



General Assembly

Distr.: General
30 March 2012

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Thirteenth session
21 May-4 June 2012

**Compilation prepared by the Office of the High
Commissioner for Human Rights in accordance with
paragraph 5 of the annex to Human Rights Council
resolution 16/21**

Philippines*

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, of the Office of the High Commissioner for Human Rights (OHCHR) and from other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* Late submission.

I. Background and framework

A. Scope of international obligations¹

Universal human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i> ³	<i>Non ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1967) ICESCR (1974) ICCPR (1986) ICCPR-OP 2 (2007) CEDAW (1981) CAT (1986) CRC (1990) OP-CRC-AC (2003) OP-CRC-SC (2002) ICRMW (1995)	CRPD (2008)	OP-CAT OP-CRPD CED
<i>Reservations, declarations and/or understandings</i>	OP-CRC-AC Declaration, art. 3(2)	--	--
<i>Complaint procedures</i> ⁴	ICCPR-OP 1 (1989) OP-CEDAW (2003)	--	ICERD, art. 14 OP-ICESCR OP-CRPD CAT, art. 22 CED, art. 31 ICRMW, art. 77 CRC-OPIC

Other main relevant international instruments

	<i>Status in previous cycle</i>	<i>Action after review</i> ⁵	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide, 1951 Refugee Convention and 1967 Protocol, ⁶ Geneva Conventions of 12 August 1949 and Additional Protocols thereto, ⁷ ILO Fundamental Conventions, ⁸ Palermo Protocol, ⁹ UNESCO Convention against Discrimination in Education	Rome Statute of the International Criminal Court, 1954 stateless persons Convention ¹⁰	1961 stateless persons Convention, ¹¹ Additional Protocol I to 1949 Geneva Conventions, ¹² ILO Convention No. 169 on indigenous and tribal peoples ILO Convention No. 189 on domestic workers

1. In 2009, the Committee on the Rights of the Child (CRC)¹³ and the Committee against Torture (CAT)¹⁴ encouraged the Philippines to consider ratifying CED and OP-CAT respectively. CRC made the same recommendation with respect to OP-CRPD, OP-ICESCR,¹⁵ the Rome Statute of the International Criminal Court and the Additional Protocol I to the Geneva Conventions.¹⁶ CAT also recommended that the Philippines consider making the declarations under articles 21 and 22 of the Convention.¹⁷ In 2009, the Committee on the Elimination of Racial Discrimination (CERD) encouraged the Philippines to consider making the optional declaration provided for in article 14 of ICERD.¹⁸

2. While welcoming the accession in 2011 of the country to the 1954 Convention relating to the Status of Stateless Persons, the United Nations High Commissioner for Refugees (UNHCR) recommended that the Philippines accede to the 1961 Convention on the Reduction of Statelessness and adopt a mechanism for the determination of statelessness in order to fully implement the 1954 Convention.¹⁹

B. Constitutional and legislative framework

3. In 2009, CERD recommended that the Philippines adopt a comprehensive law on the elimination of discrimination covering all rights protected under ICERD.²⁰

4. In 2011, UNICEF stated that in the period since the first UPR, the Philippines had passed a number of laws for the protection of women and children, such as Republic Act 9710 Magna Carta for Women (2009) and Republic Act 9775 Anti Child Pornography Law (2009). However, those laws were not yet consistently nor effectively enforced.²¹

C. Institutional and human rights infrastructure and policy measures

5. CAT recommended that the Philippines take the necessary steps to strengthen the mandate of the Commission on Human Rights of the Philippines (CHRP) by, inter alia, allocating sufficient resources.²² Similar recommendations were made by CRC.²³ In 2008, the Committee on Economic, Social and Cultural Rights (CESCR)²⁴ and in 2009 CERD²⁵ recommended that the promotion and protection of economic, social and cultural rights be included in the mandate of CHRP.

6. In 2011, UNCT and UNICEF indicated that CHRP remained an institutionally weak body facing numerous challenges. It had no power to prosecute cases and a severely limited operating budget; its lack of credibility threatened its continued relevance in the country.²⁶

7. CERD noted as positive that personnel of a certain level of the Armed Forces of the Philippines cannot be promoted unless they receive a certification from CHRP that there are no pending cases or past findings that they have committed human rights violations.²⁷ It also noted that the Study on lessons learned and challenges to achieve the implementation on the right of indigenous peoples to education prepared by the United Nations Expert Mechanism on the Rights of Indigenous Peoples cites a number of examples from the Philippines.²⁸

<i>National Human Rights Institution</i>	<i>Status in previous cycle</i>	<i>Status in present cycle</i>
Commission on Human Rights of the Philippines ²⁹	A (October 2007)	A (October 2007)

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies³⁰

1. Status of reporting

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	August 1997	June 2008	September 2009	Twenty-first to twenty-second reports due 2012
CESCR	May 2005	December 2006	December 2008	Fifth and sixth reports due 2013
HR Committee	October 2003	September 2010	-	To be considered
CEDAW	August 2006	-	-	Seventh and eighth reports overdue since 2010
CAT	1989	September 2007	May 2009	Third report due 2013
CRC	June 2005	June 2008	October 2009	Fifth to sixth report due 2017
OP-AC	-	-	-	-
OP-SC	-	May 2007	-	To be considered
CMW	-	January 2008	April 2009	Second report overdue since 2011
CRPD	-	-	-	Initial report overdue since 2010

