



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés



Excerpts of Concluding Observations and Recommendations from UN Treaty Monitoring Bodies

- Universal Periodic Review:

THE PHILIPPINES

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations relating to issues of interest and persons of concern to UNHCR with regard to Philippines.

1. Treaty Body Reports

CERD/C/PHL/CO/20

**COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION,
75th session**

23 September 2009

19. The Committee is concerned about the effects of internal displacement as a consequence of armed conflict especially on indigenous peoples in relation to their livelihoods, health and education.

In the light of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), the Committee recommends that the State party adopt adequate measures in order to ensure the enjoyment by internally displaced persons of their rights under article 5 of the Convention, especially their right to security and their economic, social and cultural rights.

CAT/C/PHL/CO/2

COMMITTEE AGAINST TORTURE, 42nd session

29 May 2009

Non-refoulement

14. The Committee take note of the statement by the delegation that the State party has neither engaged nor participated in any form of "extraordinary renditions" or refoulement and that there has been no instance where it has received a request indicating that the person to be extradited would be in danger of being subjected to torture. Notwithstanding the proscription included under Section 57 "Ban on Extraordinary Rendition" of the 2007 Human Security Act, the Committee is concerned that the Act appears to permit persons apprehended in the Philippines to be rendered to countries that routinely commit torture, as long as the receiving State provides assurances of fair treatment. (art. 3)

The State party should ensure that it complies fully with article 3 of the Convention and that individuals under the State party's jurisdiction receive appropriate consideration by its competent authorities and guaranteed fair

treatment at all stages of the proceedings, including an opportunity for effective, independent and impartial review of decisions on expulsion, return or extradition.

In this respect, the State party should ensure that the relevant judicial and administrative authorities carry out a thorough and exhaustive assessment, prior to making any expulsion order, in all cases of foreign nationals who have entered or stayed in the Philippines unlawfully, including individuals who may constitute a security threat, in order to ensure that the persons concerned would not be subjected to torture, inhuman or degrading treatment or punishment in the country to which each of them would be returned.

Trafficking

26. While noting the significant efforts of the State party, including the recent convictions of traffickers, the adoption, in 2003, of the Anti-Trafficking in Persons Act (RA 9208) with the creation of the Inter-Agency Council Against Trafficking (IACAT) to coordinate and monitor its implementation as well as the “We are not for sale: Victims of Human Trafficking Speak Up Project”, the Committee is concerned that the Philippines continues to be a source, transit and destination country for cross-border trafficking of women and children for sexual exploitation and forced labour. The Committee regrets the very limited number of cases of filing, prosecution, and conviction of perpetrators of trafficking with many of those cases being dismissed at preliminary stages. (arts. 2, 12 and 16)

The State party should take all necessary measures to implement the current laws combating trafficking and provide protection for victims and their access to medical, social rehabilitative and legal services, including counselling services, as appropriate. The State party should also create adequate conditions for victims to exercise their right to make complaints, conduct prompt, impartial and effective investigation into all allegations of trafficking and ensure that perpetrators are brought to justice and punished with penalties appropriate to the nature of their crimes.

CRC/C/PHL/CO/3-4

COMMITTEE ON THE RIGHTS OF THE CHILD, 52nd session

2 October 2009

Birth registration

36. The Committee welcomes the efforts by the State party to improve birth registration, including the implementation of the Birth Registration Project (BRP), the establishment of the Barangay Civil Registration System (BCRS) to facilitate registration at the grassroots level as well as the training of *barangay* civil registration agents on the civil registration law and procedures of mobile birth registration. However, the Committee notes with concern that there are 2.6 million unregistered children in the country, most of whom are Muslim and indigenous children living in Mindanao. The Committee is also concerned that birth registration is not free of charge and that fines have to be paid in case of late registration.

37. The Committee recommends that the State party pursue and strengthen its efforts to develop an efficient and free birth registration system for all children. The Committee urges the State party to strengthen the BCRS in order to make the civil registration system more accessible at the grassroots level. The Committee also urges the State party to ensure allocation of adequate financial,

human and other resources to registration centres and to take further measures, including mobile services, to ensure easy access to registration by the population, including in the most remote areas of the country, with particular attention to Muslim and indigenous children living in Mindanao. The Committee further recommends that the State party put in place a mechanism to encourage and provide for late registration free of charge.

