



General Assembly

Distr.
GENERAL

A/HRC/WG.6/1/PHL/3
11 March 2008

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Working Group on the Universal Periodic Review
First session
Geneva, 7-18 April 2008

SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1*

Philippines

The present report is a summary of 31 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The periodicity of the review for the first cycle being four years, the information reflected in this report mainly relates to events that occurred after 1 January 2004.

* The present document was not edited before being sent to the United Nations translation services

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations

1. The Free Legal Assistance Group (FLAG) noted that the Philippines is not a party to the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) and the Rome Statute on the International Criminal Court, and that it has not recognized the provision in the CAT on individual complaints.² The Joint submission by NGOs with UN consultative status (JSNGO) also mentioned that the Philippines has not ratified the Convention for the Protection of All Persons from Enforced Disappearance.³

B. Constitutional and legislative framework

2. The World Organization Against Torture (OMCT) stated that the Philippines possesses a comprehensive legal framework that, *de jure*, offers vital safeguards to Filipino citizens. However, *de facto*, the law is often inconsistently implemented and enforced. This is due in part to loopholes in the law itself and in part to endemic problems related to poor governance and corruption.⁴

3. The International Federation for Human Rights and Philippine Alliance of Human Rights Advocates (FIDH & PAHRA) note that although the Philippines has ratified the ICCPR and the CAT, torture is not criminalised under domestic law.⁵ According to the Commission on Human Rights of the Philippines (CHRP), laws on issues such as extrajudicial killings, enforced disappearances, internal displacement, compensation to victims of human rights violations and a way to address development initiatives which poses a threat to the rights of the indigenous peoples have yet to be passed. CHRP also noted that while laws on women's rights are quite comprehensive, there is still a need to amend and enact laws dealing with reproductive health, right to health care, an additional protection against trafficking and violence against women.⁶

C. Institutional and human rights structure

4. The CHRP observed that two recent developments have threatened the independence of the Commission: a Supreme Court pronouncement in February 2007 that the CHRP enjoys only "limited fiscal autonomy" and the enactment of the Human Security Act of 2007 granting the Commission prosecutorial powers and more responsibilities, albeit without its knowledge. The CHRP describes itself as the independent monitor of all actions of the Government, stressing that prosecution is a task of the executive.⁷

5. The National Council of Churches in the Philippines (NCCP) stated that the CHRP lacks independence. Adding that, the success of the CHRP is entirely contingent on the cooperation of the police and the Armed Forces, it stated that it cannot go far without the backing of the President and other agencies to provide counterweight.⁸ The Asian Indigenous and Tribal People Network (AITPN) highlighted that most of the capacity building programmes are focused on the CHRP, and it recommended that such programmes also be developed for the National Commission on Indigenous Peoples, including for titling indigenous peoples' lands.⁹ The Joint submission by NGOs with UN consultative status and

endorsed by 29 civil society organizations (JSNGO) noted that the National Human Rights Action Plan was drafted without the participation of human rights groups in the Philippines.¹⁰

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

6. AITPN noted that the Philippines has failed to extend a standing invitation to the Special Procedures.¹¹ The Joint submission by the Working Group on Asia (JSWGA) recommended that the Philippines indicate its willingness to issue a standing invitation.¹²

B. Implementation of international human rights obligations

1. Equality and non discrimination

7. AITPN considered the policy of some schools dismissing unmarried female students (but not their male partner) if they got pregnant as being highly discriminatory against girls.¹³ The Women's Legal Bureau Inc. (WLB) noted that despite an increase in the number of women legislators, the Congress remains male-dominated.¹⁴ WLB stated that there is no anti-discriminatory legislation protecting lesbians.¹⁵

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

8. According to AITPN, extrajudicial killings and enforced disappearances remain endemic. AITPN quoted figures from the Alliance for the Advancement of People's Rights (KARAPATAN) which claimed that from January 2001 to June 2007, a total of 885 people had been killed extra-judicially and 183 persons had disappeared. According to AITPN, most of the victims were affiliated with cause-oriented groups, and included human rights activists, lawyers, journalists, church workers, leftist activists and leaders from indigenous communities.¹⁶ KARAPATAN documented that during this same period 59 children were victims of extrajudicial killings and four victims of enforced disappearance.¹⁷ AITPN noted that in the Autonomous Region of Muslim Mindanao 7% of the victims of extrajudicial killings from 2001 to 2007 were children.¹⁸ The Internal Displacement Monitoring Centre of the Norwegian Refugee Council (IMDC) noted that in 2006 politically motivated extrajudicial killings in the country reached their highest level since 1986.¹⁹ Human Rights Watch (HRW) observed that this sharp increase in the number of extrajudicial killings coincided with President Arroyo's June 2006 declaration of an "all-out war" against communist insurgents called the National People's Army.²⁰

9. Amnesty International (AI) expressed concern that torture and ill-treatment persist within the criminal justice system and the Armed Forces of the Philippines. According to AI, torture often accompanies abductions of suspected rebels or sympathisers. Police often use torture to extract confessions, when pressured to solve a case quickly or in high profile cases.²¹ JSNGO stated that the Task Force Detainees of the Philippines reported that under the Arroyo administration 125 cases of torture affecting 267 individuals have been documented.²²

10. KARAPATAN reported that as of October 2007, there remain 235 political prisoners (29 of whom are women) in different prisons and detention centres throughout the Philippines. About 204 of them were arrested by the Arroyo Government, many without a warrant, and charged with criminal cases instead of political ones.²³

