

Human Rights Council
21st Session

**PHILIPPINES
STATEMENT ON THE ADOPTION
OF THE UPR REPORT**

by
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Deputy Executive Secretary
20 September 2012

Madame President, on behalf of the Republic of the Philippines and our President, H.E Benigno S. Aquino III, I am honored to be here once again for the adoption of the Report of the Working Group on the Philippines' Universal Periodic Review.

My delegation joins me in expressing our appreciation to you Madame President and the members of the Human Rights Council, the members of the Philippine UPR Troika - Qatar, Hungary and Uganda -, the many states that intervened in the Working Group, and the Secretariat who were most helpful in the conduct of the UPR last May.

My delegation also wishes to express our utmost respect for the Human Rights Council, and for the Universal Periodic Review as an instrument that takes stock of and measures member-States' performance in the realm of human rights promotion, protection, and fulfillment.

But most importantly, Madame President, I am here to personally reiterate our country's strong commitment to make good on all 53 recommendations we accepted early on during our review last May – and an additional 9 more accepted recommendations after the multi-stakeholder consultations in Manila, as these are consistent with our national legislation, policies and programs.

For the record Madame President, these additional accepted recommendations are as follows:

- a. recommendation 131.3, and 131.4, insofar as the ILO Convention No. 189 is concerned, with its ratification on 6 August 2012. However, we would further study the recommendation to accede to the CED and ILO Convention 169;
- b. recommendation 131.5, as the State has been intensifying its efforts to address the problem on the worst forms of child labour;
- c. recommendation 131.13, regarding the institutional strengthening of the Philippine Commission on Human Rights;

- d. recommendation 131.20, as such is also provided in our Implementing Rules and Regulations of the Anti-Torture Act;
- e. recommendation 131.22, on ensuring fair trial and punishment for those responsible for extrajudicial execution;
- f. recommendation 131.23, updating the Human Rights Council within the context of the UPR;
- g. recommendation 131.28, since we are addressing the situation of children in detention through strong policy measures provided under the Juvenile Justice and Welfare Act of 2006; and
- h. recommendation 131.32, as it pertains to taking measures to end extrajudicial killings and enforced disappearances, and to investigate all cases and bring those responsible to justice. However, we note on the first part of the recommendation, the Philippines shall continue to study and issue invitations for country visits of mandate holders on a case-by-case basis.

Madame President, we have also committed to further study the other 25 recommendations in deference to our system of government that gives credence to the independence and integrity of our legislature and judiciary, the two other separate but co-equal branches of the Philippine government which, under a liberal democracy, work together and decide on important policies and programs of government. These additional responses to pending recommendations were earlier submitted to the OHCHR Secretariat.

Madame President, the Philippines is convinced that the Universal Periodic Review can effect real positive change in the treatment of human rights on the ground. The UPR also affords us an opportunity to address human rights issues in a manner that takes into consideration the views of many sectors of society.

My delegation hopes that it will please the Human Rights Council to know that the Philippines values the UPR as a continuing process and not merely a venue for scheduled reporting and review. It is in this regard that soon after our country's UPR last May, the Philippines immediately created a Tripartite UPR Monitoring Group.

The Tripartite UPR Monitoring Group is currently being facilitated by no less than the Presidential Human Rights Committee, an office directly under the Office of the President – in partnership with the Commission on Human Rights of the Philippines, the country's independent national human rights institution, and representatives from NGO and civil society groups and alliances.

Under this monitoring mechanism, the Philippines shall strive to ensure that the UPR recommendations are translated into concrete State actions, in the context of multi-stakeholder partnerships and cooperation.

Madame President, the Philippines also brings into the UPR process a rich and fulfilling experience in civil society engagement. We are proud of the current vibrancy permeating our civil society sector that fully allows the exercise of freedom of thought, speech, and advocacy, and the realization of the objectives of collective governance.

Today, as the Human Rights Council adopts the UPR Working Group Report on the Philippines, my country would have already accepted a total of 62 recommendations, out of the 88 recommendations. And as we earlier noted, 25 recommendations are being further studied as there are ongoing legislative and judicial processes related to these recommendations.

Madame President, at this point allow me to highlight, by thematic areas, the recommendations that the Philippines accepted and those that are continuously being studied, which is also a review of significant changes that have occurred since our UPR last May.

On Extra Judicial Killings, we have committed to report before this body, under the UPR mechanism, the results of the work of a national monitoring mechanism that will look into the progress of cases involving extrajudicial killings, enforced disappearance, and torture. This mechanism will be chaired by the Commission on Human Rights, with government agencies and CSOs and NGOs as members.

Under this set-up, the Presidential Human Rights Committee will be the focal coordinating agency for government. It shall ensure the resolution of such cases by stressing institutional accountabilities. The Philippine government expects that this mechanism shall encourage human rights defenders to boost their policy of engagement with the State under this mechanism, or reconsider their position of non-engagement as the case may be, especially so that this will greatly assist in case build-up.

The memorandum of agreement for this mechanism is being finalized, and several CSOs and NGOs have already signified their wish to be made part of it.

It is also against this backdrop that we accepted and welcomed the recommendation that pertains to the promotion of accountability through measures that will end extrajudicial killings and enforced disappearances in the country. My government is committed to investigate all cases that have allegedly occurred under the current administration, and for validated cases, to bring those responsible to justice. We will also revisit and continue to investigate the other cases that happened during the past regime, and, when validated, prosecute them.

On Enforced Disappearance, the Government supports the enactment of a law to address the issue of enforced disappearance. Senate Bill No. 2817 entitled "*Enforced or Involuntary Disappearance Act of 2011*" has already been approved on final reading by both Houses of Congress. The contemplated measure seeks to criminalize enforced disappearance pursuant to the definition of the 2006 International Convention for the Protection of All Persons from Enforced Disappearance.