Name and nationality

38. The Committee welcomes the steps taken by the State party to improve registration of unregistered and undocumented children of Filipino migrant workers born abroad, through the Philippine embassies and consulates in the country where their parents work, through a large number of government departments and through the Migrant Workers and Other Overseas Filipinos Resource Centers (MWCFCRCs) which conduct awareness-raising sessions with parents on the need and value of birth registration. However, the Committee remains concerned at the high number of unregistered and undocumented children and that such children may be deprived of their right to a name and nationality due to their non-registration.

39. Reiterating its previous recommendation, the Committee encourages the State party to further facilitate that parents, irrespective of their residence status, can register their children born abroad. The Committee also recommends that the State party ensure that unregistered children without official documentation are allowed to access basic services, such as health and education, upon their return to the Philippines, while waiting to be properly registered.

Refugee children

67. The Committee regrets the lack of information about the situation of refugee children in the State party and it reiterates its concern at the lack of domestic legislation addressing the specific needs of asylum-seeking and refugee children.

68. The Committee reiterates its previous recommendation that the State party introduce specific laws and administrative regulations that address the needs of asylum-seeking and refugee children and provide unaccompanied and separated asylum-seeking and refugee children with special procedures. In this respect, the Committee recommends that the State party continue its cooperation with UNHCR.

69. The Committee welcomes the continuing implementation of the Comprehensive Programme for Children Involved in Armed Conflict (CP-CIAC), the work of the SA CAACD as well as the various initiatives to address the situation of children affected by armed conflict. The Committee also welcomes the visit by the Special Representative of the Secretary-General for Children and Armed Conflict to the Philippines in December 2008 and the signature, in July 2009, of an action plan by the Moro Islamic Liberation Front (MILF) with concrete and time-bound steps to prevent the recruitment of children and promote their reintegration into civilian life. While noting these positive steps, the Committee reiterates its concerns expressed upon the consideration in May/June 2008 of the State party's initial report on the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/PHL/CO/1), in particular the continued reported recruitment of children by armed groups to serve as combatants, spies, guards, cooks or medics and at the lack of prosecution of perpetrators of such crimes, partly due to the ambiguity

of Republic Act 7610, article 10, Sec.22 (b) prohibiting the recruitment of children which does not provide for punitive sanctions for the violations.

70. The Committee also expresses its deep concern at the continuing and increasing displacement of children and their limited access to social and health services, education and to development due to the adverse effects of internal armed conflict. Moreover, the Committee remains concerned at the impact of the internal armed conflict on children not involved in hostilities, in particular children living in Mindanao.

71. The Committee recalls its recommendations made upon the consideration of the State party's initial report on the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/PHL/CO/1) and it urges the State party to fully implement these recommendations, especially those aimed at the effective implementation of the existing legislation prohibiting and criminalizing the recruitment and involvement of children in hostilities and at the continuation and strengthening of measures aimed at the demobilization, physical and psychological recovery and social reintegration of the victims, including measures to address the situation of displacement of children and to ensure their access to social and health services, education and to development. The Committee also calls on the State party to take the necessary legislative measures to address the ambiguity of Republic Act 7610, article 10, Sec.22 (b) prohibiting the recruitment of children to ensure that the perpetrators of such violations are punished. The Committee further recommends that the State party ensure that children in armed conflict are not treated as children in conflict with the law and that the State party ratify the Rome Statute of the International Criminal Court as well as the Protocol Additional to the Geneva Conventions of 12 August 1949 Relating to the Protection of Victims of International Armed Conflicts (Protocol I).

Sale, trafficking and abduction

78. While noting the various legislative, administrative and policy measures adopted by the State party, the Committee notes with concern that a high number of women and children continue to be trafficked from, through and within the country for purposes of sexual exploitation and labour. The Committee is particularly concerned at the low number of prosecutions and convictions of traffickers and it is also concerned at existing risk factors contributing to trafficking activities, such as persistent poverty, temporary overseas migration, growing sex tourism, impunity and weak law enforcement in the State party. The Committee is further concerned that, due to the illegal and clandestine nature of child trafficking and the lack of an effective data collection mechanism, it is difficult to ascertain the number of victims and the purpose of trafficking.