11. WLB noted that the number of cases of violence against women reported to the police increased six-fold from 1996 to 2005.²⁴ OMCT observed that the absence of a law on divorce effectively forces women victims of domestic violence to remain with their abusive husbands. The lack of legislation granting women and men equal rights to administer property during marriage deprives women of their own means and livelihood and makes them economically dependent on their husbands, hence increasing their vulnerability to sustained violence.²⁵ OMCT recommended that a new act be adopted that foresees the possibility of divorce, in addition to legislation that would ensure women and men have the same rights to administer common assets during marriage.²⁶

12. OMCT highlighted that indigenous women, women from poor Muslim communities and women living in rural and conflict-prone areas are particularly vulnerable to violence. Due to the poor economic situation of many women and girls, and despite of the Anti-Trafficking in Persons Act of 2003, the exploitation of Filipino women continues to increase.²⁷ WLB observed that the Philippines continues to be seen as a source, transit and destination country for cross-border trafficking of women and children for sexual exploitation and forced labour. WLB quoted estimates that a total of 25,000 to 35,000 Filipino women are victims of trafficking every year, a figure that is equivalent to 50 per cent of all women victims of trafficking in Southeast Asia.²⁸

13. OMCT mentioned that a manifestation of the impact of poverty upon Filipino women is the feminization of overseas employment. Many Filipino women migrant workers, employed as entertainers and domestic helpers, are exposed to the risk of working conditions akin to slavery and to physical and sexual abuse.²⁹

14. AI is concerned that provisions of the Revised Penal Code and the Rules on Criminal Procedure could put individuals at risk of arbitrary detention.³⁰ JSNGO stated that between January 2001 and September 2007, 409 cases of illegal arrests and detention affecting 1,460 individuals were recorded.³¹ AI recommended that the Philippines strengthen the provisions of its Criminal Code regulating the safeguards preceding the issue of an arrest warrant and clearly and effectively prohibit arbitrary arrest. It stressed that the Human Security Act must be applied in consistency with these safeguards.³²

15. Regarding juvenile justice, AI noted that despite an array of legislative and procedural safeguards, minors in detention continue to be at risk of physical or sexual abuse and held in poor conditions.³³ According to AITPN more than 1,000 children in conflict with the law were languishing in sub human conditions in jails together with adult criminals.³⁴ Prison conditions, noted AITPN, remain deplorable due to overcrowding, sub-standard facilities and lack of basic facilities. Overcrowding resulted in spread of diseases such as tuberculosis and sanitation problems.³⁵

3. Administration of justice and the rule of law

16. HRW stated that the Philippines is consistently failing in its obligations under international human rights law to hold accountable perpetrators of politically motivated killings. HRW mentioned that out of hundreds of killings and “disappearances” over the past five years, there have been only two successfully prosecuted cases resulting in the conviction of four defendants. HRW reported that no senior military officers has been convicted either for direct involvement or under command responsibility and stated that the National Police blames failures in the prosecution largely on witnesses’ unwillingness to cooperate. HRW

considered that an extremely weak witness protection programme exacerbates this problem.³⁶ According to Diakonie and Action Network Human Rights (D and ANHR), the current Witness Protection Programme is underused and not sufficiently implemented. Human rights NGOs in the Philippines continue to claim that victims prefer the protection of church retreats to Government protection programmes, due to greater safety.³⁷ The Asian Legal Resource Centre (ALRC) informed that following the 2007 visit of the Special Rapporteur on extrajudicial, summary or arbitrary executions, a human rights activist and witness that spoke with the Special Rapporteur, was killed (on 10 March 2007). ALRC added that victims needing urgent protection and assistance are not being given it, despite repeated appeals.³⁸

17. HRW highlighted that in response to domestic and international criticism on failed prosecutions, the State has undertaken a series of specific measures to address extrajudicial killings and enforced disappearances. These initiatives (which include the Task Force Usig, the Melo Commission, measures taken by the Supreme Court, establishment of 99 special courts, creation of other human rights offices). However, according to HRW, these initiatives have done very little to actually resolve the problem.³⁹ HRW recommended that the Philippines immediately issue an executive order to the Armed Forces and the National Police reiterating the prohibition of extrajudicial killing. It also advises that the State should vigorously investigate and prosecute members of the military implicated in extrajudicial killings or enforced disappearances, particularly those identified by the Melo Commission report.⁴⁰ The CHRP mentioned that recently Human Rights Offices in both the Armed Forces at the Philippines and the Philippine National Police have been established.

18. According to the ALRC, the State is doing little to improve the compensation and assistance scheme for victims of violent crimes: the amount of compensation for victims of abuses and violent crimes has not increased and is based on Republic Act 7309, a law granting compensation for victims of unjust imprisonment and victims of violent crimes that was approved 15 years ago.⁴¹ KARAPATAN noted that hundreds of families of victims of killings and disappearances have filed complaints with the CHRP, but for the most part, the institution has failed to thoroughly and consistently investigate and make anyone accountable.⁴²

4. Right to privacy, marriage and family life

19. AITPN noted that the provisions of the Code of Muslim Personal Laws permit the marriage of girls under 18 as well as polygamy.⁴³

5. Freedoms of religion and belief, expression, association and peaceful assembly, and right to participate in public and political life

20. In terms of freedom of expression, Reporters Without Borders (RSF) highlighted that the past two years have been marked by murders, physical attacks, arrests, abusive lawsuits and cases of censorship. At least six journalists were killed in 2006 and two in 2007. Defamation is still a criminal offence punishable by imprisonment.⁴⁴

