



General Assembly

Distr.: General
12 March 2012

Original: English

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

Summary 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 summary of 42 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations 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. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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

I. Information provided by the accredited national human rights institution of the State under review in full compliance with the Paris Principles

A. Background and framework

1. The Commission on Human Rights of the Philippines (CHRP) referred to Recommendations 4 and 5 made at the Universal Periodic Review of the Philippines, held on 11 April 2008 (first UPR),² and stated that OP-CAT was going through the ratification process but once ratified, its implementation may be deferred.³

B. Cooperation with human rights mechanisms

N/A

C. Implementation of international human rights obligations

2. CHRP referred to Recommendation 8 on the elimination of gender-based discrimination and stated that the effectiveness of the 2009 Magna Carta of Women in eliminating gender-based discrimination and promoting equality was yet to be seen, particularly as it will not stop discriminatory practices in employment; and the Reproductive Health Bill was yet to be enacted after several years.⁴

3. CHRP referred to Recommendation 1 on inter alia a gender-responsive approach within the judicial system and stated that some judges refrained from applying the Anti-Violence against Women and their Children Act and other legislation including 1997 special law on rape. As pronounced by the Court of Appeals,⁵ women needed to satisfy a high threshold to prove rape and the lack of consent;⁶ the Magna Carta of Women did not make provision for the prosecution of alleged perpetrators;⁷ and rehabilitation and post-conflict care of women and children remained a challenge.⁸

4. CHRP referred to Recommendation 2 on human rights training for security forces and stated that the high number of complaints against the police and military made it necessary to review the efficacy of their human rights training programme;⁹ and that law enforcement officials lacked knowledge of the Anti-Torture Act.¹⁰

5. CHRP referred to Recommendation 6 on inter alia the elimination and prosecution of torture and stated that there was no focal point in Government to coordinate a strategy to reduce and eliminate torture and extrajudicial killings;¹¹ and that prosecution for torture was slow.¹²

6. CHRP referred to Recommendation 9 on the legislative gaps in relation to the rights of children and expressed concern over the attempt to suspend the implementation of the Juvenile Justice and Welfare Act; and to enact a law to lower the age of criminal responsibility from 15 to 9 years.¹³

7. CHRP referred to Recommendation 11 on the witness protection programme and called on Philippines to strengthen witness protection measures.¹⁴

8. CHRP referred to Recommendation 13 in relation to the policy to combatting trafficking and stated that the additional measures to combat trafficking raised the risk of

discrimination against women and profiling based on racial features, and could hinder the travel of legitimate travellers.¹⁵

9. CHRP referred to Recommendation 14 on the basic needs of the poor and other vulnerable groups and stated that policies intended to help vulnerable groups which include persons with disabilities and indigenous persons were poorly implemented. It called for a household survey for indigenous communities to determine performance in the supply of needs and services.¹⁶

10. CHRP stated that there was a rise in human rights violations by non-State actors, including armed groups and private armies.¹⁷

11. CHRP stated that with the expansion of concessions for mining, vigilance must be exercised against violations of human rights, particularly the rights of indigenous peoples.¹⁸

12. CHRP stated that the disapproval of the application for registration of a political party because of its membership exposed the attitudes of Government officials to lesbians, gays, bisexuals and transgender (LGBT) persons.¹⁹

13. CHRP stated that it has been given additional responsibilities without additional resources. It has no fiscal autonomy and its budget has been cut twice.²⁰

II. Information provided by other stakeholders

A. Background and framework

1. Scope of international obligations²¹

14. Joint Submission 4 (JS 4) recommended ratification and implementation of CED.²²

15. Joint Submission 5 (JS 5) recommended ratification of OP-CRPD.²³

16. Joint Submission 11 (JS 11) and Economic, Social and Cultural Rights-Asia (ESCR) recommended ratification of OP-ICESCR.²⁴

17. Human Rights Watch (HRW) recommended ratification of the International Labour Organization (ILO) Convention No. 189 on domestic workers.²⁵

18. Unrepresented Nations and Peoples Organization (UNPO) recommended ratification of the ILO Convention No. 169 on indigenous and tribal peoples.²⁶

2. Constitutional and legislative framework

19. Joint Submission 10 (JS 10) stated that domestic legislation should be reviewed to ensure that the legal framework for child protection was consistent with CRC.²⁷

20. JS 10 stated that legislation did not specifically address the rights of children with disabilities. It made recommendations which included the enactment of House Bill 4631 that made provision for sign language interpretation in court proceedings.²⁸

21. JS 5 recommended revision or abolition of all laws and policies which discriminated on the basis of disability.²⁹

22. Amnesty International (AI) recommended the revocation of Executive Order No. 546 which directed the police to support the military in counter-insurgency operations, including through the use of militias.³⁰