79. The Committee recommends that the State party intensify its efforts to prevent and combat trafficking in human beings, especially women and children, including for purposes of sexual exploitation and labour, *inter alia*, by:

- (a) Establishing a strong and systematic monitoring mechanism for gathering data to ascertain the number of victims and the purpose of trafficking;**
- (b) Supporting programmes and information campaigns to prevent trafficking and providing mandatory training for law enforcement officials, prosecutors and judges on the anti-trafficking legislation;**

- (c) Paying particular attention to existing risk factors, such as the growing sex tourism in the region, and continuing to collaborate with the Department of Tourism and tourism service providers in this respect;
- (d) Implementing the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, particularly by increasing the provision of medical, psychological and legal support to victims; and
- (e) Considering the ratification of the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

CMW/C/PHL/CO/1

**COMMITTEE ON THE PROTECTION OF THE RIGHTS OF ALL
MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES, 10th session
22 May 2009**

47. While noting the significant efforts of the State party such as the recent convictions of traffickers and the “We are not for sale” campaign, the Committee is concerned about the significant number of Filipino workers abroad who are victims of trafficking. The Committee further regrets the very limited number of cases of filing, prosecution, and conviction of perpetrators of trafficking with many of those cases being dismissed at preliminary stages.

48. The Committee endorses the recommendations of the Committee on the Elimination of All Forms of Discrimination against Women in this regard and recommends that the State party:

- (a) Evaluate the phenomenon of trafficking in persons and compile systematic disaggregated data with a view to better combating trafficking, especially of women and children;
- (b) Vigorously ensure effective enforcement of anti-trafficking legislation and increase efforts to improve the record of prosecutions, convictions, and punishment for traffickers and public officials who profit from or are involved in trafficking and bring perpetrators to justice;
- (c) Strengthen the Anti-Illegal recruitment campaign and provide adequate funding for the implementation of the National Strategic Plan of Action against Trafficking;
- (d) Continue collaboration with all relevant partners to increase advocacy, information, education and overall public awareness activities. Likewise, continue its ongoing early detection and prevention activities.
- (e) Coordinate and monitor the implementation of laws regarding forced labour and slavery, and continue training programmes in identifying and providing the necessary intervention and assistance to trafficked persons. Continue training of prosecutors to make them fully aware of the nuances of anti-trafficking law. Similarly, continue partnerships to increase technical capacity building and training of law enforcers, prosecutors and service providers.
- (f) Continue partnership with national and international relevant partners, including NGOs to provide services to victims of trafficking.

E/C.12/PHL/CO/4

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, 41st session

28 November 2008

26. The Committee notes with concern that, notwithstanding the various legislative, administrative and policy measures adopted by the State party to combat trafficking, a high number of women and children continue to be trafficked from, through and within the country for purposes of sexual exploitation and forced labour. The Committee is particularly concerned about the low number of prosecutions and convictions of traffickers. (article 10)

The Committee recommends that the State party intensify its efforts to combat trafficking in human beings, especially women and children, for purposes of sexual exploitation and forced labour, inter alia by supporting programmes and information campaigns to prevent trafficking, providing mandatory training for law enforcement officials, prosecutors and judges on the anti-trafficking legislation and increasing the provision of medical, psychological and legal support to victims.

CEDAW/C/PHL/CO/6

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, 36th

25 August 2006

19. While welcoming the Anti-Trafficking in Persons Act of 2003, the Committee notes with concern that trafficking in women and girls and the exploitation of prostitution continue to thrive in the Philippines, owing to the poverty of women and girls. The Committee is also concerned about the low rates of prosecution and conviction of traffickers and those who exploit the prostitution of women.

20. The Committee recommends that the State party further strengthen bilateral, regional and international cooperation with countries of origin, transit and destination so as to address trafficking in women more effectively. It urges the State party to pursue a holistic approach aimed at addressing the root causes of trafficking and improving prevention. Such efforts should include measures to improve the economic situation of women and girls and to provide them with educational and economic opportunities, thereby reducing and eliminating their vulnerability to exploitation and traffickers. The Committee further calls on the State party to take appropriate measures to suppress the exploitation of prostitution of women, including through the discouragement of the demand for prostitution. It should also facilitate the reintegration of prostitutes into society and provide rehabilitation, social integration and economic empowerment programmes to women and girls who are victims of exploitation and trafficking. The Committee recommends that the State party provide financial support to non-governmental organizations, including religious non-governmental organizations, which run shelters and drop-in centres for the rehabilitation of women and girls in prostitution. The Committee urges the State party to prosecute and punish traffickers and those who exploit the prostitution of women, and provide protection to victims of trafficking. The Committee requests the State party to provide, in its next report, comprehensive information and

data on trafficking in women and girls and the exploitation of prostitution and on the impact of the various measures undertaken in that regard.

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