My delegation is pleased to report to the Human Rights Council that pending the enactment of that law, the Philippine government, through the Presidential Human Rights Committee, facilitated in June the turn-over to the Philippine National Police for review of records of cases on enforced disappearance in the possession of CSOs and NGOs. The initial results of the review identified the need for thorough case profiling, additional information for case build-up, and the surfacing and securing of witnesses.

On Labor Protection, the Philippines has ratified the Maritime Labor Convention and ILO Convention No. 189 that ensures the protection, fulfillment and advancement of the basic rights of seafarers and domestic workers, respectively. Our ratification of these landmark human rights conventions pertaining to labor has become doubly significant as they were crucial in the entry into force of these Conventions.

The Domestic Workers Bill, which is the enabling law for ILO Convention 189, is now for consideration by the Bilateral Committee of Congress prior to enactment into law.

This proposed law recognizes the special vulnerability of household workers to various kinds of abuse and requires a written contract to govern the employer-employee relationship. It mandates a realistic minimum wage, prevents bonded labor, physical, sexual, mental and economic abuse of household workers and provides for social security benefits.

On Special Procedures, the Philippines' commitment to engage with them remains strong. It is in this light that we wish to inform the Human Rights Council that my country has accepted the request for the visit of the Special Rapporteur on Trafficking in Persons this November and of the UN Special Rapporteur on Internally Displaced Persons in the first quarter of next year. The Philippines will continue to accept requests for visits of mandate holders on a case to case basis.

On Ratification of Human Rights Conventions. The Philippines continues to stand proudly among other States that have ratified most of the core human rights instruments. The Philippines, however, asks that it is given some leeway to embrace reservations on certain treaties and optional protocols that we have yet to ratify.

This is not to turn a deaf ear to the well-intentioned voices that demand us to take action. Rather, it is to ensure that the level of commitment we have as soon as pen touches paper becomes whole and unconditional, especially in harmonizing the substance and spirit of these treaties and conventions with our domestic laws and legal mechanisms, thus ensuring effective implementation.

Madame President, the Human Rights Council may be pleased to know that as a follow-through to our ratification of the Optional Protocol to the Convention Against Torture in April 2012, the Presidential Human Rights Committee and the Commission on Human Rights started work last August on the establishment of the National Preventive Mechanism as provided under the said Protocol. This mechanism's operation is envisioned to be institutionalized in a proposed law that will undergo a series of multi-stakeholder consultations.

On Private Armed Groups, President Aquino has consistently taken a strong stand against "private armies". Upon his assumption into office, the President gave marching orders for the Philippine National Police and the Armed Forces of the Philippines to exhaust all efforts to dismantle armed groups that are widely believed to be protected by local leaders and politicians. To date, some 92 members of these groups have been arrested and 132 firearms were confiscated in the process.

On Maternal and Child Health, Madame President, our Department of Health allots at least eleven percent (11%) of its annual budget for women's health under the Maternal, Newborn and Child Health and Nutrition Program. Our rural health units are being furnished with up-to-date medical equipment for safe birthing and essential newborn screening with trained health service providers.

The Philippines also has already integrated reproductive health into its Family Health Programs; a shift from a stand-alone family planning-focused program to one that is more strategic, dynamic, and comprehensive.

These developments augur well with the State's continuing promotion and protection of the rights of women and children, well in accordance with the Magna Carta of Women that guarantees women protection and empowerment.

Madame President, President Aquino supports the passage of a law that promotes responsible parenthood and universal access to all methods of family planning information and services.

But, as in all democratic exercises, my country recognizes the need for continued consultations with as many stakeholders as possible.

The Reproductive Health Bill that is being deliberated in our legislature seeks to address the interlocking issues of reproductive health, population and sustainable human development

On the Protection of Children, my delegation is pleased to inform the Human Rights Council that the Philippines is implementing the Philippine Program Against Child Labor led by the Department of Labor and Employment. This Program is a network of social partners working together towards the prevention and progressive elimination of child labor through protection, withdrawal, healing and reintegration of child workers into a caring society.

The Philippines is also pursuing the Rescue Child Laborers program, an inter-agency quick action mechanism which aims to respond to cases of child labor in extremely abject conditions. Since its inception in 1993 up to the first half of 2012, the inter-agency Quick Action Teams have rescued a total of 3,136 child laborers. Most of the rescued children are now reintegrated to their respective families and communities with the help of the Department of Social Work and Development.

With regard to children in armed conflict, the Philippines has adopted the 2nd National Plan of Action for Children which aims to, among others, protect children from all forms of abuse, exploitation and violence, including grave child rights violation in armed conflict situations.

On non-discrimination, in November 2011, the Philippine Senate passed on third reading Senate Bill No. 2814, also known as the "*Anti-Discrimination Act of 2011*" which seeks to penalize all forms of discrimination.

It specifically penalizes acts of discrimination in the following fields: employment, education, delivery of goods, facilities and services, accommodation, transportation, media, and in search and investigatory activities.

On economic and social rights, Madame President, our focus on the respect for our people's economic, social, and cultural rights remains paramount. As a developing nation, we can not do less than to attend to our peoples' need for adequate food, shelter, education, health services, employment, water, electricity, among others.

In pursuit of this developmental state framework, human rights-based approach in development planning in the bureaucracy is being mainstreamed.

Madame President, the Philippines will continue to respect and defend these rights as basic human rights, and these rights shall be fulfilled as affirmative obligations under President Aquino's development plan of action that highlights anti-corruption and good governance.

Our improved socio-economic indices speak for themselves, buttressed by recent assessments made by multilateral agencies and by international ratings bodies.