21. According to Frontline (FL), extrajudicial killings, enforced disappearances, arbitrary arrests, ill-treatment and torture in police custody, threats and acts of harassment are major obstacles to the establishment of a favourable environment for human rights activities in the country. At particular risk are defenders working in the fields of women's rights, urban poverty, peasants' rights and workers' rights. Journalists and defenders who are critical of the military or seen as being sympathetic to the communist movement are also targeted according

to FL which also reports that some defenders have been put at risk by accusations by civilian and military leaders that they are fronts for the communist insurgency or "enemies of the state".⁴⁵ The Islamic Human Rights Commission (IHRC) mentioned a case where a farmer who was a member of the Alliance of Farmers in Bulacan (which has itself been declared an 'enemy of the state' by the military) was abducted.⁴⁶ AITPN reported that between February 2001 and January 2007, 123 indigenous rights defenders were killed.⁴⁷ IPRM, TEBTEBBA and PIPLINKS noted that these killings have occurred in several regions of the country, with the Lumads of Mindanao and the Igorots of the Cordillera being the most targeted groups.⁴⁸ The Catholic Agency for Overseas Development & others (CAFOD and others) noted the widespread use of intimidation and force by mining security forces, military and police against indigenous peoples and small-scale miners at mining sites.⁴⁹

22. According to JSNGO, the State has instituted measures that limit NGO and civil society participation in governance: one example is the reconstitution of the Presidential Human Rights Committee (PHRC), which was originally set up as a consultative body between NGOs and the Government under the supervision of the Department of Justice. However, recently supervision of the PHRC was transferred through an administrative order to the Office of the President.⁵⁰ GMA Watch (GMA) expressed concern about the existence of a so-called Philippines immigration watch list or blacklist which appeared to include individuals who had criticized the Government's human rights record.⁵¹

23. ALRC added that security forces use violent means to disperse farmers holding peaceful demonstrations to demand land reform, leading to injuries and arrests. According to ALRC, the police justify their arbitrary acts through a blanket policy of "no permit, no rally" even in instances in which permits are not required or demonstrators have complied with the provisions of the Public Assembly Act of 1985.⁵²

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

24. According to the WLB, the Philippines is undergoing an employment crisis, as manifested by unemployment and underemployment figures which would comprise more than 30 per cent of the labour force. These figures have not really improved since 2000. WLB quoted the latest National Labour Force Survey which stated that workers from the informal sector now comprise 76 percent of the total employed population. A majority of employed women (53 percent in 2002) belonged to the informal economy where they suffered from below minimum wages, the lack of job security and social protection, unsafe working conditions, and poor access to credit, markets, technology and other support services.⁵³ OMCT mentioned that women make up almost half of Filipino overseas workers. They may be exposed to discrimination and risk becoming victims of physical attacks, sexual assault and verbal, psychological and emotional abuse.⁵⁴ According to Ibon Foundation and BAYAN (IF and BAYAN), instead of generating jobs at home, the State actively promotes a labour-export policy: more than 3,000 Filipinos would be going abroad every day to look for work and there are over nine million overseas Filipino workers in 192 countries worldwide – equivalent to one-fourth of the country's labour force.⁵⁵

25. The Centre on Housing Rights and Evictions (COHRE) noted that child labour is rampant, especially in rural areas.⁵⁶ OMCT quoted the UN Common Country Assessment (2004) which found that in 2001 approximately 4 million children between the ages of 5 and 17 were economically active in the Philippines; about 60 per cent of those were found to be engaged in hazardous work and exposed to exploitation. The same Assessment estimated that between 60,000 and 100,000 children are victims of sexual exploitation in the Philippines.⁵⁷

According to the Global Initiative to End All Corporal Punishment of Children (GIEACP), corporal punishment is lawful in the home. As of October 2007, a bill was under discussion which would prohibit corporal punishment in all settings.⁵⁸

26. The right to join trade unions is guaranteed under law yet workers continue to experience severe labour repression when they try to uphold their rights according to IF & BAYAN.⁵⁹ WLB stated that a mere 10 percent of the employed are currently covered by/members of unions.⁶⁰ IF and BAYAN highlighted that in 2006 there were 130 monitored incidents of violations of workers' rights – e.g., physical assaults, illegal arrests, abduction and various forms of harassment, and assaults while on the picket line – affecting 2,012 victims.⁶¹ OMCT is concerned that workers' rights are jeopardised and/or disregarded by foreign investment companies in the context of the so-called “export economic zones”: OMCT has received information that in these zones workers are denied their rights to strike and to participate in trade union activities.⁶²

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

27. According to OMCT, in order to attract foreign capital and to accelerate domestic economic development, the Philippines has engaged in liberalization initiatives that risk undermining the economic, social and cultural rights of certain communities. OMCT states that farmers struggle in the face of foreign investment and powerful landowners who are converting land from agricultural to industrial use. Indigenous peoples are struggling to protect their ancestral lands from the impact of mining, deforestation, and other development projects.⁶³ JSNGO noted that President Arroyo's 10-Point Pro-Poor Agenda fails to address the issues of poverty and hunger, ignores the role of civil society, and disregards the effect of these economic programmes on grassroots communities.⁶⁴ IF and BAYAN stated that total public debt service payments in 2006 were nearly five times combined education, health and housing spending.⁶⁵

28. JSNGO noted that only 42 per cent of the population have access to water and that up to 58 per cent of the groundwater in the Philippines is contaminated with coliform. Water is also fast becoming a commodity due to privatization of water services.⁶⁶

29. Regarding the right to food, IF and BAYAN mentioned that agricultural trade liberalization, combined with State neglect, has increased food insecurity and insufficiency. The country's dependence on foreign sources of food supply has worsened. Some 57 per cent of total households do not meet the 100% daily dietary energy requirement.⁶⁷