23. JS 4 recommended the enactment of legislation criminalising enforced or involuntary disappearances as a separate crime, distinct from kidnapping and illegal detention.³¹
24. AI recommended the enactment of the bills on enforced or involuntary disappearance and on reproductive health, without delay.³²
25. Joint Submission 13 (JS 13) recommended the passage of anti-discrimination law and gender recognition law that will ensure legal protection, equality and non-discrimination of all people.³³
26. Joint Submission 17 (JS 17) made recommendations which included the passage and implementation of the Anti-Discrimination Act of 2010, as well as the repealing of the Anti-Vagrancy Law.³⁴
27. JS 13 stated that there was a lack of legal framework to hate crimes.³⁵ JS 13 and JS 11 recommended the enactment of an anti-hate crime law.³⁶
28. JS 17 stated that in the work place there was no legal protection against discrimination on the basis of sexual orientation and gender identity. It made recommendations which included making the Labour Code compliant with ILO Conventions on work place discrimination.³⁷
29. Joint Submission 15 (JS 15) recommended: revision to the Anti-Child Abuse Act of 1992 to ensure that a child who is a victim of prostitution will not be prosecuted; the enactment of extraterritorial legislation to prosecute Filipino citizens who allegedly sexually exploit children abroad;³⁸ and the implementation of the Anti-Child Pornography Act of 2009 which should include sufficiently trained and well equipped law enforcement personnel.³⁹
30. Bagong Alyansang Makabayan (BAM) stated that the Philippines' right to self-determination will be further weakened if restrictions inter alia on foreign ownership of land, and exploitation of natural resources, were lifted.⁴⁰
31. Children's Rehabilitation Centre (CR) stated that House Bill 4480 on the protection of children in armed conflict, broadened the definition of a child soldier, and increased the vulnerability of children to human rights violations.⁴¹
32. ESCR recommended the passing of the Magna Carta of Members of the Informal Sector bill.⁴²
33. HRW recommended the adoption of the Domestic Workers' Bill.⁴³
34. Joint Submission 16 (JS 16) recommended the adoption of the Freedom of Information Bill.⁴⁴
35. Ramento Project for Rights Defenders (RPRD) stated that the joint signing in 1998 of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) between the Government and rebel groups was the most significant breakthrough in peace negotiations.⁴⁵ It recommended that the Philippines' Government pursue peace talks with armed opposition groups and sincerely implement CARHRIHL.⁴⁶
36. Joint Submission 8 (JS 8) stated that the implementation of the law on terrorism, the Human Security Act, had grave implications for the protection of civil and political rights.⁴⁷ It recommended repealing this law.⁴⁸

3. Institutional and human rights infrastructure and policy measures

37. Action Network Human Rights-Philippines (AMP) stated that there was a delay in the release of the second human rights action plan.⁴⁹ It recommended immediate release and implementation of this plan.⁵⁰

38. ESCR recommended the strengthening of the Presidential Human Rights Committee with non-governmental organizations as fully fledged members and not merely observers.⁵¹

39. ESCR also recommended that the Philippines' Government inter alia pursue a mentoring curriculum on human rights for the Philippines National Police; and integrate human rights principles and norms into police programs and policies.⁵²

40. World Alliance for Citizen Participation (CIVICUS) recommended the creation of an enabling environment for civil society to operate in accordance with the rights enshrined inter alia in the United Nations Declaration on Human Rights Defenders.⁵³

III. Cooperation with human rights mechanisms

41. Joint Submission 2 (JS 2) expressed concern at the Philippines' general refusal to cooperate with human rights bodies, including its failure to meaningfully implement the recommendations from the first UPR.⁵⁴

A. Cooperation with treaty bodies

42. JS 2 recommended constructive engagement with the CEDAW inquiry procedure.⁵⁵

Asian Legal Resource Centre (ALRC) recommended that the Philippines ensure timely reporting to treaty bodies.⁵⁶

B. Cooperation with special procedures

43. Karapatan Alliance for the Advancement of People's Rights (KARAPATAN) noted that the Philippines has not granted requests by United Nations special procedures and mandate holders to visit the Philippines.⁵⁷

44. Joint Submission 3 (JS 3) stated that the United Nations Special Rapporteur on the situation of human rights defenders has requested to visit the Philippines in November 2008, with a follow-up request in January 2010, but was yet to receive a positive response.⁵⁸

45. JS 4 recommended extending an invitation to the United Nations Working Group on Enforced or Involuntary Disappearances.⁵⁹

46. AMP recommended that the Philippines issue a standing invitation to all United Nations Special Rapporteurs and Working Groups.⁶⁰

47. JS 17 recommended extending invitations to Special Rapporteurs for minority issues, cultural rights, freedom of opinion and expression and education.⁶¹

48. JS 4 recommended implementation of the recommendations made by the United Nations Special Rapporteurs on Indigenous People and Extrajudicial Killings made in 2002 and 2007, respectively.⁶²

C. Implementation of international human rights obligations

1. Equality and non-discrimination

49. Women's Legal and Human Rights Bureau (WLHRB) stated that due to economic and other forms of disempowerment of women, the absence of a divorce law affected more women than men.⁶³

50. JS 13 stated that the 1987 Constitution of the Philippines assumed that the gender of all citizens fell within the categories of "man" and "woman." By disregarding sexual orientation and gender identity, the Constitution perpetuated discrimination and violated Articles 1 and 2 of the UDHR.⁶⁴

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

51. AI stated that unlawful killings and enforced disappearances continued to be reported, with local journalists, political dissidents, activists and perceived supporters of communist or Muslim insurgent groups exposed to continued risk.⁶⁵

52. ALRC stated that despite the Philippines' acceptance of the recommendation to eliminate extrajudicial killings, the practice has continued and has increased since 2010.⁶⁶ It made recommendations which included addressing the lack of effective measures to stop further extrajudicial killings by State agents.⁶⁷

53. AMP stated that in many cases the perpetrators of extrajudicial killings either belonged to or were associated with the security forces and the police.⁶⁸ It made recommendations, including the creation of presidential accountability commission to ensure diligent investigation and fair prosecution; and the end of the use of death squads.⁶⁹

54. HRW stated that "Death squads" operated in Davao City, General Santos City, Digos City, Tagum City, and Cebu City, with police and local Government officials involved or complicit in their activities.⁷⁰

55. CIVICUS made recommendations, including immediately stopping all national internal security plans such as "Oplan Bayanihan" that were resulting in extra-judicial killings.⁷¹

56. Promotion of Church People's Response (PCPR) focused on the extrajudicial killings of members of the clergy and religious leaders and made recommendations, including that the Philippines' Government put an end to extrajudicial killings and enforce the implementation of the Anti-Torture Act.⁷²

57. JS 4 expressed concern about the increasing and unabated phenomenon of enforced disappearances which were connected to counter-insurgency operations carried out by the security forces.⁷³

58. KARAPATAN stated that survivors of abductions in various areas nationwide attested to the culpability of the military and the use of Government property and facilities to carry out these abductions.⁷⁴