8. CRC,³¹ CAT³² and CESCR³³ welcomed the Philippines' periodic reports, which followed the guidelines for reporting. However, CAT³⁴ and CESCR³⁵ regretted that the reports were submitted 16 and 11 years late respectively. CERD noted that the report of the Philippines was 11 years overdue.³⁶

9. In 2008 and 2010, the Subanon Mt Canatuan case was considered by CERD under its early warning urgent action procedure. The case concerned violations of the Subanon people's rights, namely mining operations at Mount Canatuan, a sacred site of the Subanon indigenous people, undertaken without prior consent by the Subanon people.³⁷

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	2010	Restore peace in the regions affected by armed conflict; ³⁸ Land rights certificates; ³⁹	Pending

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
		Issue over Mount Conatuan. ⁴⁰	
CAT	2010	Prevention of torture; legal safeguards to detainees; ⁴¹ Effective investigations into allegations of torture; prosecutions and sentences on perpetrators; ⁴² Strengthen the mandate of CHRP; ⁴³ Prevention of sexual violence in detention; draft Prison Rape Elimination Act of 2008; ⁴⁴ Children in detention. ⁴⁵	2010

B. Cooperation with special procedures⁴⁶

	<i>Status in previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	No
<i>Visits undertaken</i>	Migrants (20 May-1 June 2002); Internally displaced persons (6-14 November 2002) Indigenous people (2-11 December 2002) Summary executions (12-21 February 2007).	
<i>Visits agreed to in principle</i>	Adequate housing (2003).	Adequate housing; Trafficking (January/February 2012).
<i>Visits requested</i>	Freedom of expression (2004); Extreme poverty (Requested 2006); Migrants (Requested 2006); Toxic waste (Requested 2005); Food (Requested 2006, reiterated 2007); Disappearances (Requested 2006); Terrorism (9 December 2005, reiterated 18 October 2007); Independence of judges and lawyers (Requested 2006).	Freedom of expression (2004); Extreme poverty (tentative January 2006); Migrants (2006); Toxic waste (Reiterated in 2010); Food (reiterated 2008); Disappearances (Reiterated 2008 and 2011); Terrorism (Reiterated 2010); Independence of judges and lawyers (Reiterated 2011); Human rights defenders

	<i>Status in previous cycle</i>	<i>Current status</i>
		(Requested 2008, reiterated 2010); Cultural rights (Requested 2010); Internally displaced persons (Requested 2009, reiterated 2011); Independence of judges and lawyers (Requested 2006, reiterated 2011); Health (Requested 2011); Minorities issues (Requested 2011); Freedom of peaceful assembly and association (Requested 2011); Arbitrary detention (Requested 2011).
<i>Responses to letters of allegation and urgent appeals</i>	During the period under review, 47 communications were sent. The Government replied to 21 of these communications.	

10. In 2012, the Working Group on Enforced or Involuntary Disappearances (WGEID) noted that since its establishment, it has transmitted 782 cases to the Government; of those 35 cases have been clarified on the basis of information provided by the source, 126 cases have been clarified on the basis of information provided by the Government, and 621 remain outstanding.⁴⁷

11. In 2009, CERD sought further information on the follow-up to the reports of the United Nations Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the situation of human rights and fundamental freedoms of indigenous people.⁴⁸ Also in 2009, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) recommended that the Philippines endorse the recommendations of the Special Rapporteur on the human rights of migrants.⁴⁹

C. Cooperation with the Office of the High Commissioner for Human Rights

12. The Philippines made a financial contribution to OHCHR in 2008⁵⁰ and in 2011.⁵¹

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

13. In 2008, CESCR noted with concern that the Philippines had not made sufficient progress in reviewing and repealing discriminatory provisions against women still existing in national legislation. It urged the Philippines to undertake a comprehensive review of its legislation with a view to ensuring de jure and de facto equality between men and women. In particular, it urged the Philippines to adopt the Marital Infidelity Bill, which sought to

remove the discriminatory provisions in the Revised Criminal Code pertaining to “concubinage” and “adultery”, and to review the interpretation of the Code of Muslim Personal Laws which permitted polygamy and the marriage of girls under the age of 18.⁵²

14. In 2011, the International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) urged the Philippines to take the opportunity provided by the adoption of the Magna Carta of Women, which came into force in 2009, to adopt the necessary legislation or amendments for the protection of women.⁵³ For example, it once again urged the Philippines to take steps to amend section 135(a) of the Labour Code or section 5(a) of the 1990 Rules implementing Republic Act 6725 in order to bring the legislation into full conformity with ILO Convention No. 100 (1951) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value.⁵⁴

15. In 2009, CRC reiterated its concern at discrimination faced by many children as regards their access to social and health services and education. It also remained concerned at the de facto discrimination still affecting the girl child, and that the Philippines has not yet addressed the situation of children born out of wedlock.⁵⁵ CRC recommended that the Philippines inter alia mainstream the Girl Child Plan and strengthen its implementation; and revise its domestic legislation, so as to give children born out of wedlock the right to equal treatment, including their right to inheritance.⁵⁶