30. Since 2001, a total of 415 cases of agrarian reform and human rights violations have been documented by the Partnership for Agrarian Reform and Rural Development Services (PARRDS).⁶⁸ FoodFirst Information and Action Network (FIAN) highlighted that since 2001 around 40 farmers nation-wide have been killed in the course of their efforts to claim their land under the Comprehensive Agrarian Reform Programme. In addition, hundreds of land reform petitioner families, or families who have already been awarded land under this land reform programme, have fallen victims to illegal forced evictions, destruction of properties, unwarranted criminal charges, and physical harassment and assault. In many of these cases, FIAN stated that the Philippines has clearly failed to respect, protect and fulfil the right to food of peasant families.⁶⁹

31. Regarding the right to housing, OMCT mentioned that more than one third of the urban population lives in informal settlements – and more than half of these urban poor

families (1.4 million) live in Metro Manila. Despite an Urban Development and Housing Act adopted in 1992, the conditions of urban slum residents have only worsened, and they continue to face the threat of eviction and demolition from both the Government and private landowners.⁷⁰ COHRE quoted reports that in Metro Manila alone, between January 2006 and September 2007, large scale evictions affecting some 14,468 families took place.⁷¹ IF & BAYAN noted that housing and community development was allotted just 0.3 per cent of the national budget from 2001 to 2006, or just a third of the allocation in the six-year period before this.⁷²

32. IF and BAYAN stated that despite the poor state of Filipinos' health, there is decreasing Government spending on health. Total health expenditures amount to only 3.4 per cent of the country's GDP.⁷³ The Centre for Reproductive Rights (CRR)⁷⁴ stated that the Philippines has criminalized abortion without providing clear exceptions to this ban even when the woman's life or health is in danger, when the pregnancy is the result of rape, or when there is medical evidence of foetal impairment. The penalty for women undergoing abortion and for providers ranges from 2 to 6 years in prison. Despite its illegality, resort to abortion is widespread and a large percentage of maternal deaths are due to complications from unsafe abortions.⁷⁵ The high maternal mortality ration, which stands at 200 deaths per 100,000 live births, is one of the highest rates in the East and South-east Asia region, according to EnGendeRights (EGR).⁷⁶ Studies show that low income women are disproportionately impacted by the ban on abortion and it is estimated that around two-thirds of women who undergo abortion are poor.⁷⁷

33. The CRR added that since there is no national law codifying women's reproductive and sexual rights, they have been left without legal recourse for violations of their internationally protected human rights under domestic law.⁷⁸ The Council on Population Health and Welfare, Inc. and the Ateneo de Manila University Human Rights Centre (PNGOC and AMUHRC) stated that the Philippines still does not have a reproductive health policy that guarantees women's right to health services including family planning.⁷⁹ WLB noted that the State's own figures paint an appalling picture of the reproductive health conditions of Filipino women today.⁸⁰ The CRR mentioned the imposition of a ban on artificial contraceptives in Manila City.⁸¹ The CRR also noted that the Department of Health has declared a preference for "natural family-planning" since 2002, and that President Arroyo has stated that the "rhythm method" of contraception, a form of natural family planning, has a 99% rate of success, which is grossly misleading according to the CRR.⁸² EGR recommended that the Philippines ensure that women should have access to information and to the full range of contraceptives, including emergency contraceptives; and to safe and legal abortion.⁸³

34. EGR also noted that despite the existence of an Adolescent and Youth Health and Development Programme, adolescents do not receive evidence-based information and education on sexuality and reproductive health and services. EGR requested that adolescents must be provided with information and services necessary to enable them to protect themselves from unwanted/coerced sex, unplanned pregnancy, early childbearing, unsafe abortion, HIV/AIDS, and sexually transmitted infections.⁸⁴

8. Right to education and to participate in the cultural life of the community

35. IF & BAYAN stated that although the Philippines provides tuition-free education in the primary and secondary levels, poverty denies millions of children the right to a decent education. Out of every 100 children who enter First Grade, only 66 percent will finish elementary school, 43 per cent high school and 14 percent college. State spending on

education has fallen from a peak of 4.0 per cent of GDP in 1998 to 2.4 percent in 2006.⁸⁵ JSNGO quoted the midterm reports on the Millennium Development Goals and the Education for All Development Index indicating that despite the consistent growth in the enrolment rate in basic education, key performance indicators have been declining consistently since 2001. Net enrolment, cohort survival and completion rates for both elementary and secondary levels were all on the decline.⁸⁶

9. Minorities and indigenous peoples

36. Indigenous Peoples Rights Monitor, Indigenous Peoples' International Centre for Policy and Philippine Indigenous Peoples Link (IPRM, TEBTEBBA and PIPLINKS)⁸⁷ noted that indigenous peoples are estimated to be 12-15 million, or 15 per cent of the total population. They occupy more than 10 million hectares of the total landmass of 30 million hectares. According to OMCT, indigenous peoples are among the most marginalised groups in the Philippines, and are often victims of various forms of abuse, violence and exploitation. Furthermore, due to poor living conditions and social exclusion, indigenous children are at risk of becoming involved in armed conflict and being recruited into armed groups. Armed conflict also renders indigenous women and girls more vulnerable to physical and sexual abuse.⁸⁸

37. OMCT added that while, on paper, indigenous peoples' rights are protected and guaranteed by the 1997 Indigenous Peoples' Rights Act (IPRA), in concrete terms the provisions of this Act are systematically undermined by other laws, *inter alia*, the 1995 Mining Code.⁸⁹ According to IPRM, TEBTEBBA and PIPLINKS this law, which allows for 100 per cent foreign ownership of mineral lands and the eviction of indigenous communities, violates the collective rights of indigenous peoples.⁹⁰ IPRM, TEBTEBBA & PIPLINKS observed that the widespread implementation of extractive industries and other development projects in indigenous territories without their consent is out rightly violating their collective rights and worsening their marginalized situation. Of the 23 mining projects given priority status by the Arroyo administration in 2006, 18 fall within indigenous lands.⁹¹