59. ALRC stated that since the first UPR there were numerous cases of torture despite the Philippines' acceptance of the recommendation to eradicate torture.⁷⁵ JS 11 stated that non-compliance and complicity by law enforcers have rendered the Anti-Torture Act ineffective.⁷⁶ It made recommendations which included the convening of the Anti-Torture Law's oversight committee to address obstacles in prosecuting cases and to hold Government agencies accountable.⁷⁷

60. AI called on the Philippines to ensure that all State-sponsored militias were disarmed and disband; and that all State officials who used private armies were penalised.⁷⁸

61. Joint Submission 9 (JS 9) stated that torture of children was widespread and that the awareness of torture of children was low and rarely reported due to the lack of differentiation between child abuse and child torture. Children were most at risk of torture in places of detention and torture was mainly perpetrated by the police and security forces.⁷⁹

62. Joint Submission 6 (JS 6) referred to the Philippines' acceptance of the recommendation to address legislative gaps in the protection of children's rights, and stated that one such gap was the absence of law that prohibited corporal punishment.⁸⁰ JS 6 made recommendations including the prohibition in law of all forms of corporal punishment.⁸¹

63. Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that corporal punishment was lawful in the home; prohibited in schools; in the penal system, was unlawful as a sentence for a crime; and prohibited in alternative care settings.⁸²

64. JS 11 stated that there was an increase in violence against women.⁸³ EnGendeRights (ER) stated that incidence of gender-based violence, including rape, remained high, with an average of eight women and nine children raped daily.⁸⁴

65. Jubilee Campaign (JC) stated that the Philippines served as a major hub of sex tourism, particularly in relation to sexual acts with minors.⁸⁵ The plight of child sex slaves was exacerbated by corruption and impunity which favoured the foreign sex tourists.⁸⁶ JC made recommendations, including the taking of urgent measures to combat the sex slave trade.⁸⁷

66. JS 15 recommended regular training on child trafficking and on commercial sexual exploitation of children for law enforcement personnel, judges, prosecutors and social workers, amongst others;⁸⁸ and the availability of adequate support services for victims.⁸⁹

67. JS 11 stated that protection and rehabilitation of the substantial number of trafficked women was jeopardised by lack of resources.⁹⁰ It made recommendations which included the effective implementation of the Anti-trafficking in Persons Act and the allocation of sufficient funds in this regard.⁹¹

68. JS 15 stated that while the development of the Philippine Anti-Trafficking in Persons Database (PATD) was a positive step, its valuable objectives have not been realized because it has not been properly implemented.⁹² It made recommendations, which included utilizing the PATD to formulate concrete and targeted programs.⁹³

69. JS 10 reported large numbers of street children in 22 major cities across the Philippines, lived mainly in "squatter" areas; and were exposed to a variety of dangers including trafficking.⁹⁴ It made recommendations which included the adoption of measures to provide specific attention to children living in the streets.⁹⁵

70. JS 10 estimated that over 25 million children between the ages of 5 to 17 were child labours, the majority of whom worked to support the economic needs of their household.⁹⁶ It recommended that the Philippines ensure families the minimum standards of living so that children may not be forced to work.⁹⁷

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

71. AMP stated that the independence and impartiality of judges was an exception rather than the rule. Judges that were incorruptible feared for their lives, with 20 judges killed since 2009.⁹⁸ National Union of Peoples' Lawyers (NUPL) stated that many accused influenced the judiciary or employed tactics to circumvent the judicial process.⁹⁹

72. Lawyers for Lawyers (L4L) stated that lawyers were unable to perform their professional functions free of intimidation, hindrance, harassment or improper

interference.¹⁰⁰ It made recommendations which included public condemnation of all attacks against lawyers.¹⁰¹

73. WLHRB stated that gender bias and gender-based discrimination pervaded deeply in the judiciary. Lawyers and court officers could not claim independence when they were influenced by discriminatory and sexist beliefs.¹⁰²

74. JS 11 made recommendations which included pursuing judicial reforms directed towards making the judiciary gender sensitive and accessible, both in terms of procedure and attitude.¹⁰³

75. JS 11 stated the failure to provide sign language interpreters, in accordance with Supreme Court policy, resulted in deaf women encountering difficulties in participating in court proceedings.¹⁰⁴

76. NUPL stated that persons suspected of performing acts in pursuit of their political beliefs were charged with common crimes, such as murder, which inter alia diminished the political nature of their acts.¹⁰⁵

77. NUPL stated that prosecutors' use of generic indictments to effect arrests have resulted in the identification of those indicted not being supported by evidence on record.¹⁰⁶

78. AMP stated that the lack of safety and anonymity in the trials coupled with the fear of harm or death, resulted in many witnesses refusing to testify.¹⁰⁷ AI made recommendations including the need for a witness protection programme.¹⁰⁸

79. HRW stated from hundreds of extrajudicial killings and enforced disappearances since 2001, there have been only seven successfully prosecuted cases. Prosecutions were routinely not pursued for reasons which included inadequate police investigations and evidence of military involvement.¹⁰⁹ CIVICUS made recommendations, including establishing "special human rights courts" to ensure speedy investigations and judicial processes.¹¹⁰

4. Right to privacy, marriage and family life

80. JS 10 expressed concern about the 2.6 million children who remained unregistered and made recommendations which included ensuring free birth registration.¹¹¹

81. Joint Submission (JS 1) stated that Philippine society and culture maintained prejudices towards LGBT persons, and lacked recognition of LGBT rights.¹¹² ER stated that in Makati City, a dress code was imposed on gay men working for the city.¹¹³ JS 1 made recommendations which included the adoption of legislation prohibiting discriminating on the basis of sexual and gender;¹¹⁴ and the provision of mechanism to protect the rights of same-sex spouses.¹¹⁵

82. JS 13 stated despite acceptance of Recommendation 9, the Philippines failed to implement laws that will ensure equal protection and security of all children regardless of sexual orientation and gender identity. It made recommendations which included implementing Recommendation 1 in compliance with the obligations under CRC.¹¹⁶