B. Right to life, liberty and security of the person

16. In 2009, CAT expressed concern about reports of serious human rights violations, including torture, ill-treatment, extrajudicial killings, enforced disappearances and harassment. It recommended that the Philippines should take all necessary steps to ensure that those in particular monitoring human rights are protected from any intimidation or violence.⁵⁷ CESCR in 2008⁵⁸ and CRC in 2009⁵⁹ made similar recommendations. CAT recommended that the Philippines reinforce its training programmes for all law enforcement personnel on the absolute prohibition of torture.⁶⁰

17. CAT was also concerned about allegations of routine and widespread use of torture and ill-treatment of suspects in police custody. It recommended that the Philippines take steps to investigate effectively and impartially all allegations of involvement of members of law enforcement agencies in extrajudicial killings and enforced disappearances. It also urged the Philippines to enact Anti-Torture Bill No. 5846.⁶¹ CRC made similar recommendations.⁶²

18. In 2009, in his follow-up report to his 2008 report on his visit, the Special Rapporteur on extrajudicial, summary or arbitrary executions stated that the Government deserved credit for having enacted some reforms in partial fulfilment of his recommendations, and for having sent a message to the military which resulted in a significant decrease in the number of killings. However, too many cases of extrajudicial executions of members of civil organizations continued to be reported and far too little accountability has been achieved for the perpetrators. Overall, the most important shortcoming has been the Government’s failure to institutionalize or implement the many necessary reforms that have been identified.⁶³ In 2011, UNCT and UNICEF made similar comments.⁶⁴

19. In 2012, the WGEID regretted that no response has been received from the Government to its general allegation sent in 2009 concerning the dismissal by the Court of Appeals of *amparo* petitions for the supposed failure of the petitioners to prove that their rights to life, liberty or security were violated or under threat, notwithstanding a reminder sent in 2011.⁶⁵

20. Concerning prison conditions, while welcoming the measures undertaken by the Philippines through the Bureau of Jail Management and Penology (BJMP), including the release of nine per cent of the prison population, CAT was concerned that there was severe overcrowding, sub-standard facilities and lack of basic facilities. It recommended that the Philippines inter alia adopt the 2007 BJMP Modernization Act.⁶⁶

21. CRC welcomed the Anti-Violence against Women and their Children Act. However, it expressed concern at the increasing number of cases of domestic violence, and at the fact that they went mostly unreported. CRC also reiterated its concern at the alleged cases of sexual abuse of children in religious institutions.⁶⁷

22. CRC urged the Philippines to intensify its awareness-raising campaign against corporal punishment.⁶⁸ It also recommended that the Philippines take all necessary measures to implement the United Nations Study on violence against children.⁶⁹

23. CRC reiterated its concern at the high number of children living in the streets and their special vulnerability to various forms of violence and abuse. UNCT and UNICEF expressed similar concerns.⁷⁰ CRC recommended that the Philippines inter alia place emphasis on ensuring the right of children to education, among other measures by linking it to the Conditional Cash Transfer (CCT) programme.⁷¹

24. CAT expressed concern about allegations of continued abduction and military recruitment of child soldiers by non-State armed groups.⁷² CRC and the ILO Committee of Experts expressed similar concerns.⁷³ CRC recommended that the Philippines inter alia take all feasible measures to eliminate the root causes and prevent recruitment and use of children by those groups.⁷⁴ It also called on the Philippines to take the necessary legislative measures to address the ambiguity of Republic Act 7610, article 10, prohibiting the recruitment of children, to ensure that the perpetrators of violations of the Act are punished.⁷⁵ The ILO Committee requested the Philippines inter alia to pursue its efforts to rehabilitate and integrate children affected by the armed conflict.⁷⁶ On the same issue, the Special representative of the Secretary-General for children and armed conflict stated that during her visit to the Philippines in April 2011, she advocated inter alia for the implementation of the specific recommendations of the Secretary-General and the Working Group of the Security Council on Children and Armed Conflict.⁷⁷

25. While noting various efforts to combat child labour, CESCR and CRC were concerned at the large number of child workers between the ages of 5 and 14, as well as the large number of women and children who continued to be trafficked for purposes of sexual exploitation and forced labour.⁷⁸ The ILO Committee of Experts, UNCT and UNICEF expressed similar concerns.⁷⁹ CRC urged the Philippines to intensify its efforts to combat child labour and protect children from all forms of sexual and economic exploitation, including the worst forms of child labour.⁸⁰

26. Concerning the significant numbers of Filipino workers abroad who were victims of trafficking, CMW recommended strengthening the anti-illegal recruitment campaign and providing adequate funding for the implementation of the National Strategic Plan of Action against Trafficking.⁸¹

C. Administration of justice, including impunity, and the rule of law

27. UNCT and UNICEF stated that the prevailing climate of insecurity, corruption and lack of accountability had led to a lack of trust in both the security and law enforcement sectors.⁸² The combination of lack of access and inefficient implementation created an environment where alternative paths to justice and resolution were favoured. Also, in communities where the justice system was perceived as corrupt or ineffective, de facto capital punishment was a reality.⁸³

28. Despite the efforts undertaken by the Philippines to curb corruption, CESCR noted with concern that the phenomenon continued to be widespread. It recommended that the Philippines intensify its efforts to prosecute cases of corruption and review its sentencing policy for corruption-related offences. It also recommended that the Philippines train the police and other law enforcement officers, and conduct awareness-raising campaigns.⁸⁴ CRC made similar recommendations.⁸⁵