38. JSNGO quoted the findings of a fact-finding team led by Rt Honourable Clare Short, British Member of Parliament, to investigate the effects of mining in the Philippines: it noted the havoc mining wreaks on the livelihood, health, and human rights of indigenous peoples and other local communities. By law, it is required that indigenous peoples give their free, prior and informed consent (FPIC) before any project proceed within their territories.⁹² The Society for Threatened Peoples (STP) noted that in a number of cases, the indigenous peoples' consent to some projects within their territories was obtained by means of misinformation, misrepresentation, bribery and intimidation.⁹³ OMCT suggested that the Philippines ensure that the ancestral lands of indigenous peoples are adequately protected from potentially harmful development projects and that it enforce the requirement to obtain the free and informed consent of affected communities prior to the initiation of any commercial activities on their lands, as provided by the IPRA.⁹⁴

39. AITPN⁹⁵ highlighted that while the Constitution recognizes the right of Muslims and indigenous peoples of Cordillera to self-determination in the form of autonomy, there has not been genuine autonomy for the Cordillera peoples, which according to the Unrepresented Nations and Peoples Organization (UNPO), constitute about 2 per cent of the population of the Philippines.⁹⁶ AITPN added that the same applies with regard to the Moros in Mindanao.⁹⁷ CAFOD and others mentioned that the National Commission on Indigenous Peoples, rather

than protecting and promoting the rights of indigenous peoples, appears to be facilitating the entry of mining companies.⁹⁸

10. Internally displaced persons

40. The Internal Displacement Monitoring Centre of the Norwegian Refugee Council (IDMC) noted that armed incidents between Government forces and rebel groups sporadically lead conflict-induced displacement in all regions of the country. However, intense fighting and large-scale displacement is mainly concentrated in the southern island of Mindanao. The majority of the displaced people live in the Muslim-populated areas of the Autonomous Region of Muslim Mindanao, where, according to IDMC, conflict has forced close to two million people from their homes since 2000. During 2006, an estimated 98,000 people were displaced from their homes as a result of armed conflict and human right abuses. 82,000 of these were displaced from their homes in Mindanao.⁹⁹

41. IDMC added that the education of displaced children is often disrupted due to the lack of security and uncertainty about the length of displacement, limited accessibility to education facilities related to the long distances between schools and evacuation centres or the loss of documentation. The access to and availability of food has sometimes been so limited that food-related deaths have been reported. Humanitarian access for aid groups is not always secured and safe. IDMC recommended that the State develop a comprehensive and integrated national policy on internal displacement including clear implementation guidelines.¹⁰⁰

11. Human rights and counter-terrorism

42. FL reports that the a counter-terrorism law known as the ‘Human Security Act’ (which came into effect on 15 July 2007) provides for the indefinite detention of terrorism suspects without adequate procedural protections, and permits 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. The new legislation has been criticised for its vague definition of terrorism which could allow the Philippines to transform less serious offences, such as vandalism, or legitimate acts of protest, into crimes punishable by a mandatory 40-year sentence.¹⁰¹ Further, FIDH & PAHRA noted that the Act gives extensive power to the Executive, mainly through the newly established “Anti-Terrorism Council” and that the accountability of this body is not addressed in the Act. In addition, arrest without warrant and detention with limited judicial control are extended, whereas it is precisely in such circumstances that torture occurs.¹⁰² FL fears that human rights activities will be further constrained by the broadly drafted anti-terrorism legislation and that it will be used by the Government as a tool to further persecute human rights defenders.¹⁰³

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

43. AI notes that in June 2006, the Congress of the Philippines approved a Bill abolishing the death penalty. The President subsequently signed the Bill into law.¹⁰⁴ A major development in the issue of enforced disappearances, according to JSNGO, was the promulgation by the Supreme Court of the rule on the writ of amparo for cases of Extrajudicial Executions and Enforced Disappearances.¹⁰⁵ This writ provides orders for protection, inspection and production and referrals for witness protection, noted D & ANHR.¹⁰⁶ AI observed that the amparo procedure is being tested on some key disappearance

cases and its implementation could be a positive step forward. AI however expressed its concern that the implementation of the writ of amparo is endangered by the issuance by the President of Administrative Order 197, which calls for “legislation for safeguards against disclosure of military secrets and undue interference in military operations inimical to national security”. This may be an attempt by the Government to counter amparo writs by invoking national security or confidentiality of information.¹⁰⁷

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

44. [n/a]

V. CAPACITY BUILDING AND TECHNICAL ASSISTANCE

45. [n/a]

Notes

¹ The following stakeholders have made a submission (all original submissions are available in full text on: www.ohchr.org):

Civil Society:

1. AI: Amnesty International, UPR submission, November 2007*
2. AITPN: Asian Indigenous and Tribal People Network, UPR submission, November 2007*
3. ALRC: Asian Legal Resource Centre, UPR submission, November 2007*
4. CAFOD & others: joint submission by Catholic Agency for Overseas Development, Columban Faith and Justice Office, Indigenous Peoples Links, Irish Centre for Human Rights, National University of Ireland Galway, IUCN Commission Environmental, Economic and Social Policy and Trocaire, UPR submission, November 2007
5. COHRE: Centre on Housing Rights and Evictions, UPR submission, November 2007*
6. CRR: Center for Reproductive Rights, UPR submission, November 2007
7. D and ANHR: Diakonie and Action Network Human Rights, Joint UPR submission, November 2007
8. EGR: EnGendeRights, UPR submission, November 2007
9. FIAN: FoodFirst Information and Action Network, UPR submission, November 2007*
10. FIDH and PAHRA: International Federation for Human Rights* and Philippine Alliance of Human Rights Advocates, Joint UPR submission, November 2007
11. FLAG: Free Legal Assistance Group, UPR submission, November 2007
12. FL: Front Line, UPR submission, November 2007*
13. GIEACP: Global Initiative to End All Corporal Punishment of Children, UPR submission, November 2007
14. GMA: GMA Watch, UPR submission, November 2007

