

UNITED NATIONS DEVELOPMENT PROGRAMME

UNIVERSAL PERIODIC REVIEW: PHILIPPINES

INPUTS FROM UNDP PHILIPPINES

A. PROCESS FOLLOWED IN THE PREPARATION OF INFORMATION FOR THE UNIVERSAL PERIODIC REVIEW

Following receipt of the letter from the UNDP Administrator, the UNDP Resident Representative circulated the General Guidelines for the preparation of inputs for the Universal Periodic Review to relevant staff in the UNDP Country Office. The data gathered from the Common Country Assessment of the Philippines, UN Development Assistance Framework 2005-2009, Country Programme Action Plan between the Government of the Philippines and UNDP 2005-2009, Philippines Midterm Progress Report on the Millennium Development Goals and other documents were consolidated to produce this document.

B. BACKGROUND OF THE COUNTRY AND FRAMEWORK FOR PROMOTION AND PROTECTION OF HUMAN RIGHTS

Background of the Country.¹ The Philippines is a country of diversity, given its multi-linguistic, multiethnic and geographically dispersed population. Located in East Asia, its population (estimated at 88.7 million as of 2007 data) is spread over 300,000 square kilometers in 7,107 islands. With a population growth rate that is one of the highest in Asia, population is projected at 102.55 million by 2015.

Socio-economic development in the country is uneven, and poverty is characterized by wide disparities across regions and population groups. Poverty is a rural phenomenon.

The Philippines lies in the so-called "Pacific Ring of Fire", making it one of the most risk-prone parts of the world. It also has a long history of armed conflict, particularly in Mindanao, that has slackened the region's development. Fourteen out of the 20 poorest provinces of the country are in this region.

Considerable progress has been made in the country in the achievement of the Millennium Development Goals (MDGs), particularly in the areas of: poverty reduction; nutrition; gender equality; reducing child mortality; combating HIV/AIDS, malaria and other diseases; and access to safe drinking water and sanitary toilet facilities. However, more needs to be done on MDG targets related to universal access to education, maternal mortality and access to reproductive health services. To ensure a high degree of success in these remaining areas by 2015 or earlier, the targets have been mainstreamed in the Medium-term Philippine Development Plan (MTPDP), 2004-2010.

Framework for the Promotion and Protection of Human Rights. The protection of human rights is enshrined in the current Philippine Constitution (adopted in 1987), particularly in Article 13: "Social Justice and Human Rights" which states that:

"The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good. To this end,

¹ Philippines Midterm Progress Report on the Millennium Development Goals, p. 14.

the State shall regulate the acquisition, ownership, use, and disposition of property and its increments.”
(Section 1)

The 1987 Constitution also established the Commission on Human Rights (CHR), which is mandated to: (a) protect and promote the human rights of all; (b) engage in sustained efforts with organizational integrity and competency; (c) advocate and monitor government's compliance with its international treaty obligations on human rights; and (d) energize and engage civil society participation.

The Philippines is a party to the seven core international instruments on human rights: (a) International Convention on the Elimination of All Forms of Racial Discrimination; (b) International Covenant on Civil and Political Rights; (c) International Covenant on Economic, Social and Cultural Rights; (d) Convention on the Elimination of All Forms of Discrimination Against Women; (e) Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; (f) Convention on the Rights of the Child; and (g) International Convention on the Protection of the Rights of All Migrant Workers and Their Families. Among the other human rights-related international treaties/ instruments that it has signed, ratified or acceded to are the: (a) Convention on the Prevention and Punishment of the Crime Genocide; (b) Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; (c) Convention relating to the Status of Stateless Persons; (d) Slavery Convention (Amended); (e) Convention on the Political Rights of Women; and (f) Convention on relating to the Status of Refugees. Country-level follow-through actions have been pursued in relation to these commitments.

The Philippines has always been active in UN global conferences and has shown a high level of commitment to international conventions/ treaties², including those related to human rights. Reflective of its good standing in the international community, the country was elected to the Human Rights Council in 2006 and re-elected for a three-year term (2007-2010) in 2007.