29. CAT recommended that the Philippines take the necessary steps to make confessions obtained under torture or duress inadmissible in all cases.⁸⁶ It also recommended that the Philippines take the necessary measures to strengthen the Witness Protection Programme (WPP) under the Witness Protection, Security and Benefit Act to guarantee the safety of witnesses, and give high priority to the funding and effectiveness of this programme.⁸⁷ In this regard, the Special Rapporteur indicated *inter alia* that the failure to reform the witness protection programme was one of the most significant causes of continued impunity in the country.⁸⁸

30. CRC urged the Philippines to ensure that juvenile justice standards are fully implemented, and take all necessary measures to ensure that the age of criminal responsibility is not lowered.⁸⁹

D. Right to privacy, marriage and family life

31. CESCR recommended that the Philippines adopt legislation recognizing the right of men and women to divorce, to obtain the legal severance of marital ties and to remarry after divorce.⁹⁰

32. CRC noted with concern that there are many unregistered children in the country.⁹¹ It urged the Philippines *inter alia* to ensure allocation of adequate resources to registration centres; take further measures to ensure easy access to registration by the population, including in the most remote areas of the country; and put in place a mechanism to encourage and provide for late registration free of charge.⁹² It also encouraged the Philippines to further facilitate registration for parents, irrespective of their residence status, for children born abroad.⁹³

E. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

33. UNESCO indicated that the Philippines had been plagued by incidents involving the killing of journalists in non-conflict situations.⁹⁴ The continuing attacks on journalists and media workers and the ensuing problem of impunity was a grave concern which could engender a chilling effect on the up-to-now relatively free media landscape.⁹⁵

34. UNCT and UNICEF stated that the Philippines enjoyed a vibrant civil society environment. However, groups deemed opposed to the Government security agenda were often vilified publicly and without recourse. UNCT and UNICEF recommended that strong legislation prohibiting this practice and imposing criminal penalties be enacted.⁹⁶

F. Right to work and to just and favourable conditions of work

35. CESCR was concerned that the lack of employment opportunities has led much of the population of working age to emigrate. It urged the Philippines to increase its efforts to reduce unemployment and underemployment through specifically targeted measures at the local level for young, unskilled and inexperienced workers.⁹⁷

36. CESCR was also concerned that the low levels of minimum wages, particularly in the agricultural sector, were insufficient to provide an adequate standard of living for workers and their families.⁹⁸ It recommended that the Philippines provide sufficient human and financial resources to the Department of Labour and Employment (DOLE) to enable regular and independent inspections; and monitor closely the implementation of the 2004 Labour Standards Enforcement Framework.⁹⁹

37. The ILO Committee of Experts urged the Philippines to take the necessary measures to ensure that children under the minimum age specified by the Government, i.e. 15 years, working in the agricultural sector enjoy the protection afforded by ILO Convention No. 138 (1973) concerning Minimum Age for Admission to Employment.¹⁰⁰

G. Right to social security and to an adequate standard of living

38. CESCR was concerned at the increasing percentage of persons living below the official poverty line, and at the wide regional disparities between the National Capital Region and the poorest regions of the country.¹⁰¹ CRC and the 2012-2018 United Nations Development Assistance Framework (UNDAF) made similar comments.¹⁰² CESCR recommended that the Philippines allocate sufficient funds for the implementation of its poverty eradication strategy, and ensure the full integration of economic, social and cultural rights.¹⁰³

39. CESCR also noted with concern that roughly 30 per cent of the urban population continue to live in informal settlements and slums, sometimes built on high-risk areas, with no or limited basic infrastructures and services, and under constant threat of eviction.¹⁰⁴ It further regretted that most of its previous recommendations¹⁰⁵ relating to the prevention of illegal forced evictions have not been acted upon by the Philippines, and remained concerned about the large-scale forced eviction of urban families carried out for the purpose of urban renewal and beautification. It urged the Philippines inter alia to ensure the effective implementation of laws and regulations prohibiting illegal forced evictions and demolitions; reinforce the mandate of the Presidential Commission for the Urban Poor; and undertake consultations with affected residents prior to implementing development and urban renewal projects.¹⁰⁶

H. Right to health

40. CESCR encouraged the Philippines to address the problem of maternal deaths as a result of clandestine abortions and consider reviewing its legislation criminalizing abortion in all circumstances.¹⁰⁷ Similar recommendations were made by CRC.¹⁰⁸

41. UNDAF 2012-2018 indicated that there had been no notable decrease in maternal or neonatal mortality during the last several years. The inability to achieve notable reductions was due to a combination of factors that included high fertility, difficult access to modern and more effective contraception, increasing teenage pregnancies, poor maternal education and nutrition, and limited access to a continuum of services by skilled health personnel especially during emergency obstetrics care.¹⁰⁹

I. Right to education

42. CRC noted with concern the increasing number of children who did not attend school. It also reiterated its concern at poor schooling facilities, particularly in the remote areas.¹¹⁰ It urged the Philippines to allocate the necessary financial, human and technical resources to education.¹¹¹

43. UNESCO stated that extreme economic inequalities fuelled education inequalities, notably by pushing many children out of school and into employment.¹¹² The ILO Committee of Experts requested the Philippines to take the necessary measures to raise the age of completion of compulsory schooling from 12 years to 15 years in order to combat child labour. The Committee of Experts also requested the Philippines to continue taking measures to improve the functioning of the education system, in particular by increasing school enrolment and attendance rates among children under 15 years of age at the primary as well as the secondary level.¹¹³