15. HRW: Human Rights Watch, UPR submission, November 2007*
16. IF and BAYAN: Ibon Foundation and BAYAN, Joint UPR submission, November 2007
17. IDMC: Internal Displacement Monitoring Centre of the Norwegian Refugee Council, UPR submission, November 2007*
18. IPRM, TEBTEBBA & PIPLINKS: Indigenous Peoples Rights Monitor, Tebtebba Foundation* (Indigenous Peoples' International centre for Policy) and Philippine Indigenous Peoples Link, Joint UPR submission, November 2007
19. IHRC: Islamic Human Rights Commission, UPR submission, November 2007
20. Joint submission by NGOs with UN consultative status and endorsed by 29 civil society organizations (JSNGO): With UN Consultative Status: the Federation Internationale des Ligues des Droits de L'Homme (FIDH), Asia Forum for Human Rights and Development (Forum-Asia), the Philippine Human Rights Information Center (PhilRights), Families of victims of Involuntary Disappearance (FIND); and, endorsed by the following organizations without Consultative Status: the Philippine Alliance of Human Rights Advocates (PAHRA), Task Force Detainees of the Philippines (TFDP), Association of Major Religious Superiors in the Phil. (AMRSP), Justice, Peace and Integrity of Creation Commission-AMRSP (JPICC-AMRSP); Balay Rehabilitation Center Inc., Claimants 1081; Moro Human Rights Center (MHRC), Philippine Network of Rural Development Inc.) PhilNet-RDI); Medical Action Group (MAG), Kasarinlan Kalayaan (SARILAYA), University Center for Human Rights Education (UCHURE), Citizens' Council for Human Rights (CCHR), Center for Migrant Advocacy (CMA), TEACHERS, Social Watch-Phil., Action for Economic Reform (AER), Education-Network (E-net), Legal Resource Center-Kasama ng Kalikasan (LRC-KSK), Bukal Sining, Freedom from Debt Coalition (FDC), Kilusan para sa Pambansang Demokrasya-Central Luzon (KPD-CL), Alab Katipunang (AK), Pinay Kilos (PINK), Claret Justice and Peace and Integrity of Creation (Claret-JPIC), Phil. NGO Liaison Committee on Food Security and Fair Trade (PNLC); Pambansang Koalisyon ng mga Kababaihan sa Kanayunan (PKKK); Focus on the Global South; Justice, Peace and Integrity of Creation-Franciscan Sisters of the Immaculate Conception (JPICC-SFIC); and, the Philippine Coalition for International Criminal Court (PCICC), Mindanao Peoples' Peace Movement (MPPM), UPR submission, November 2007*
21. Joint submission by the NGO Working Group on Asia (JSWGA): Caritas Internationalis, Church World Service*, Congregation of Our Lady of Charity of the Good Shepherd*, International Center for Law in Development, Lutheran Office for World Community, Karapatan, National Council of Churches in the Philippines, Philippines Working Group / Asia – Pacific Forum, Presbyterian United Nations Office, United Church of Christ, United Methodist Church*, General Board of Church and Society*, World Council of Churches*, World Student Christian Federation, the Lutheran World Federation*, World Student Christian Federation, UPR submission, November 2007
22. KARAPATAN: Alliance for the Advancement of People's Rights, UPR submission, November 2007
23. NCCP: National Council of Churches in the Philippines, UPR submission, November 2007
24. OMCT: World Organization Against Torture, UPR submission, November 2007*
25. PARRDS: Partnership for Agrarian Reform and Rural Development Services, Inc. UPR submission, November 2007
26. PNGOC and AMUHRC: Council on Population Health and Welfare, Inc. and the Ateneo de Manila University Human Rights Center, Joint UPR submission, November 2007
27. RSF: Reporters Without Borders, UPR submission, November 2007*
28. STP: Society for Threatened Peoples, UPR submission, November 2007*

29. UNPO: Unrepresented Nations and Peoples Organization, UPR submission, November 2007

30. WLB: Women's Legal Bureau Inc., UPR submission, November 2007

National Human Rights Institution:

31. CHRP: Commission on Human Rights of the Philippines, UPR submission, November 2007**

NB: * NGOs with ECOSOC status; ** National Human Rights Institution with A status.

² Free Legal Assistance Group, UPR submission, November 2007, p. 1

³ Joint submission by NGOs with UN consultative status and endorsed by 29 civil society organizations, UPR submission, November 2007, p. 2

⁴ World Organization Against Torture, UPR submission, November 2007, p. 1

⁵ International Federation for Human Rights and Philippine Alliance of Human Rights Advocates, Joint UPR submission, November 2007, p. 3

⁶ Commission on Human Rights of the Philippines, UPR submission, November 2007, p. 3

⁷ Commission on Human Rights of the Philippines, UPR submission, November 2007, p. 4

⁸ National Council of Churches in the Philippines, UPR submission, November 2007, p. 5

⁹ Asian Indigenous and Tribal People Network, UPR submission, November 2007, p. 6

¹⁰ Joint submission by NGOs with UN consultative status and endorsed by 29 civil society organizations, UPR submission, November 2007, p. 2

¹¹ Asian Indigenous and Tribal People Network, UPR submission, November 2007, p. 6

