthen bilateral cooperation, regional and international cooperation with countries of origin, transit and destination in order to more effectively address trafficking in women; and establish rehabilitation programs for social integration and economic autonomy for women victims of sexual exploitation and trafficking (Uruguay); Step up its collaborative efforts at the regional and international level, including in the ASEAN-Senior Officials Meeting on Transnational Crimes (SOMTC) Working Group on Trafficking in Persons (Indonesia); Share its experiences and best practices in strengthening efforts to combat the problem of trafficking in persons at the national and international levels (Brunei Darussalam);

A - 130.5. Intensify efforts to bring to justice the cases of corruption and revise its sentencing policy for crimes of corruption (Chile);

A - 130.6. Adopt inclusive legislation for people with disabilities (Spain);

A - 130.7. Continue its efforts to promote the rights of migrants (Bangladesh); Continue to play a leading role in the promotion and protection of the rights of migrant workers (Myanmar); Step up efforts to meet the basic needs of society's exposed groups, in particular the millions of migrants and seafarers (Holy See);

A - 130.8. Continue carrying out efforts so that the Philippines Development Plan (2011–2016) is in accordance with its international human rights obligations (Nicaragua).

131. The following recommendations will be examined by the Philippines which will provide responses in due course, but no later than the twenty-first session of the Human Rights Council in September 2012:

P - 131.1. Consider the possibility of strengthening efforts to ratify the International Convention for the Protection of All Persons from Enforced Disappearances (Argentina); consider ratifying the International Convention on the Protection of All Persons from Enforced Disappearance (Belgium); consider ratifying the International Convention on the Protection of All Persons from Enforced Disappearance and enact domestic legislation to penalize enforced disappearance as defined in that Convention (Brazil); ratify the International Convention on the Protection of All Persons from Enforced Disappearance in a timely manner, as was recommended during the previous review (Japan); ratify the CED without delay and criminalize enforced disappearances and extrajudicial killings in its national legislation (France); accelerate the enactment and implementation of CED (Chile);

P - 131.2. Ratify CED, OP-CRPD (Spain);

A - 131.3. Ratify ILO Convention No. 189 on domestic workers as well as enact the Domestic Workers' Bill (Slovakia);

P - 131.4. Accede to the CED and two ILO Conventions Nos. 169

A - and 189 (Iraq);

A - 131.5. Intensify its efforts to combat, in particular, the worst forms of child labour in line with Philippine's obligations under the ILO Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour as well as No. 138 on Minimum Age for Admission to Employment (Slovakia);

P - 131.6. Consider the possibility of ratifying the OP-ICESCR (Palestine); Sign the OP-ICESCR (Portugal); Ratify OP-ICESCR (Germany);

P - 131.7. Consider an early ratification of the newest international human rights instrument – the third OP to CRC on a communication procedure (Slovakia);

P - 131.8. Withdraw all reservations to OP-CAT (Slovenia);

P - 131.9. Fully align the national legislation with all obligations arising out of the Rome Statute of the ICC (Slovakia); take the necessary measures to ensure that the Rome Statute is fully implemented in its national legislation (Switzerland); adapt its national legislation to the requirement of the Rome Statute (Belgium); review its national legislation in order to ensure its full alignment with obligations under the Rome Statute, including incorporating the Rome Statute definition of crimes and general principles, as well as adopting provisions enabling cooperation with the Court (Latvia);

P - 131.10. Adopt legislation to ensure full cooperation with the ICC and to accede to the Agreement on the Privileges and Immunities of ICC (Slovenia); fully align its national legislation with the Rome Statute, including by incorporating the definition of crimes and principles and acceding to the Agreement on Privileges and Immunities of the Court (APIC) (Liechtenstein);

P - 131.11. Ratify the Kampala amendments to the Rome Statute (Liechtenstein);

P - 131.12. Promulgate draft law 2817, approved by the Philippine Senate in July 2011, which defines and sanctions enforced disappearances (Canada);

A - 131.13. Take on challenges facing the Philippines Human Rights Commission and strengthen it on the institutional level (Iraq);

P - 131.14. Extend standing invitations to all special procedures of the Human Rights Council (Uruguay); extend a standing invitation to special procedures of the Human Rights Council (Madagascar); issue a standing invitation to all United Nations Special Rapporteurs and Working Groups (Austria); consider issuing a standing invitation to special procedures for a visit to the country (Slovenia); engage further with the Human Rights Council and its mechanisms and consider positively the pending requests for visits by mandate holder and extend an open invitation to all special procedures of the HRC (Portugal); step up cooperation with special procedures mandate holders by responding positively to the pending visit requests and eventually consider extending a standing invitation to all special procedures mandate holders of the Human Rights Council (Latvia);