J. Cultural rights

44. UNESCO indicated that the Medium Term Philippine Development Plan for Culture and the Arts 2004-2010 outlined the major challenges that culture was facing in the Philippines, such as democratizing and providing mechanisms for opening opportunities for all to participate in the national cultural development process; promoting a culture of peace and unity and strengthening national identity; intensifying cultural action towards protecting indigenous peoples' rights; and fostering harmony in cultural diversity.¹¹⁴

K. Persons with disabilities

45. CRC expressed concern at the lack of a comprehensive policy to ensure that children with disabilities have equal access to social, educational, health and other services, and at the high prevalence of disability among Philippine children, due to a number of causes, including malnutrition and unsanitary living conditions.¹¹⁵ It recommended that the Philippines strengthen its measures to protect and promote their rights.¹¹⁶

L. Minorities and indigenous peoples

46. CERD was concerned over reports of persisting human rights violations against indigenous peoples, who continued to be disproportionately affected by armed conflict. It was also concerned that leaders of these communities continue to be victims of extrajudicial executions as well as of disappearances and detention and over reports indicating occupation of indigenous territories by the armed forces and armed groups. CERD urged the Philippines to continue efforts to restore peace in the regions affected by armed conflict, to protect indigenous peoples, and to ensure that independent and impartial investigations are conducted.¹¹⁷

47. CESCR, UNCT and UNICEF stated that the Philippines Mining Act of 1995 contained provisions that were clearly in contradiction with the Indigenous People's Rights Act (IPRA) of 1997.¹¹⁸ CESCR urged the Philippines to fully implement IPRA, by ensuring that economic activities, especially mining, carried out on indigenous territories do not adversely affect the protection of the indigenous peoples' rights.

48. CERD recommended that the Philippines streamline the process for obtaining land rights certificates and take effective measures to protect communities from retaliations and violations when attempting to exercise their rights.¹¹⁹ CERD also recommended that the Philippines verify that the structures and guidelines/procedures established to conduct the National Commission for Indigenous Peoples are in accordance with the spirit and letter of IPRA and set realistic time frames for consultation processes with indigenous peoples.¹²⁰

49. UNCT stated that protracted ethnic and political conflict in Mindanao has resulted in widespread poverty.¹²¹ UNICEF stated that, in many parts of Mindanao, the child health and nutrition situation was worse than in other parts of the Philippines.¹²²

50. While acknowledging the inclusion for the first time of indigenous people's concerns in the Medium-Term Philippine Development Plan 2004-2010 (MTPDP), CRC reiterated its concern at the widespread poverty among minorities and indigenous peoples and the limited access to social and health services and education.¹²³ It recommended that the Philippines strengthen its efforts to implement IPRA, and raise awareness in communities and schools of the multicultural nature of Filipino society and the need for education to be sensitive to the traditions, languages and views of different ethnic groups.¹²⁴ CRC also recommended that indigenous children are not recruited by armed forces.¹²⁵

51. In 2011, the ILO Committee of Experts noted with regret that the Government's report contained no information in reply to its previous comments on discrimination against indigenous peoples. The Committee of Experts urged the Government to provide full particulars on inter alia the measures taken or envisaged, including through the implementation of the relevant provisions of the IPRA, to protect indigenous peoples against discrimination; and any measures taken to ensure that indigenous peoples have access to land and resources to allow them to engage in their traditional occupations.¹²⁶

M. Migrants, refugees and asylum-seekers

52. CMW appreciated that the Philippines considers the issue of migration as a priority in its domestic and foreign policy agenda.¹²⁷ It recommended that the Philippines inter alia continue and strengthen its activities to provide legal assistance to Filipino migrant workers and inform them of the administrative and judicial remedies available through the Department of Foreign Affairs;¹²⁸ and progressively mainstream to the extent possible relevant and appropriate provisions of the Convention into bilateral agreements.¹²⁹

53. CMW also expressed concern over the situation of children whose parents have migrated abroad, and inter alia encouraged the Philippines to support a comprehensive study with the aim of developing adequate strategies to ensure protection and full enjoyment of the rights of those children.¹³⁰

54. CMW acknowledged that the geography of the thousands of islands in the Philippines makes it challenging to effectively monitor the movement of people and control borders to prevent irregular migration and to safeguard the rights of all migrant workers.¹³¹

55. In 2011, UNHCR recommended that Philippines promote the refugees' access to the labour market and facilitate their possibilities for naturalization, in order to enhance the likelihood of local integration and achievement of a sustainable solution.¹³²

N. Internally displaced persons

56. CRC expressed concern at the continuing and increasing displacement of children and urged the Philippines to ensure their access to social and health services, education and development.¹³³

57. UNHCR welcomed the incorporation of principles for the protection of internally displaced persons in the Armed Forces of the Philippines Internal Peace and Security Plan.¹³⁴

O. Right to development and environmental issues

58. CRC noted with concern that the Philippines has not yet addressed the social and environmental impact of its Mining Act of 1995 and recommended that the regulatory

framework in the country include a requirement for social responsibility and environmental protection.¹³⁵

