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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Philippines**


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## I. Introduction

1. The Government of the Republic of the Philippines (GPH) affirms the universality, indivisibility, interdependence, and interrelatedness of all human rights, respectful of our unique national and regional particularities borne by our diverse historical, cultural, and religious backgrounds.
2. The landslide victory of our 16<sup>th</sup> President, Rodrigo Roa Duterte, democratized political power. A political outsider became the first Chief Executive from Mindanao. Running on a platform of fighting criminality, corruption, and illegal drugs, achieving just, inclusive, and lasting peace, and alleviating poverty, he won the election through a historic people's campaign powered by crowd-sourced funding and organic social media support. Upon taking the helm of government on 30 June 2016, the new administration was forced to confront the challenges on these areas.
3. In his 2016 State of the Nation Address, the President committed that his administration shall be sensitive to the State's obligation to promote, protect, fulfill the rights of our citizens, especially the poor, the marginalized and the vulnerable, and social justice shall be pursued, even as the rule of law shall prevail at all times. This administration shall implement a rights-based approach to development and governance, as we improve our people's welfare in the areas of health, education, adequate food and water, housing, environmental preservation, and respect for culture. "Human rights must work to uplift human dignity."
4. In keeping with the State's duty to promote and protect human rights and fundamental freedoms, the people's campaign against illegal drugs is pursued to preserve the lives of the Filipino people and protect the country from turning into a narco-State. GPH is determined to prioritize human security to prevent anarchy and the destruction of the Filipino family. Data from the Philippine Drug Enforcement Agency shows that 95.47% of those arrested are users of methamphetamine hydrochloride or *shabu*, which the World Health Organization has found to be associated with cognitive impairment, aggression and violence, and social and family disruption. Destroying the illegal apparatus of the drug syndicates will make more communities drug-free and ensure a safer and secured future.
5. Data shows that, since the inception of the law enforcement campaign against illegal drugs on 1 July 2016, 30% of total focused crimes went down, showing a correlation between drug use and crime rate. Hence, the narcotics problem is not just a health issue; it is a national security issue. GPH, in protecting the right to life, health, and personal security of our people, has embarked on a rights-based campaign to eliminate the drug menace. This holistic approach, implemented by the Inter-Agency Committee on Anti-Illegal Drugs, includes not only law enforcement operations to strengthen the rule of law, but also the rehabilitation and reintegration of surrendering drug users.
6. This report demonstrates the progress GPH has proudly made since the last review. While much has been achieved, GPH acknowledges that there is still much to be done. The new administration desires to replicate the successes of Davao City and its multi-awarded programs on governance, peace and order, gender-sensitivity, and women's and children's rights. GPH welcomes the scrutiny of its record in an open and constructive dialogue offered by the Universal Periodic Review process.

## II. Methodology and consultation process

7. In producing this report, GPH consolidated the inputs of various agencies and multiple stakeholders. It focuses on our implementation of the recommendations accepted

during the second periodic review, and the significant developments, achievements and challenges since 2012. GPH has divided these recommendations into six thematic areas and structured Section III of this report accordingly.

### III. Progress and challenges

#### A. Socio-economic Agenda

8. GPH's *AmBisyon Natin 2040* echoes the Filipino people's long-term vision for a strongly rooted, comfortable, and secure life. In achieving this, the Philippine Development Plan (PDP) 2017-2022 adopts a culture-sensitive perspective, gender-sensitive paradigm, and human rights-based approach in public service. It acknowledges accomplishments of previous administrations, adopts good practices, and considers the lessons therefrom for a solid foundation for inclusive growth, a high-trust society, and a competitive knowledge economy. GPH makes the necessary policy and regulatory environment and provides public goods and services by enhancing the social fabric, reducing inequality, and increasing potential growth. Our Ten-Point Socioeconomic Agenda aims to combat generational poverty, improve living standards, and sustain high economic growth by, among others, investing in human capital development and improving social protection programs.

#### Recommendations 129.36–129.39

9. GPH continues to uphold our commitment to achieve inclusive growth. In allocating funding for poverty alleviation programs, the National Household Targeting System for Poverty Reduction guides us in identifying who and where the poor are to maximize resources and the timely, effective and efficient delivery of services. Using the system, GPH gives priority to areas with: the most number of poor; the highest incidence of poverty; and highest vulnerability to multiple hazards.

10. The Department of Social Welfare and Development (DSWD) employs a convergence strategy to harmonize the continued implementation of core poverty reduction programs like the Conditional Cash Transfer (CCT) Program, Sustainable Livelihood Program, and *Kapit-Bisig Laban sa Kahirapan* – Comprehensive and Integrated Delivery of Social Services Program (KALAHI-CIDDS).

11. As of December 2016, CCT provided 4.39-million eligible poor household beneficiaries with health and education cash grants, conditional to the children's attendance in school and receipt of regular immunization, the mothers' availment of health care services, and the beneficiary's attendance to family development sessions. Under the 2017 budget, CCT beneficiary-families are provided a rice allowance.