83. Society of Transsexual Women of the Philippines (STRAP) made recommendations which included the adoption of legislation recognizing "transpinays" and "transpinoyos" in one's chosen gender with no requirement for surgical modification of one's body.¹¹⁷

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

84. JS 16 called for an end to the practice by security forces of naming journalists and media groups in the "Order of Battle", which served as a "hit list" and which branded

journalists and media groups as “enemies of the State”.¹¹⁸ It made recommendations including a training programme for law enforcement and military personal and Government officials on the freedom of expression and the rights of journalists.¹¹⁹

85. Joint Submission 14 (JS 14) stated that since the first UPR, the level of violence against journalists and media workers has dramatically increased, with one of the worst incidents of media killings in 2009, elevating the Philippines to the third most dangerous country for journalists.¹²⁰ JS 16 made recommendations which included the effectively and impartially investigation of all attacks on journalists.¹²¹ Reporters sans frontières made recommendations, including increasing protection for journalists.¹²²

86. JS 14 stated that journalists continued to face the threat of criminal defamation suits, and called for decriminalization of defamation.¹²³ It made recommendations which included the compliance of all restrictions on freedom of expression with international standards.¹²⁴

87. JS 3 stated that since the first UPR, the threats against human rights defenders (HRDs) remained unchanged,¹²⁵ with human rights lawyers, journalists, union and community leaders targeted and extra judicially killed or disappeared with impunity.¹²⁶ It called for protection of HRDs and an inquiry for those mentioned in its submission.¹²⁷

88. The National Council of Churches in Philippines (NCCP) stated that the authorities filed “trumped up” charges against HRDs.¹²⁸ JS 8 stated that HRDs were vilified within the amid of the counter-insurgency program called “Oplan Bayanihan”.¹²⁹ JS 8 and NCCP made recommendations, including that the Philippines scrap its counter-insurgency program which labelled HRDs as “enemies of the State”.¹³⁰

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

89. BAM stated that the minimum wage have remained at a rate that was officially considered below the rate for a decent standard of living.¹³¹

90. BAM stated that the Department of Labour Order 57-04 allowed for self-assessment by employers in relation to occupational health and safety (OHS) and effectively relaxes OHS standards.¹³²

91. WLHRB stated that the Philippines was complicit in the violations of the rights of Filipino women migrant workers in light of its promotion of labour migration in employment sectors in countries with inadequate legal protection.¹³³

92. JS 13 stated that LGBT persons’ right to work continued to be violated because of discriminatory practices in employment.¹³⁴

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

93. IF stated that Filipino producers have been unable to grow and prosper under globalization policies that eschew trade protection and investment support. The share of manufacturing in GDP and the share of agriculture have fallen, which has deprived millions of people the opportunity for decent work, livelihoods and means of subsistence.¹³⁵ There were signs of severe inequity in the country reflecting the control of the economy by a few.¹³⁶

94. IF stated that the perceived improvement in the Philippines official report on poverty was due to changes in poverty methodologies and the lowering of the poverty threshold rather than any real poverty reduction.¹³⁷

95. JS 11 stated that the anti-poverty program did not cover vulnerable people such as those that were elderly, the chronically ill and those with disabilities. It made recommendations which included independent and transparent monitoring of the anti-poverty program.¹³⁸

96. BAM stated that price increases in basic goods and services undermined the right to an adequate standard of living. Between 2008 and 2011, the price of subsidized rice has jumped by 48%; electricity, 70%; water, 29-36%; and petroleum, 12-23%. In 2011, the Government approved increases by 100% in rail transit costs and 300% in toll road costs.¹³⁹ During the same period, the average daily basic pay of wage and salary workers only improved by less than 10%, with the minimum wage increasing by only 7 percent.¹⁴⁰

97. Southeast Asia Initiative for Community Empowerment (SEARICE) stated that the rights of farmers were being violated by laws that prohibited them from their age-old practice of saving, sharing and using plant genetic resources or seeds; and by inter alia imposing intellectual property rights or patent rights on seeds.¹⁴¹

98. JS 11 stated that the Philippines did not have a realistic and comprehensive food strategy. It made recommendations which included fast-tracking the distribution of private agricultural lands.¹⁴²

99. IBON Foundation (IF) stated that women and children were the worst affected by the lack of access to adequate and nutritious food supplies.¹⁴³

8. Rights to health

100. BAM stated that infant mortality remained one of the highest in the Southeast Asia region, at 23.2 per 1,000 births in 2010.¹⁴⁴ The under-5 mortality rate was at 29.4 in 2010.¹⁴⁵

101. Joint Submission 12 (JS 12) stated that the failure of the Philippines to provide sexual and reproductive health information, supplies and services has resulted in unnecessary and highly preventable maternal deaths, unplanned pregnancies and unsafe abortions;¹⁴⁶ the lack of age-appropriate sexual rights education and information coupled with the inability to access information, services, or supplies necessary for safer sex predisposed the youth to unplanned and unwanted pregnancy;¹⁴⁷ and the criminalization of abortion put the lives of women at risk as it was unlawful to terminate a pregnancy if the life of the woman was at risk.¹⁴⁸ JS 12 made recommendations which included the amending the Revised Penal Code of 1930 on Abortion.¹⁴⁹

102. JS 2 stated that there was an urgent need to reform laws and policies on pregnancy and child birth and made recommendations which included revocation of the Executive Order that denied women in Manila contraceptive information and services and the enactment of legislation obliging Government bodies to make these services available.¹⁵⁰

103. HRW made recommendations on HIV/AIDS prevention efforts which included ensuring access to information on HIV prevention in all public schools and ensuring accuracy, comprehensiveness, and proper implementation of curricula by trained competent teachers.¹⁵¹ JS 13 recommended the inclusion of LGBT issues in the existing programs for sexual and reproductive health and rights.¹⁵²

9. Right to education

104. IB stated that Government spending on education has fallen from 4 percent of GDP in 1998 to 2.7 percent in 2011. There was a projected shortage of 91,000 teachers, 107,000 classrooms, 10.7 million desks in 2012.¹⁵³