59. CRC also recommended that the Philippines continue to strengthen its efforts to reduce pollution and environmental degradation by strengthening the implementation of domestic environmental laws; introduce environmental health education programmes in schools; take effective measures to improve access to safe drinking water and sanitation facilities, particularly in the rural areas and slums; and develop and implement an action plan or strategy on assistance and protection of children affected by natural disasters.¹³⁶

60. UNDAF 2012-2018 indicated that extreme climatic events and natural disasters were a persistent threat. Climate change was expected to cause increased weather turbulence, flooding and prolonged droughts, intensifying risks to agricultural production, food security and vector-borne diseases and greatly exacerbating the already-fragile socioeconomic conditions of the country. The poor, most of whom lived in rural communities or along the coasts of the country's more than 7,000 islands, were especially at risk because of their strong dependence on natural ecosystems.¹³⁷

P. Human rights and counter-terrorism

61. In 2009, CAT recommended that the Philippines review and amend as necessary the Human Security Act of 2007 to bring it into conformity with international human rights standards.¹³⁸

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009 (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations Compilation from the previous cycle, UN document A/HRC/WG.6/1/PHL/2, accessed at <http://documents.un.org/doc/UNDOC/GEN/G08/123/53/pdf/G0812353.pdf?OpenElement>

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
CRC-OPIC	Optional Protocol to CRC on a communications procedure

ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CED	International Convention for the Protection of All Persons from Enforced Disappearance

- ³ See also A/HRC/RES/16/19, p. 1-2 and Statement by Ms. Navi Pillay, United Nations High Commissioner for Human Rights on the occasion of the Signature of the Agreement Establishing a country office in Tunisia, 13 July 2011; available from <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11241&LangID=E>; and Statement by UN High Commissioner for Human Rights Navi Pillay to mark the opening of the UN Human Rights Office in Tunisia, 14 July 2011; available from: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11239&LangID=E>
- ⁴ In the previous Compilation a table contained information on Recognition of specific competences of treaty bodies Namely, Individual complaints: ICERD art. 14, CAT art. 22, ICRMW art. 77, and CED art. 31; Inquiry procedure: OP-CEDAW arts. 8 and 9; CAT art. 20; OP-CRPD arts. 6 and 7; Inter-State complaints: ICCPR art. 41, ICRMW art. 76, and CED art. 32.
- ⁵ See also A/HRC/RES/16/19, p. 1-2 and Statement by Ms. Navi Pillay, United Nations High Commissioner for Human Rights on the occasion of the Signature of the Agreement Establishing a country office in Tunisia, 13 July 2011; available from <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11241&LangID=E>; see also Statement by UN High Commissioner for Human Rights Navi Pillay to mark the opening of the UN Human Rights Office in Tunisia, 14 July 2011; available from: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11239&LangID=E>
- ⁶ 1951 Convention relating to the Status of Refugees and its 1967 Protocol.
- ⁷ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁸ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ¹⁰ 1954 Convention relating to the Status of Stateless Persons.
- ¹¹ 1961 Convention on the Reduction of Statelessness.
- ¹² Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I).
- ¹³ CRC/C/PHL/CO/3-4, para. 85.
- ¹⁴ CAT/C/PHL/CO/2, para. 28.
- ¹⁵ CRC/C/PHL/CO/3-4, para. 85.
- ¹⁶ CRC/C/OPAC/PHL/CO/1, para. 26.
- ¹⁷ CAT/C/PHL/CO/2, para. 29.
- ¹⁸ CERD/C/PHL/CO/20, para. 29.

- ¹⁹ UNHCR submission to the UPR on the Philippines, pp. 1 and 3.
- ²⁰ CERD/C/PHL/CO/20, para. 15.
- ²¹ UNICEF submission to the UPR on the Philippines, p. 1.
- ²² CAT/C/PHL/CO/2, para. 16.
- ²³ CRC/C/PHL/CO/3-4, para. 33.
- ²⁴ E/C.12/PHL/CO/4, para. 13.
- ²⁵ CERD/C/PHL/CO/4, para. 21.
- ²⁶ UNCT submission to the UPR on the Philippines, p. 2. / UNICEF submission to the UPR on the Philippines, p. 2.
- ²⁷ CERD/C/PHL/CO/20, para. 9.
- ²⁸ CERD/C/PHL/CO/20, para. 12.
- ²⁹ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see AHRC/16/77, Annex.
- ³⁰ The following abbreviations have been used for this document:
- | | |
|--------------|--|
| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
| CMW | Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Committee on the Rights of Persons with Disabilities |
- ³¹ CRC/C/PHL/CO/3-4, para. 2.
- ³² CAT/C/PHL/CO/2, para. 2.
- ³³ E/C.12/PHL/CO/4, para. 2.
- ³⁴ CAT/C/PHL/CO/2, para. 2.
- ³⁵ E/C.12/PHL/CO/4, para. 2.
- ³⁶ CERD/C/PHL/CO/20, para. 3.
- ³⁷ See also CERD/C/PHL/CO/20, para. 25.
- ³⁸ CERD/C/PHL/CO/20, para. 18.
- ³⁹ CERD/C/PHL/CO/20, para. 23.
- ⁴⁰ CERD/C/PHL/CO/20, para. 25.
- ⁴¹ CAT/C/PHL/CO/2, para. 7.
- ⁴² CAT/C/PHL/CO/2, para. 15.
- ⁴³ CAT/C/PHL/CO/2, para. 16.
- ⁴⁴ CAT/C/PHL/CO/2, para. 18.
- ⁴⁵ CAT/C/PHL/CO/2, para. 19.
- ⁴⁶ Abbreviations used follow those contained in the Communications Report of Special Procedures, A/HRC/18/51 :
- | | |
|---|--|
| Adequate housing | Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context |
| Arbitrary detention | Working Group on Arbitrary Detention |
| Cultural rights | Independent Expert in the field of cultural rights |
| Disappearances | Working Group on Enforced or Involuntary Disappearances |
| Extreme poverty | Independent Expert on the question of human rights and extreme poverty |
| Food | Special Rapporteur on the right to food |
| Freedom of expression | Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression |
| Freedom of peaceful assembly and of association | Special Rapporteur on the rights to freedom of peaceful assembly and of association |

