

**Submission by the United Nations High Commissioner for Refugees
for the Office of the High Commissioner for Human Rights' Compilation Report**

- Universal Periodic Review:

THE PHILIPPINES

I. Background and Current Conditions

The Philippines acceded to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter referred to as the Refugee Conventions) on 22 July 1981. The *Philippine Immigration Act of 1940* (Commonwealth Act No.613), which pre-dates the Refugee Convention, contains provisions for the favourable treatment of refugees and asylum-seekers in the Philippines. The provisions of the 1951 Refugee Convention are implemented in the domestic legal framework through the *Department Order No. 94* in 1998 issued by the Department of Justice of the Philippines, which establishes a refugee status determination procedure.

The refugee status determination procedure includes the possibility for review and appeal of first instance decisions. The Government of the Philippines carries out refugee status determination and decides cases on appeal.

In 2011, the Philippines acceded to the *1954 Convention relating to the Status of Stateless Persons*. The Philippines has also initiated the process for accession to the *1961 Convention on the Reduction of Statelessness*. The Government is presently working with UNHCR to develop a mechanism for the determination of stateless persons.

Internally displaced persons (IDPs) are protected under the general guarantees of rights in the *1987 Constitution of the Republic of the Philippines* and other laws. The Congress of the Philippines is currently deliberating over the passage of legislation, which aims to incorporate the United Nations' Guiding Principles on Internal Displacement as a way to enhance the rights of internally displaced persons into the national legal framework.

The number of stateless persons in the Philippines is undetermined. However, the Government of the Philippines has expressed interest in determining their number and their specific protection concerns together with UNHCR.

UNHCR commends the Government of the Philippines for the establishment of a

functioning asylum and refugee status determination system. The Refugee Processing Unit under the Department of Justice has been recently reconstituted to accommodate the demands and requirements of the work of the office.

Notwithstanding the above, the Committee on the Rights of the Child has expressed concern about the lack of domestic legislation addressing the specific needs of asylum-seeking and refugee children. The Committee noted that, for example, the provisions of the *Special Protection of Children against Child Abuse, Exploitation and Discrimination Act* (Republic Act No. 7610) on children in emergency situations are limited to children in situations of armed conflict.¹

In the Philippines, refugees have the right to work and they can obtain citizenship in the same conditions as other categories of non-nationals. UNHCR believes that the adoption of laws and administrative measures to provide more flexibility for refugees to carry out professional activities of refugees and to facilitate their access to citizenship in the Philippines would be important steps to further enhance the protection of refugees and contribute to their local integration as a durable solution.

II. Challenges and Constraints

A. Statelessness

Stateless persons who satisfy the refugee definition contained in the Refugee Conventions are afforded the necessary international protection associated with that status. However, international refugee law does not specifically address the entitlement to rights of non-refugee stateless persons.

UNHCR welcomes the accession of the Philippines to the *1954 Convention relating to the Status of Stateless Persons*. The 1954 Convention defines who is considered stateless and establishes minimum standards of treatment. UNHCR encourages the Government to establish a statelessness status determination procedure to ensure the protection of stateless persons who are not refugees.

UNHCR commends the Government of the Philippines for ongoing efforts to consider acceding to the *1961 Convention on the Reduction of Statelessness*. The *1961 Convention on the Reduction of Statelessness* establishes an international framework to ensure the right of every person to a nationality by establishing safeguards to prevent statelessness at birth and later in life. Stateless persons are often discriminated against in their enjoyment of economic, social and cultural rights. An increase in the number of States parties is essential to strengthening international efforts to prevent and reduce statelessness and ensuring full enjoyment of a number of these rights.

¹Committee on the Rights of the Child, 39th session, CRC/C/15/Add.259, 21 September 2005.

B. Internally Displaced Persons

UNHCR welcomes the measures taken by the Government of the Philippines to protect the rights of IDPs, including the legislation introduced in Congress, which incorporates the UN Guiding Principles on Internal Displacement into domestic law. UNHCR also notes the Government's cooperation with other UN agencies and other international organizations for the prevention of conflict and to address the protection needs of IDPs.

UNHCR welcomes the incorporation of principles for the protection of internally displaced persons in the Internal Peace and Security Plan of the Armed Forces of the Philippines, which is based on the respect to Human Rights, International Humanitarian Law and the Rule of Law and foresees the involvement of all stakeholders.

III. Recommendations

- Issue 1:** Continue to strengthen the legal framework and mechanisms for the protection of refugees and in particular address the specific protection needs of asylum-seeking and refugee children.
- Issue 2:** Promote the refugees' access to the labour market and facilitate their possibilities for naturalization, in order to enhance their local integrations perspectives and achievement of a durable solution.
- Issue 3:** 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 on the Status of Stateless Persons*.

**Human Rights Liaison Unit
Division of International Protection
UNHCR
December 2011**