105. JS 4 called for measures to ensure inter alia equal access to education for all children; the elimination of teacher shortages and underpayment of teachers; the building of more schools for indigenous children; and a curriculum that is culturally responsive and appropriate for indigenous children.¹⁵⁴

106. JS 10 stated although primary education was free, costs of transportation and extra school supplies represented an extra cost for families. Moreover, teachers were known to ask children for money when they for instance broke a rule.¹⁵⁵

107. JS 10 stated that the public education system did not provide enough psychological and educational support, tool and specialized teachers for children with disabilities;¹⁵⁶ and human rights education was not sufficiently disseminated in school programs.¹⁵⁷

108. STRAP made recommendations which included sexual and gender diversity training in the teacher education curriculum and institutionalized gender sensitivity training in schools.¹⁵⁸

10. Persons with disabilities

109. JS 5 stated that persons with disabilities have limited opportunities to participate in governance and the conduct of public affairs.¹⁵⁹ It made recommendations which included ensuring that the Commission on Elections provided communication and physical accessibility to persons with disabilities.¹⁶⁰

110. JS 5 stated that deaf children have been denied recognition and support for their cultural and linguistic identity. It made recommendations, including the creation of a fully accessible learning environment for those children.¹⁶¹

111. JS 5 stated that there was a lack of effective employment policies for persons with disabilities and as a result numerous discriminatory barriers existed.¹⁶² It made recommendations which included the setting of comprehensive national labor targets.¹⁶³

112. JS 5 stated that public transportation was largely inaccessible to persons with disabilities.¹⁶⁴

113. JS 5 stated that the majority of persons with disabilities lived in poverty with no access to social protection.¹⁶⁵ It made recommendations which included making provision for persons with disabilities in poverty reduction programs.¹⁶⁶

114. JS 5 stated that there was a longstanding problem of gender-based violence against women and children with disabilities.¹⁶⁷

115. JS 5 stated that appropriate accommodation for persons with disabilities have not been made in the law enforcement, court and prison systems.¹⁶⁸ It made recommendations, including raising the awareness of the Department of Justice and the Judiciary on disability rights in legal proceedings.¹⁶⁹

11. Minorities and indigenous peoples

116. UNPO stated that Philippines generated a large income from the natural resources in the Cordillera and Mindanao region. The extraction of these resources violated the collective rights of the Indigenous Peoples (IPs).¹⁷⁰

117. Moro-Christian Peoples Alliance (MCPA) stated that the Moro people were subjected to continuous, systematic and large-scale human rights violations.¹⁷¹ It made recommendations which included the investigation of all human rights violations and the unconditional release of all political prisoners.¹⁷²

118. Kalipunan ng mga Katutubong Mamamayan ng Pilipinas (KAMP) stated that despite the Indigenous People's Rights Act (IPRA) of 1997, IPs continued to be subjected to various forms of human rights violations.¹⁷³ The inherent right of indigenous peoples to their ancestral land and natural resources therein are undermined by the Mining Act of 1995.¹⁷⁴ The escalation of military operations in IPs' territories had in several cases led to forcible evacuation.¹⁷⁵ The extrajudicial killings of the IPs continued, particularly as the

Government encouraged transnational companies to invest in the countries natural resources normally found on IPs' lands.¹⁷⁶ KAMP made recommendations, including the revocation of the Mining Act of 1995.¹⁷⁷

119. Joint Submission 7 (JS 7) called on Philippines to comply with its obligation to promote and protect the human rights of its IPs.¹⁷⁸ JS 7 referred to accepted Recommendation 1 and stated that sexual violence and sexual exploitation of indigenous women and girls by the military persisted amidst State sanctioned counter insurgency campaigns.¹⁷⁹ It recommended stronger protective complaints mechanisms, and effective and speedy investigations, prosecutions and verdicts.¹⁸⁰

120. JS 7 referred to accepted Recommendation 2 and stated that the IPs fighting for their collective right to ancestral land and self-determination were unfairly type casted as members of the communist New People's Army (NPA) by the security forces.¹⁸¹ Once such group, the *Higaonons* was tagged as a community of NPA supporters because of their strong opposition to mining interests in their territory.¹⁸² JS 7 recommended that measures be taken to end this practice; and an enactment of the law on mineral management that adopted a human rights-compliant framework that inter alia guaranteed that the exploration, development, and utilization of mineral resources did not undermine the rights of IPs to their land and to self-determination.¹⁸³

121. JS 10 stated that IPs suffered discrimination and neglect, especially in relation to education, health, and employment, with limited access to basic services.¹⁸⁴ It made recommendations, including the adoption of all measures to guarantee basic services to IPs.¹⁸⁵

12. Human rights and counter-terrorism

122. UNPO stated that the Moro people were often discriminatorily implicated during police campaigns against terrorist organizations under anti-terror laws; and were disproportionately at risk for unwarranted suspicion and detention under false accusations of threatening State security.¹⁸⁶

123. UNPO also stated that extrajudicial killings and enforced disappearances were carried out by the military and target indigenous leaders under the false accusations that they were a 'legal front' for communist or terrorist organizations.¹⁸⁷

124. ALRC stated that torture was typically used inter alia against persons suspected of being communist rebels, or persons from the Muslim minority, within the ambit of counter-terrorism.¹⁸⁸

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status)

Civil society

- AI Amnesty International, London, United Kingdom;
- ALRC Asian Legal Resource Centre, Hong Kong, China;
- AMP Action Network Human Rights – Philippines comprising of: Amnesty International, Brot für die Welt, Human Rights Team of the Social Service Agency (Diakonisches Werk), Evangelischer Entwicklungsdienst, Misereor, Missio, philippinenbüro e.V., Vereinte Evangelische Mission; Essen, Germany (Joint Submission);
- BAM Bagong Alyansang Makabayan, composed of Kilusang Mayo Uno, Kilusang Magbubukid ng Pilipinas, Anakbayan, League of Filipino Students, Kadamay,