Health	Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
Human rights defenders	Special Rapporteur on the situation of human rights defenders
Independence of judges and lawyers	Special Rapporteur on the independence of judges and lawyers
Indigenous peoples	Special Rapporteur on the rights of indigenous peoples
Internally displaced persons	Representative of the Secretary-General on internally displaced persons
Migrants	Special Rapporteur on the human rights of migrants
Minority issues	Independent Expert on Minority Issues
Summary executions	Special Rapporteur on extrajudicial, summary or arbitrary executions
Terrorism	Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism
Toxic waste	Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes
Trafficking	Special Rapporteur on trafficking in persons, especially women and children

⁴⁷ A/HRC/19/58/Rev.1, para. 471.

⁴⁸ CERD/C/PHL/CO/20, para. 18.

⁴⁹ CMW/C/PHL/CO/1, para. 42.

⁵⁰ OHCHR 2008 Report Activities and Results, p. 174.

⁵¹ OHCHR 2011 Report Activities and Results (forthcoming).

⁵² E/C.12/PHL/CO/4, para. 18.

⁵³ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Discrimination Convention No. 111 (1958), 2011, Geneva, doc. No. (ILOLEX) 062011PHL111, 1st para.

⁵⁴ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Equal Remuneration Convention No. 100 (1951), 2011, Geneva, doc. No. (ILOLEX) 0620110PHL100, 1st para.

⁵⁵ CRC/C/PHL/CO/3-4, para. 29.

⁵⁶ CRC/C/PHL/CO/3-4, para. 30.

⁵⁷ CAT/C/PHL/CO/2, para. 11.

⁵⁸ E/C.12/PHL/CO/4, para. 15.

⁵⁹ CRC/C/PHL/CO/3-4, para. 33.

⁶⁰ CAT/C/PHL/CO/2, para. 7.

⁶¹ CAT/C/PHL/CO/2, paras. 8, and 10.

⁶² CRC/C/PHL/CO/3-4, para. 41.

⁶³ A/HRC/11/2/Add.8, para. 43.

⁶⁴ UNCT submission to the UPR on the Philippines, p. 5. / UNICEF submission to the UPR on the Philippines, p. 4.

⁶⁵ A/HRC/19/58/Rev.1, para. 472.

⁶⁶ CAT/C/PHL/CO/2, para. 17.

⁶⁷ CRC/C/PHL/CO/3-4, para. 51. See also UNCT submission to the UPR on the Philippines, p. 6.

⁶⁸ CRC/C/PHL/CO/3-4, para. 43.

⁶⁹ CRC/C/PHL/CO/3-4, para. 44.

⁷⁰ UNCT submission to the UPR on the Philippines, p. 6. / UNICEF submission to the UPR on the Philippines, p. 4.

⁷¹ CRC/C/PHL/CO/3-4, para. 75.

⁷² CAT/C/PHL/CO/2, para. 24.

⁷³ See also UNICEF submission to the UPR on the Philippines, p. 4.

⁷⁴ CRC/C/OPAC/PHL/CO/1, para. 21.

⁷⁵ CRC/C/PHL/CO/3-4, para. 71.

⁷⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Worst Forms of Child Labour Convention No. 182 (1999), 2010, Geneva, doc. No. (ILOLEX) 062010PHL182, 10th para.