P - 131.15. Engage in closer contact with United Nations bodies and, inter alia, accept the request by the Special Rapporteur on human rights defenders to visit the country (Norway); accept the request of the Working Group on Enforced Disappearances to visit the country (Mexico); invite the UN Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on human rights defenders to visit the Philippines (United Kingdom of Great Britain and Northern Ireland);

P - 131.16. Review and repeal all discriminatory provisions that still exist in national legislation to achieve de jure and de facto gender equality (Portugal);

P - 131.17. Enact legislation to address the status of children born out of wedlock (Liechtenstein);

P - 131.18. Effectively implement the 2009 Anti-Torture Act, with a particular focus on ensuring that all alleged victims of torture and ill-treatment have effective access to a medical evaluation of their injuries by institutionalising the use of the Istanbul Protocol, including by providing guidelines to judges, prosecutors, forensic doctors and medical personnel dealing with detained persons, to detect and document physical and psychological trauma of torture (Denmark);

A - 131.19. Communicate on a regular basis to the Commission on Human Rights of the Philippines a list of all detainees indicating their place of detention (Germany);

P - 131.20. Embark on substantial reform of its judicial system in order to achieve progressive development for human rights (Norway);

P - 131.21. Ensure, in the context of the judicial reform, a gender sensitive and accessible judiciary, both in terms of procedures and attitude (Austria);

A - 131.22. Strengthen its legal framework, institutions and instruments aimed at guaranteeing that those responsible for crimes of extrajudicial executions are subjected to fair procedure and, if convicted, punished (Switzerland);

A - 131.23. Update the Human Rights Council on the findings of the National Monitoring Mechanism and the measures taken to address the issue of extrajudicial killings, including the results of the relevant court procedures (Hungary);

P - 131.24. Revoke executive order 546 which has been used as a basis for armed civilian volunteer units (Netherlands);

P - 131.25. Dismantle and disarm the paramilitary forces, militias and armies through the revocation of Executive Order 546 that protects their existence, putting an end to the use of child soldiers (Spain);

P - 131.26. Disarm and dismantle all paramilitary organizations and private militias, or, short of a complete dismantling, ensure that the army exercises control over all militias and that the Minister of National Defence defines their role and puts in place mechanisms so that they are held accountable for their actions (Canada);

P - 131.27. Adopt and implement swiftly the law on reparation for victims of violations of human rights during the Marcos dictatorship (Switzerland);

A - 131.28. With reference to the situation of children in detention, follow-up the recommendations in chapter VI of the Human Rights Council resolution on the Rights of the Child adopted in March 2012 (Hungary);

P - 131.29. Ensure that the age of criminal responsibility is not lowered (Germany);

P - 131.30. Consider establishing a comprehensive legislation to combat discrimination faced by LGBT people (Argentina);

P - 131.31. Effectively investigate and prosecute attacks against journalists and introduce into domestic laws strong legislation prohibiting these practices and imposing criminal penalties (Austria);

P - 131.32. Enhance its cooperation with the Special Rapporteur on the situation of human rights defenders including by accepting the mandate holder's request to visit the country and finally,
A - take urgent measures to end extra-judicial killings, and enforced disappearances of human rights defenders, to investigate all cases and bring those responsible to justice. (Ireland);

P - 131.33. Amend the abortion law to allow for safe abortion in cases of rape, incest or when the health and life of the pregnant woman is at risk (Sweden);

P - 131.34. Provide complete and accurate information and access to all methods of family planning irrespective of sex or religion and embed this policy in a legal framework with the adoption of the pending Reproductive Health Bill. (Netherlands);

P - 131.35. Establish a legal framework in order to help women and men develop knowledge to enable them to decide freely and responsibly on matters related to their sexuality, including their sexual and reproductive health (Norway).

Voluntary Pledges & Commitments Made By Philippines in the Framework of the UPR

Document A/HRC/WG.6/13/PHL/1

- 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).

Endnotes

1 The recommendation as read during the interactive dialogue: “Effectively fight against extrajudicial killings, including by non-State actors, by strengthening accountability mechanisms and implementing the necessary reforms identified by the Special Rapporteur on extrajudicial, summary or arbitrary executions.”

2 The recommendation as read during the interactive dialogue: “Continue to uphold and enact national laws and legislation in accordance with universally agreed human rights standards it has signed up to.”

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