	Courage, Health Alliance for Democracy and Alliance of Concerned Teachers, Philippines (Joint Submission);
CIVICUS	CIVICUS: World Alliance for Citizen Participation, Johannesburg, South Africa;
CR	Children’s Rehabilitation Center, Philippines;
ER	EnGendeRights, Inc., Philippines;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, UK;
ESCR	Economic, Social and Cultural Rights-Asia, Philippines;
HRW	Human Rights Watch, Geneva, Switzerland;
IF	IBON Foundation, Quezon City, Philippines;
JC	Jubilee Campaign, UK;
JS 1	Rainbow Rights Project and Philippine LGBT Hate Crime Watch; Philippines (Joint Submission 1);
JS 2	Center for Reproductive Rights, NY, USA, and International Women’s Human Rights Clinic of the City University of New York School of Law (Joint Submission 2);
JS 3	Front Line Defenders – the International Foundation for the Protection of Human Rights Defenders, Ireland and Human Rights Defenders – Pilipinas, Philippines (Joint Submission 3);
JS 4	Marist International Solidarity Foundation, Franciscans International, Geneva, Switzerland, and Edmund Rice International, Geneva, Switzerland (Joint Submission 4);
JS 5	Philippine Coalition on the U.N. Convention on the Rights of Persons with Disabilities comprising of Alyansa ng may Kapansanang Pinoy, Autism Society Philippines, Government Union for Disabled Employees, Katipunan ng mga Maykapansanan sa Pilipinas, Las Piñas Federation of Persons with Disabilities, Leonard Cheshire Disability Philippines. Life Haven, New Vois Association, Nova Foundation. Parents Association of Visually impaired Children. Philippine Association of Children With Learning and Developmental Disabilities. Philippine Chamber for Massage Industry for Visually Impaired, Philippine Deaf Resource Center. Philippine Federation of the Deaf, Punalaka, Quezon City Federation of Persons With Disabilities, Tahanang Walang Hagdanan, Women with Disabilities Leap To Social and Economic Progress, Philippines. (Joint Submission 5);
JS 6	The Philippine NGO Coalition on the UN CRC comprising of: Asia Against Child Trafficking, Child Hope Asia, Child Fund International, Consuelo Foundation, ECPAT Philippines, The ERDA Group, John J. Carroll Institute of Church and Social Issues, Lunduyan Foundation, National Council for Social Development, Open Heart Foundation, Philippines Against Child Trafficking. Plan Philippines, Salinlahi Alliance for Children’s Concerns, Save the Children, VIDES Philippines Volunteers Foundation Inc., Visayan Forum and World Vision Development Foundation, Quezon City, Philippines (Joint Submission 6);
JS 7	Alternative Law Groups, Inc., Philippines, Anteneo Human Rights Center, Philippines, Environmental Legal Assistance, Inc. Philippines, Indigenous Peoples Rights Monitor, Philippines, Middlesex University Department of Law, Philippines, Tanggapang Panligal NG Katutubong Pilipino, Philippines, Philippine Indigenous Peoples Links, Philippines (Joint Submission 7);
JS 8	The National Council of Churches in the Philippines, The Philippines and Asia Pacific Forum (Joint Submission 8);
JS 9	International Rehabilitation Centre for Torture Victims and BALAY Rehabilitation Center, Philippines (Joint Submission 9);
JS 10	Istituto Internazionale Maria Ausiliatrice and International Volunteerism Organization for Women, Education, Development (Joint Submission 10)
JS 11	Philippine Alliance of Human Rights Advocates, Quezon City, The Philippines (Joint Submission 11);

- JS 12 Family Planning Organization of the Philippines and The Sexual Rights Initiative, Philippines (Joint Submission 12);
- JS 13 Akei, Alliance of Young Health Advocates, Alliance of Young Nurse Leaders & Advocates International Inc., Amnesty International Philippines - LGBT Group, Coalition for the Liberation of the Reassigned Sex, Filipino Free Thinkers, Lesbian Activism Project Inc., OUT Philippines, Philippine Fellowship of Metropolitan Community Churches, Philippine Forum on Sports, Culture, Sexuality and Human Rights, Philippine LGBT Hate Crime Watch, TMC Globe Division League, The Philippines (Joint Submission 13);
- JS 14 ARTICLE 19, the Southeast Asian Press Alliance, Media Defence Southeast Asia, the Center for Media Freedom and Responsibility, the Philippine Center for Investigative Journalism, and the Center for International Law, (Joint Submission 14);
- JS 15 End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes - Philippines, Asia Against Child Trafficking and Philippines Against Child Trafficking, The Philippines (Joint Submission 15);
- JS 16 International Federation of Journalists- Asia-Pacific, Australia, and the National Union of Journalists of the Philippines, The Philippines, (Joint Submission 16);
- JS 17 Progressive Organization of Gays in the Philippines and Lesbians for National Democracy, The Philippines (Joint Submission 17);
- KAMP Kalipunan ng mga Katutubong Mamamayan ng Pilipinas, The Philippines;
- KARAPATAN Karapatan Alliance for the Advancement of People's Rights, The Philippines;
- L4L Lawyers for Lawyers, The Netherlands;
- MCPA Moro Christian People's Alliance, Quezon City, the Philippines;
- NCCP National Council of Churches in the Philippines, The Philippines;
- NUPL National Union of Peoples' lawyers, The Philippines;
- PCPR Promotion of Church People's Response, The Philippines;
- RPRD Ramento Project for Rights Defenders, Manila, The Philippines;
- RSF Reporters sans frontiers, Paris, France;
- SEARICE Southeast Asia Initiative for Community Empowerment, Quezon City, The Philippines;
- STRAP Society of Transsexual Women of the Philippines, The Philippines;
- UNPO Unrepresented Nations and Peoples Organization, Den Haag, The Netherlands;
- WLHRB Women's Legal and Human Rights Bureau, Inc., The Philippines;
- National Human Rights Institution
- CHRP Commission on Human Rights of the Philippines*
- ² General Assembly, Human Rights Council, Universal Periodic Review, Report of the Working Group on the Universal Periodic Review, the Philippines, A/HRC/8/28.
- ³ CHRP, p. 2, para. 10. *See also* ALRC, para. 19; AI, p. 1; AMP, p. 3; JS 4, p. 6, para. 20.
- ⁴ CHRP, p. 2, para. 10. *See also* AI, p. 1; ER, p. 2, para. 4.
- ⁵ *People v. Carpentier, Duplantis, Silkwood and Smith [Subic Rape Case]*).
- ⁶ CHRP, p.1, para. 4.
- ⁷ CHRP, p. 1, para. 5.
- ⁸ CHRP, p. 1, para. 7.
- ⁹ CHRP, p. 2, para. 8.
- ¹⁰ CHRP, p. 2, para. 9.
- ¹¹ CHRP, p. 2, para. 12.
- ¹² CHRP, p. 2, para. 13.
- ¹³ CHRP, p. 3, para. 22. *See also* JS 4, pp. 1 – 3, paras. 3 – 14; JS 10, p. 9, para. 42. *See also* JS 6, p. 5; JS 11, p. 7, paras. 47 and 57.
- ¹⁴ CHRP, p. 4, para. 23.
- ¹⁵ CHRP, p. 4, para. 24.
- ¹⁶ CHRP, p. 4, para. 24.
- ¹⁷ CHRP, p. 5, para. 31.