- ⁷⁷ Annual Report of the Special Representative of the Secretary-General for children and armed conflict, Radhika Coomaraswamy, A/HRC/18/38, para. 48.
- ⁷⁸ E/C.12/PHL/CO/4, para. 27 and CRC/C/PHL/CO/3-4, paras. 72-73.
- ⁷⁹ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Worst Forms of Child Labour Convention No. 182 (1999), 2010, Geneva, doc. No. (ILOLEX) 062010PHL 182, para. 9; UNCT submission to the UPR on the Philippines, p. 6 / UNICEF submission to the UPR on the Philippines, p. 4.
- ⁸⁰ CRC/C/PHL/CO/3-4, para. 73. See also E/C.12/PHL/CO/4, para. 27 and ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Worst Forms of Child Labour Convention No. 182 (1999), 2010, Geneva, doc. No. (ILOLEX) 062010PHL182, para. 9.
- ⁸¹ CMW/C/PHL/CO/1, para. 48. See also CRC/C/PHL/CO/3-4, para. 78 and E/C.12/PHL/CO/4, para. 26.
- ⁸² UNICEF submission to the UPR on the Philippines, p. 5.
- ⁸³ UNCT submission to the UPR on the Philippines, p. 7. / UNICEF submission to the UPR on the Philippines, p. 6.
- ⁸⁴ E/C.12/PHL/CO/4, para. 14.
- ⁸⁵ CRC/C/PHL/CO/3-4, para. 20.
- ⁸⁶ CAT/C/PHL/CO/2, para. 23.
- ⁸⁷ CAT/C/PHL/CO/2, para. 21.
- ⁸⁸ A/HRC/11/2/Add. 8, para. 31.
- ⁸⁹ CRC/C/PHL/CO/3-4, para. 81. See also UNICEF submission to the UPR on the Philippines, p. 5.
- ⁹⁰ E/C.12/PHL/CO/4, para. 24.
- ⁹¹ CRC/C/PHL/CO/3-4, para. 36.
- ⁹² CRC/C/PHL/CO/3-4, para. 37.
- ⁹³ CRC/C/PHL/CO/3-4, para. 39.
- ⁹⁴ UNESCO submission to the UPR on the Philippines, para. 25.
- ⁹⁵ UNESCO submission to the UPR on the Philippines, para. 26.
- ⁹⁶ UNCT submission to the UPR on the Philippines, p. 8. / UNICEF submission to the UPR on the Philippines, p. 6.
- ⁹⁷ E/C.12/PHL/CO/4, para. 19.
- ⁹⁸ E/C.12/PHL/CO/4, para. 22.
- ⁹⁹ E/C.12/PHL/CO/4, para. 23.
- ¹⁰⁰ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Minimum Age Convention No. 138 (1973), 2010, Geneva, doc. No. (ILOLEX) 062010PHL138, 2nd para.
- ¹⁰¹ E/C.12/PHL/CO/4, para. 28.
- ¹⁰² CRC/C/PHL/CO/3-4, para. 63; the Philippines UNDAF 2012-2018, Makati City, 2011, p. 2, available at http://www.undg.org/docs/12266/UNDAF-Philippines-2012_2018.pdf
- ¹⁰³ E/C.12/PHL/CO/4, para. 28.
- ¹⁰⁴ E/C.12/PHL/CO/4, para. 29.
- ¹⁰⁵ E/C.12/1995/7, paras. 31-32.
- ¹⁰⁶ E/C.12/PHL/CO/4, para. 30.
- ¹⁰⁷ E/C.12/PHL/CO/4, para. 31.
- ¹⁰⁸ CRC/C/PHL/CO/3-4, paras. 61-62.
- ¹⁰⁹ Supporting inclusive, sustainable and resilient development, The United Nations Development Assistance Framework for the Philippines, 2012-2018 (Makati City, 2011), pp. 11-12, available at http://www.undg.org/docs/12266/UNDAF-Philippines-2012_2018.pdf.
- ¹¹⁰ CRC/C/PHL/CO/3-4, para. 65.
- ¹¹¹ CRC/C/PHL/CO/3-4, para. 66.
- ¹¹² UNESCO submission to the UPR on the Philippines, para. 11.
- ¹¹³ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Minimum Age Convention No. 138 (1973), 2010, Geneva, doc. No. (ILOLEX) 062010PHL138, 3rd para.
- ¹¹⁴ UNESCO submission to the UPR on the Philippines, para. 19.
- ¹¹⁵ CRC/C/PHL/CO/3-4, para. 53.
- ¹¹⁶ CRC/C/PHL/CO/3-4, para. 54.

- ¹¹⁷ CERD/C/PHL/CO/20, para. 18.
- ¹¹⁸ E/C.12/PHL/CO/4, para. 16; UNCT submission to the UPR on the Philippines, pp. 9 and 10; UNICEF submission to the UPR on the Philippines, pp. 7 -8.
- ¹¹⁹ CERD/C/PHL/CO/20, para. 23.
- ¹²⁰ CERD/C/PHL/CO/20, para. 24.
- ¹²¹ UNCT submission to the UPR on the Philippines, p. 10.
- ¹²² UNICEF submission to the UPR on the Philippines, p. 7.
- ¹²³ CRC/C/PHL/CO/3-4, para. 83.
- ¹²⁴ CRC/C/PHL/CO/3-4, para. 84.
- ¹²⁵ CRC/C/OPAC/PHL/CO/1, para. 19.
- ¹²⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2011, Geneva, doc. No. (ILOLEX) 0920110PHL111, 5th para.
- ¹²⁷ CMW/C/PHL/CO/1, para. 6.
- ¹²⁸ CMW/C/PHL/CO/1, para. 26. See also E/C.12/PHL/CO/4, para. 21.
- ¹²⁹ CMW/C/PHL/CO/1, para. 38.
- ¹³⁰ CMW/C/PHL/CO/1, para. 46.
- ¹³¹ CMW/C/PHL/CO/1, para. 12.
- ¹³² UNHCR submission to the UPR on the Philippines, p. 3.
- ¹³³ CRC/C/PHL/CO/3-4, para. 71.
- ¹³⁴ UNHCR submission to the UPR on the Philippines, p. 3.
- ¹³⁵ CRC/C/PHL/CO/3-4, paras. 21-22.
- ¹³⁶ CRC/C/PHL/CO/3-4, para. 60.
- ¹³⁷ The Philippines UNDAF 2012-2018, Makati City, 2011, p. 5, available at http://www.undg.org/docs/12266/UNDAF-Philippines-2012_2018.pdf. See also CRC/C/OPAC/PHL/CO/1, para. 8.
- ¹³⁸ CAT/C/PHL/CO/2, para. 13.
-