¹² Joint submission by the NGO Working Group on Asia, UPR submission, November 2007, p. 2

¹³ Asian Indigenous and Tribal People Network, UPR submission, November 2007, p. 3

¹⁴ Women's Legal Bureau Inc., UPR submission, November 2007, p. 4

¹⁵ Women's Legal Bureau Inc., UPR submission, November 2007, p. 4

¹⁶ Asian Indigenous and Tribal People Network, UPR submission, November 2007, p. 1. See also Asian Legal Resource Centre, UPR submission, November 2007, p. 1

¹⁷ Alliance for the Advancement of People's Rights, UPR submission, November 2007, p. 5

¹⁸ Asian Indigenous and Tribal People Network, UPR submission, November 2007, p. 4

¹⁹ Internal Displacement Monitoring Centre of the Norwegian Refugee Council, UPR submission, November 2007, p. 3

²⁰ Human Rights Watch, UPR submission, November 2007, p. 1

²¹ Amnesty International, UPR submission, November 2007, p. 3. See also Asian Legal Resource Centre, UPR submission, November 2007, p. 4

²² Joint submission by NGOs with UN consultative status and endorsed by 29 civil society organizations, UPR submission, November 2007, p. 2

²³ Alliance for the Advancement of People's Rights, UPR submission, November 2007, p. 3

²⁴ Women's Legal Bureau Inc., UPR submission, November 2007, p. 3

²⁵ World Organization Against Torture, UPR submission, November 2007, p. 3

²⁶ World Organization Against Torture, UPR submission, November 2007, p. 5

²⁷ World Organization Against Torture, UPR submission, November 2007, p. 3

²⁸ Women's Legal Bureau Inc., UPR submission, November 2007, p. 3

²⁹ World Organization Against Torture, UPR submission, November 2007, p. 3

³⁰ Amnesty International, UPR submission, November 2007, p. 1

³¹ Joint submission by NGOs with UN consultative status and endorsed by 29 civil society organizations, UPR submission, November 2007, p. 2

³² Amnesty International, UPR submission, November 2007, p. 4

³³ Amnesty International, UPR submission, November 2007, p. 3

³⁴ Asian Indigenous and Tribal People Network, UPR submission, November 2007, p. 4

³⁵ Asian Indigenous and Tribal People Network, UPR submission, November 2007, p. 4

³⁶ Human Rights Watch, UPR submission, November 2007, p. 2. See also Front Line, UPR submission, November 2007, p. 3, Diakonie and Action Network Human Rights, Joint UPR submission, November 2007, p. 4

³⁷ Diakonie and Action Network Human Rights, Joint UPR submission, November 2007, p. 4

³⁸ Asian Legal Resource Centre, UPR submission, November 2007, p. 3

³⁹ Human Rights Watch, UPR submission, November 2007, p. 2-3. See also National Council of Churches in the Philippines, UPR submission, November 2007, p. 3

⁴⁰ Human Rights Watch, UPR submission, November 2007, p. 4

⁴¹ Asian Legal Resource Centre, UPR submission, November 2007, p. 5

-
- ⁴² Alliance for the Advancement of People's Rights, UPR submission, November 2007, p. 2
- ⁴³ Asian Indigenous and Tribal People Network, UPR submission, November 2007, p. 3
- ⁴⁴ Reporters Without Borders, UPR submission, November 2007, P. 1
- ⁴⁵ Front Line, UPR submission, November 2007, p. 1
- ⁴⁶ Islamic Human Rights Commission, UPR submission, November 2007, p. 1
- ⁴⁷ Asian Indigenous and Tribal People Network, UPR submission, November 2007, p. 2
- ⁴⁸ Indigenous Peoples Rights Monitor, Tebtebba Foundation (Indigenous Peoples' International centre for Policy) and Philippine Indigenous Peoples Link, Joint UPR submission, November 2007, p. 4
- ⁴⁹ CAFOD & others: joint submission by Catholic Agency for Overseas Development, Columban Faith and Justice Office, Indigenous Peoples Links, Irish Centre for Human Rights, National University of Ireland Galway, IUCN Commission Environmental, Economic and Social Policy and Trocaire, UPR submission, November 2007, p. 4
- ⁵⁰ Joint submission by NGOs with UN consultative status and endorsed by 29 civil society organizations, , UPR submission, November 2007, p. 3
- ⁵¹ GMA Watch, UPR submission, November 2007, p. 1
- ⁵² Asian Legal Resource Centre, UPR submission, November 2007, p. 6
- ⁵³ Women's Legal Bureau Inc., UPR submission, November 2007, p. 1
- ⁵⁴ World Organization Against Torture, UPR submission, November 2007, p. 4
- ⁵⁵ Ibon Foundation and BAYAN, Joint UPR submission, November 2007, p. 2
- ⁵⁶ Centre on Housing Rights and Evictions, UPR submission, November 2007, p. 6
- ⁵⁷ World Organization Against Torture, UPR submission, November 2007, p. 4
- ⁵⁸ Global Initiative to End All Corporal Punishment of Children, UPR submission, November 2007, p. 2
- ⁵⁹ Ibon Foundation and BAYAN, Joint UPR submission, November 2007, p. 2
- ⁶⁰ Women's Legal Bureau Inc., UPR submission, November 2007, p. 2
- ⁶¹ Ibon Foundation and BAYAN, Joint UPR submission, November 2007, p. 2
- ⁶² World Organization Against Torture, UPR submission, November 2007, p. 2
- ⁶³ World Organization Against Torture, UPR submission, November 2007, p. 1
- ⁶⁴ Joint submission by NGOs with UN consultative status and endorsed by 29 civil society organizations, , UPR submission, November 2007, p. 3
- ⁶⁵ Ibon Foundation and BAYAN, Joint UPR submission, November 2007, p. 1
- ⁶⁶ Joint submission by NGOs with UN consultative status and endorsed by 29 civil society organizations, , UPR submission, November 2007, p. 4
- ⁶⁷ Ibon Foundation and BAYAN, Joint UPR submission, November 2007, p. 4
- ⁶⁸ Partnership for Agrarian Reform and Rural Development Services, Inc. UPR submission, November 2007, p. 1
- ⁶⁹ FoodFirst Information and Action Network, UPR submission, November 2007, p. 1
- ⁷⁰ World Organization Against Torture, UPR submission, November 2007, p. 3
- ⁷¹ Centre on Housing Rights and Evictions, UPR submission, November 2007, p. 4
- ⁷² Ibon Foundation and BAYAN, Joint UPR submission, November 2007, p. 4
- ⁷³ Ibon Foundation and BAYAN, Joint UPR submission, November 2007, p. 5
- ⁷⁴ Center for Reproductive Rights, UPR submission, November 2007, p. 3
- ⁷⁵ Center for Reproductive Rights, UPR submission, November 2007, p. 3
- ⁷⁶ EnGendeRights, UPR submission, November 2007, p. 2-3
- ⁷⁷ EnGendeRights, UPR submission, November 2007, p. 2-3
- ⁷⁸ Center for Reproductive Rights, UPR submission, November 2007, p. 2
- ⁷⁹ Council on Population Health and Welfare, Inc. and the Ateneo de Manila University Human Rights Center, Joint UPR submission, November 2007, p. 1
- ⁸⁰ Women's Legal Bureau Inc., UPR submission, November 2007, p. 4
- ⁸¹ Center for Reproductive Rights, UPR submission, November 2007, p. 2
- ⁸² Center for Reproductive Rights, UPR submission, November 2007, p. 1-2
- ⁸³ EnGendeRights, UPR submission, November 2007, p. 5
- ⁸⁴ EnGendeRights, UPR submission, November 2007, p. 5
- ⁸⁵ Ibon Foundation and BAYAN, Joint UPR submission, November 2007, p. 5
- ⁸⁶ Joint submission by NGOs with UN consultative status and endorsed by 29 civil society organizations, , UPR submission, November 2007, p. 5
- ⁸⁷ Indigenous Peoples Rights Monitor, Tebtebba Foundation (Indigenous Peoples' International Centre for Policy) and Philippine Indigenous Peoples Link, Joint UPR submission, November 2007, p. 4
- ⁸⁸ World Organization Against Torture, UPR submission, November 2007, p. 2
- ⁸⁹ World Organization Against Torture, UPR submission, November 2007, p. 2