- ¹⁸ CHRP, p. 5, para. 33.
- ¹⁹ CHRP, p. 5, para. 35.
- ²⁰ CHRP, p. 1, para. 3.
- ²¹ The following abbreviations have been used for this document:
- | | |
|-----------|---|
| OP-ICESCR | Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR) |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| OP-CAT | Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) |
| CRC | Convention on the Rights of the Child |
| OP-CRPD | Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD) |
| CED | International Convention for the Protection of All Persons from Enforced Disappearance |
| UDHR | Universal Declaration of Human Rights |
- ²² JS 4, pp. 5 - 6, paras. 18, 20. *See also* JS 11, p. 6, para. 35; AI, p. 5; ALRC, para. 29.
- ²³ JS 5, p. 7, para. 25.
- ²⁴ JS 11, p. 9, para. 64.
- ²⁵ HRW, p. 5.
- ²⁶ UNPO, p. 4.
- ²⁷ JS 10, p. 3, para. 7.
- ²⁸ JS 10, p. 7, paras. 32 – 34.
- ²⁹ JS 5, p. 8, para. 28.
- ³⁰ AI, pp. 2, 4.
- ³¹ JS 4, p. 5, para. 20.
- ³² AI, pp. 2, 4.
- ³³ JS 13, p. 4; *See also* JS 11, p. 6, paras. 40 and 41.
- ³⁴ JS 17, p. 2.
- ³⁵ JS 13, p. 6.
- ³⁶ JS 13, p. 6 and JS 11, p. 7, para. 45. *See also* JS 17, p. 3.
- ³⁷ JS 17, p. 4.
- ³⁸ JS 15, p. 4.
- ³⁹ JS 15, p. 5.
- ⁴⁰ BAM, p.1.
- ⁴¹ CR, p. 5.
- ⁴² ESCR, p. 4, para. 11.
- ⁴³ HRW, p. 5.
- ⁴⁴ JS 16, p. 6.
- ⁴⁵ RPRD, p. 3.
- ⁴⁶ RPRD, p. 5.
- ⁴⁷ JS 8, p. 6, para. 19.
- ⁴⁸ JS 8, p. 7, para. 24. *See also* CIVICUS, p. 4, para. 6.4.
- ⁴⁹ AMP, p. 5.
- ⁵⁰ AMP, p. 9. *See also* JS 11, p. 12, paras. 98, 99.
- ⁵¹ ESCR, p. 5, paras. 18, 20.
- ⁵² ESCR, p. 2, para. 4. *See also* AMP, p. 8.
- ⁵³ CIVICUS, p. 3, para. 6.1.
- ⁵⁴ JS 2, p. 5, para. 21.
- ⁵⁵ JS 2, p. 6.
- ⁵⁶ ALRC, para. 10.
- ⁵⁷ KARAPATAN, p. 5.
- ⁵⁸ JS 3, p. 4, para. 30.
- ⁵⁹ JS 4, p. 5, para. 20.
- ⁶⁰ AMP, p. 9. *See also* ALRC, para. 10.
- ⁶¹ JS 17, p. 4.