Upon the invitation of the Government of the Philippines (GOP), Professor Philip Alston, Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, visited the country from 12-21 February 2007 to inquire into extrajudicial executions in the country. The government's invitation reflected “a clear recognition of the gravity of the problem, a willingness to permit outside scrutiny, and a welcome preparedness to engage on the issue.”³ The final report on the Special Rapporteur's mission to the Philippines was released in November 2007. (The report may be accessed through <http://www.ohchr.org/english/issues/executions>.) The immediate actions drawn up by the government in response to the Melo Commission⁴ Report and the Special Rapporteur's visit are reflected in the six-point plan of action. The elements of the said action plan are the: (a) strengthening and enhancement of the Witness Protection Program; (b) designation of a team of special prosecutors to oversee, coordinate and follow up cases; (c) release of Php25 million in funding for monitoring, investigation, education and training; (d) preparation of an updated document on command responsibility; (e) designation of special courts prosecute perpetrators of extrajudicial killings; and (f) request for technical assistance from the EU for the investigation of extrajudicial killings.

The government's commitment to addressing human rights issues was also reflected in its co-organization and active participation in a number of OHCHR workshops held in Manila: (a) Preparatory Workshop on Treaty Bodies, 9-11 October and (b) Regional Workshop on the Establishment of National Human Rights Institutions, 15-17 October.

² Mid-term review of the UN Development Assistance Framework (UNDAF) 1998-2004 in the Philippines, June 2002, p. 9.

³ Press Statement of Professor Philip Alston, Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Manila, 21 February 2007.

⁴ The Melo Commission is an independent commission created by the administration of President Gloria Macapagal-Arroyo to address extrajudicial killings of activists and journalists.

C. UNDP SUPPORT TO STRENGTHEN THE HUMAN RIGHTS INFRASTRUCTURE IN THE PHILIPPINES

In line with the UNDP Country Programme Action Plan for 2005-2009, the Philippines Country Office through its Governance Portfolio has supported some initiatives at both the national and local levels to protect and promote human rights.

Mainstreaming Human Rights Based Approach. UNDP is committed to mainstream human rights-based approach not only in Governance Portfolio but also in Portfolio for the Environment, Crisis Prevention and Poverty Eradication, using the findings of the HURIST assessment that was completed in 2004. Together with UNIFEM, it has supported the development and fine-tuning of the HRBA tools tailor-made to suite Philippine conditions. It has also attempted to integrate gender equality and women empowerment into the HRBA tools that have been used to conduct series of trainings and mentoring activities for UNDP and UNDP partners. The CPAP outcome and outputs per portfolio have been reformulated to be human-rights based and gender-sensitive.

UNDP has developed and adopted the RRR framework or Rights-Reforms for Results to ensure that any structural reforms must be pursued using the human rights lens in the analysis of issues, formulation of plans and programmes and processes it has to go through. It also gives emphasis on capacitating not only the duty-bearers through institutional reforms but also the claimholders especially the poor and disadvantaged. The end result of this process should be able to translate into benefits that respect, protect and /or fulfill the human rights of the people. This RRR approach is being tested at the local level such as the introduction of reforms in justice system (access to justice and human rights), and the public administration system (anti-corruption and human rights).

UNDP supported the pioneering effort to write and publish a Philippine Governance Review using the Human Rights-based approach in cooperation with major schools of governance and public administration. It has also supported the integration of MDGs and Human Rights into the curriculum of public administration jointly with the Association of Public Administration Schools in the Philippines (ASPAP). The ASAP network is considered as a strategic partner network in disseminating UNDP-supported knowledge products on human rights, providing continuing HR education and as a repository of best practices at the local level. There are more than a hundred locally-based schools of public administration and law in the country that can manage these

UNDP is also working with UNDP Oslo Center and the Regional Center in Bangkok on human rights-based and gender sensitive governance indicators that will hopefully complement national government's efforts in fine-tuning its performance indicator system.