-
- ⁹⁰ Indigenous Peoples Rights Monitor, Tebtebba Foundation (Indigenous Peoples' International centre for Policy) and Philippine Indigenous Peoples Link, Joint UPR submission, November 2007, p. 3
- ⁹¹ Indigenous Peoples Rights Monitor, Tebtebba Foundation (Indigenous Peoples' International centre for Policy) and Philippine Indigenous Peoples Link, Joint UPR submission, November 2007, p. 5
- ⁹² Joint submission by NGOs with UN consultative status and endorsed by 29 civil society organizations, UPR submission, November 2007, p. 4.
- ⁹³ Society for Threatened Peoples, UPR submission, November 2007, p. 2
- ⁹⁴ World Organization Against Torture, UPR submission, November 2007, p. 5
- ⁹⁵ Asian Indigenous and Tribal People Network, UPR submission, November 2007, p. 5
- ⁹⁶ Unrepresented Nations and Peoples Organization, UPR submission, November 2007, p. 1
- ⁹⁷ Asian Indigenous and Tribal People Network, UPR submission, November 2007, p. 5
- ⁹⁸ CAFOD & others: joint submission by Catholic Agency for Overseas Development, Columban Faith and Justice Office, Indigenous Peoples Links, Irish Centre for Human Rights, National University of Ireland Galway, IUCN Commission Environmental, Economic and Social Policy and Trocaire, UPR submission, November 2007, p. 2
- ⁹⁹ Internal Displacement Monitoring Centre of the Norwegian Refugee Council, UPR submission, November 2007, p. 1. See also Joint submission by NGOs with UN consultative status and endorsed by 29 civil society organizations, UPR submission, November 2007, p. 2
- ¹⁰⁰ Internal Displacement Monitoring Centre of the Norwegian Refugee Council, UPR submission, November 2007, pp. 4 and 6.
- ¹⁰¹ Front Line, UPR submission, November 2007, p. 3-4. See also Diakonie and Action Network Human Rights, Joint UPR submission, November 2007, p. 5, World Organization Against Torture, UPR submission, November 2007, p. 4 and Amnesty International, UPR submission, November 2007, p. 1.
- ¹⁰² International Federation for Human Rights and Philippine Alliance of Human Rights Advocates, Joint UPR submission, November 2007, p. 4
- ¹⁰³ Front Line, UPR submission, November 2007, p. 3-4
- ¹⁰⁴ Amnesty International, UPR submission, November 2007, p. 3
- ¹⁰⁵ Joint submission by NGOs with UN consultative status and endorsed by 29 civil society organizations, UPR submission, November 2007, p. 2
- ¹⁰⁶ Diakonie and Action Network Human Rights, Joint UPR submission, November 2007, p. 5
- ¹⁰⁷ Amnesty International, UPR submission, November 2007, p. 3. See also Commission on Human Rights of the Philippines, UPR submission, November 2007, p. 4, Front Line, UPR submission, November 2007, p. 2, and Alliance for the Advancement of People's Rights, UPR submission, November 2007, p. 2.