- ⁶² JS 4, p. 5, para. 20.
⁶³ WLHRB, p. 5, para. 18.
⁶⁴ JS 13, p. 7.
⁶⁵ AI, p. 3.
⁶⁶ ALRC, para. 20. *See also* JS 3, p. 2, para. 7; NUPL, p. 1, para. 7.
⁶⁷ ALRC, para. 28.
⁶⁸ AMP, p. 2.
⁶⁹ AMP, pp. 7-8.
⁷⁰ HRW, pp. 3 and 4.
⁷¹ CIVICUS, p. 4, para. 6.2.
⁷² PCPR, pp. 2-4, paras. 12-19 and para. 35.
⁷³ JS 4, p. 4, paras. 15, 16.
⁷⁴ KARAPATAN, p. 3.
⁷⁵ ALRC, para. 11. *See also* JS 8, pp.2-3, paras. 9 and 10.
⁷⁶ JS 11, p. 5, para. 26.
⁷⁷ S 11, p. 6, para. 37 ; *see also* p. 6, paras. 33 – 38. *See as well* ALRC, para. 19 ; AMP, p. 8 ; AI, p. 5.
⁷⁸ AI, p. 5. *See also* HRW, p. 2, p. 4.
⁷⁹ JS 9, pp. 2 and 4. *See also* JS 11, p. 7, para. 49.
⁸⁰ JS 6, pp. 2 – 3.
⁸¹ JS 6, p. 4.
⁸² GIEACPC, paras. 2.1 – 2.4.
⁸³ JS 11, p. 3, para. 11.
⁸⁴ ER, p. 3, para. 11.
⁸⁵ JC, p. 1, para. A. 1.
⁸⁶ JC, p. 2, para. B. 1.
⁸⁷ JC, p. 3, paras. D. 1-4.
⁸⁸ JS 15, p. 7.
⁸⁹ JS 15, p. 8.
⁹⁰ JS 11, p. 9, paras. 69 – 72. *See also* ER, p. 3, paras. 13 and 14.
⁹¹ JS 11, p. 9, paras. 73 – 79.
⁹² JS 15, p. 6.
⁹³ JS 15, p. 7.
⁹⁴ JS 10, p.6, paras. 28 and 29.
⁹⁵ JS 10, p. 7, para. 30.
⁹⁶ JS 10, p. 8, para. 35.
⁹⁷ JS 10, p. 8, para. 36.
⁹⁸ AMP, p. 6.
⁹⁹ NUPL, p. 2, para. 10.
¹⁰⁰ L4L, p. 2, para. 9.
¹⁰¹ L4L, Attachment 2.
¹⁰² WLHRB, p. 3, para. 9. *See also* JS 11, p. 3, para. 13.
¹⁰³ JS 11, p. 3, paras. 16 – 20.
¹⁰⁴ JS 11, p. 3, paras. 11 and 16-20.
¹⁰⁵ NUPL, p. 3, paras. 19 – 21.
¹⁰⁶ NUPL, pp. 3- 4; paras. 22- 24.
¹⁰⁷ AMP, p. 4.
¹⁰⁸ AI, p. 5. *See also* AMP, p. 8.
¹⁰⁹ HRW, pp. 2 and 4. *See also* AMP, pp. 4 and 8.
¹¹⁰ CIVICUS, p. 4, para. 6.3.
¹¹¹ JS 10, p. 4, para. 16.
¹¹² JS 1, p. 1.
¹¹³ ER, p. 4, para. 14.
¹¹⁴ JS 1, p. 5. *See also* STRAP, pp. 1-2, paras. 2-5.
¹¹⁵ JS 1, p. 5.
¹¹⁶ JS 13, p. 7.
¹¹⁷ STRAP, p. 2.

- 118 JS 16, p. 4. *See also* CIVICUS, p. 4, para. 6.4.
119 JS 16, p. 6.
120 JS 14, p. 2, para. 10.
121 JS 16, p. 5.
122 RSF, p. 4.
123 JS 14, p. 6, para. 18.
124 JS 14, p. 7, para. 20.
125 JS 3, p. 1, para. 5.
126 JS 3, p. 2, para. 9.
127 JS 3, p. 5, para. 24.
128 NCCP, p. 2, para. 7.
129 JS 8, p. 7, para. 21.
130 JS 8, p. 7, para. 24 and NCCP, p. 6, para. 24.
131 BAM, p. 2. *See also* IF, p. 3, para. 12.
132 BAM, p. 3.
133 WLHRB, p. 2, para. 11.
134 JS 13, p. 9.
135 IF, p. 2, para. 2.
136 IF, p. 2, para. 3.
137 IF, p. 5, para. 21.
138 JS 11, p. 11, paras. 90 – 97.
139 BAM, p. 3.
140 BAM, p. 3.
141 SEARICE, p. 1, para. 3.
142 JS 11, p. 12, para. 95.
143 IF, p. 5, para. 24.
144 AM, p. 4 and fn. 8.
145 BAM, p. 4 and fn. 9.
146 JS 12, p. 2, para. 1; ER, p. 1, paras. 1- 3.
147 JS 12, p. 4, para. 12.
148 JS 12, p. 5, para. 16. *See also* ER, p. 2, paras. 5-8.
149 JS 12, pp. 5 and 6, paras. 20 and 21. *See also* JS 2, p. 6.
150 JS 2, p. 6.
151 HRW, p. 5. *See also* AI, p. 5; ER, p. 3, para. 10.
152 JS 13, p. 4.
153 IB, p. 7, para. 33.
154 JS 4, p. 9, para. 38. *See also* JS 10, p. 5.
155 JS 10, p. 4, paras. 17, 18.
156 JS 10, p. 5, para. 24. *See also* JS 5, p. 9, paras. 34 and 37.
157 JS 10, p. 6, para. 26.
158 STRAP, p. 3.
159 JS 5, p. 8, paras. 29 and 30.
160 JS 5, p. 8, para. 31.
161 JS 5, p. 9, paras. 32 and 33.
162 JS 5, p. 10, para. 39.
163 JS 5, p. 10, para. 41.
164 JS 5, p. 11, paras. 47 and 49.
165 JS 5, p. 12, para. 50.
166 JS 5, p. 12, para. 52.
167 JS 5, p. 13, paras. 55 and 58.
168 JS 5, p. 13, para. 59.
169 JS 5, p. 14, para. 64.
170 UNPO, p. 1.
171 MCPA, p. 1, para. 4.
172 MCPA, p. 5, para. 42.
173 KAMP, p. 2, paras. 3 and 6.

- ¹⁷⁴ KAMP; p. 3, para. 9.
¹⁷⁵ KAMP, p. 7, para. 23.
¹⁷⁶ KAMP, p. 6, para. 18
¹⁷⁷ KAMP, p. 8, paras. 31 – 35.
¹⁷⁸J S 7, p. 3, para. 8.
¹⁷⁹ JS 7, pp. 4 -5, paras. 9 and 16.
¹⁸⁰ JS 7, p. 10, para. 40.
¹⁸¹ JS 7, p. 5, para. 18.
¹⁸² JS 7, p. 5, para. 20.
¹⁸³ JS 7, p. 10, paras. 41 and 42.
¹⁸⁴ JS 10, p. 3, para. 11.
¹⁸⁵ JS 10, p. 3, para. 11.
¹⁸⁶ UNPO, p. 3.
¹⁸⁷ UNPO, p. 3.
¹⁸⁸ ALRC, p. 4, para. 12.
-