Strengthening National Human Rights Institutions. UNDP has provided technical assistance to the Commission on Human Rights of the Philippines to undertake a institution-wide review and reengineering of its systems and processes. Using the review findings as bases, a medium term strategic plan was drafted to guide the Commission to introduce changes in the management of its programmes and services. It has also given particular focus on providing technical assistance to the Commission's 14 regional offices all over the country that can provide added impetus to the "new" human rights movement in the country.

In the late 1990s, UNDP took the initiative to undertake an institution-wide review of the Supreme Court of the Philippines with emphasis on the accessibility of the Judiciary to the poor. A Blueprint of Action was developed and used as bases for the succeeding support from other international organizations. The blueprint identified critical areas requiring capacity building interventions such as competencies of court judges and personnel, information technology, case management among others. Later, UNDP's intervention refocused its

attention to address the whole justice system and how each institution (i.e. courts, police, prosecutors) within it is able to effectively complement each other in pursuing access to justice by the poor.

In direct support of the government's six-point action plan following the visit of the Special Rapporteur, UNDP is assisting in the finalization and implementation of the Plan of Action of the Presidential Human Rights Committee or PHRC (composed of national line agencies tasked to monitor compliance to specific UN Conventions) through a revised Executive Order of the President. Chaired by the Executive Secretary, it is tasked to oversee and coordinate national government's efforts to monitor compliance to UN treaties as well as facilitate the regular HR reporting to the UN. Specific agencies shall be regularly mentored and capacitated to effectively perform their monitoring roles. The PHRC is also being assisted in conducting a nation-wide consultation for a National Action Plan on Human Rights.

It has initially started working with Congress to ensure that the processes, mechanisms and legislations generated by law-makers are human rights-based. UNDP shall work closely with CHRP, PHRC and Congressional Committees in the prioritization and formulation of policy measures that address the rights of the poor and disadvantaged. It shall assist Congress to make itself more accessible to public and by instituting more participatory and inclusive processes and mechanisms in policy-making.

Support is also expected to be provided for the strengthening of CHRP's national and sub-national offices.

Demonstrating Human Rights on the Ground. In the next two years, UNDP will continue to work on locally-based initiatives that apply the RRR framework in promoting environmental sustainability, peace and reduced poverty. The local government units serve as demonstration sites of how human rights-based approaches in development are enhanced. Together with UN Habitat, initial efforts have been undertaken in some cities where human rights, MDGs and transparency and accountability have been put together in the planning, service delivery and monitoring stages.

Media has been mobilized to promote the use of human rights lens in informing the public, telling stories, investigating cases, promoting a cause. Series of capacity-building activities have been conducted for journalists especially those who are based at the local level. Local Media-Community Councils have been organized in some cities where the local media and the public engage in regular dialogues to find solutions to key local issues with the end in view of promoting understanding and developing trust and confidence between them. Media has been supported in their advocacy efforts especially to have the bill on the Right to Information enacted in Congress.

Breaking the HR Barriers and Building the HR Capacities of the Poor and Disadvantaged Sectors. Aside from supporting State institutions, UNDP continues to provide capacity development for the poor, especially women and indigenous peoples. Through support for alternative legal groups and human rights institutes and other civil society organizations, human rights trainings and mentoring activities have been conducted and planned in the next two years. The network of schools of public administration has started developing a cadre of trainers and mentors who can do extension work in their respective communities. Specialized HRBA modules are being considered for each social sector like indigenous peoples, informal workers, etc.

To address the legal impediments or barriers to human rights, UNDP together with UN Commission on the Legal Empowerment of the Poor, has supported the formulation of human rights-based sourcebooks on 4 key areas: human rights, access to justice, property rights and entrepreneurship. Through nationwide consultations, the process was able to identify legal barriers that can be addressed by providing alternative legal solutions or policy measures that protect the rights of the poor not only at the national level but also at the local policy-making processes.

D. REFERENCES

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