12. From 2012 to 2016, the Sustainable Livelihood Program has served a total of 1,509,852 households by providing them capital assistance for a sustainable micro-enterprise and/or referring them for employment with various partner agencies and institutions.

13. The KALAHI-CIDSS community-driven development project improves the beneficiaries' quality of life of by capacitating them to design, implement and manage local development activities. It led to both poverty-reduction and strengthened local governance participation. After its success in the poorest municipalities of the country, the project is scaled up to the National Community Driven Development Plan.

14. Complementing these programs is the Supplemental Feeding Program, which seeks to enhance the food intake of children aged 3–12 by providing them supplemental hot

meals from produce grown in local school vegetable gardens to achieve the health and nutrition-related sustainable development goals.

15. The Department of Agriculture (DA) invested in climate-resilient irrigation systems, farm-to-market roads, fish ports, trading centers, and post-harvest facilities as part of the food security strategy. DA also implemented projects that directly combat hunger, particularly, *Gulayan sa Paaralan* in 43,949 schools, and the Milk Feeding Program that has benefitted 273,400 children.

16. To address unemployment and underemployment, GPH completed the Human Resource Roadmap for 2016-2022, containing labor supply and demand information and responsive, timely and critical strategies to improve human resource competitiveness. To assist our citizens in securing a comfortable life for themselves and their families, GPH continues to advance employment facilitation services and skills-enhancement programs, namely the Special Program for the Employment of Students, the Integrated Livelihood Program for workers in the informal economy, the *Tulong Alalay sa Taong May Kapansanan* assistance project for persons with disabilities (PWDs), and the *Tulong Panghanapbuhay sa Ating Disadvantaged Workers* livelihood assistance for displaced workers and the unemployed poor.

17. Through the Technical Education and Skills Development Authority (TESDA), GPH also provides technical-vocational education and training (TVET) for the youth in and out of school or for anyone interested in TVET training. In cooperation with public and private enterprises, TESDA conducts competency assessment and skills certification of workers to enhance productivity and allow them to secure gainful employment. It also oversees apprenticeship and learnership programs.

18. GPH's efforts in job protection is strengthened by passage of the following laws:

- Republic Act (R.A.) 10917, which strengthens and expands the coverage of the Special Program for Employment of Students;
- R.A. 10911, which prohibits age-based discrimination in employment;
- R.A. 10691, which enhances efforts in the establishment and operation of Public Employment Service Offices, and job placement offices in educational institutions;
- R.A. 10689, which institutionalizes the implementation of the JobStart Program, an employment program designed to enhance the employability of at-risk youth to improve their integration into productive employment; and
- R.A. 10644, or the *Go Negosyo Act*, which strengthens micro, small and medium enterprises to create more job opportunities in the country.

19. After a series of consultations with labor and management, the Department of Labor and Employment (DOLE) issued Department Order (DO) No. 174, reaffirming the worker's Constitutional and statutory right to security of tenure. The issuance prohibits labor-only contracting and other illicit forms of employment arrangements designed to defeat the workers' rights. It also reinforces the workers' rights to labor standards, self-organization, and collective bargaining; and requires mandatory registration and minimum capitalization requirements for contractors and subcontractors.

20. DOLE also released the 2016 Handbook on Workers' Statutory Monetary Benefits, a comprehensive material on recent developments in Philippine labor laws and regulations. It collates the rules on minimum wages, additional compensation, paid leaves, separation/retirement benefits, social security protection instruments, and other statutory benefits employers should provide their workers.

21. Since 2012, the National Wage and Productivity Council and the Regional Boards have adopted the two-tiered wage system, which consists of a mandatory floor or minimum wage to protect vulnerable workers from undue low wages, and a voluntary productivity incentive scheme over and above the minimum wage to encourage workers and enterprises to adopt productivity improvement and gain-sharing programs. The minimum wage is set above the poverty threshold to ensure that basic needs of workers and their families are met, but lower than the average wage to allow collective bargaining negotiations and other approaches to set better terms and conditions of employment.
22. To strengthen labor-management relations, GPH enacted R.A. 10395 allowing social partners broader participation in policy and decision-making, and R.A. 10396 strengthening conciliation and mediation as voluntary modes of settling labor disputes. To protect workers' wages and benefit, GPH hired additional labor law compliance officers and inspectors to cover joint assessment of compliance with general labor standards and laws on safety and health, child labor, freedom of association, collective bargaining, and maritime labor regulations.
23. The Occupational Safety and Health Center conducts trainings on the 40-hour mandatory Basic Occupational Safety and Health (BOSH) course. It developed the e-BOSH online version, which can be accessed by workers all over the world. Specialized BOSH modules were also developed for workers of the mining sector, business process outsourcing centers, and the transport industry.
24. Our social security institutions continue to ensure that members who have retired, are senior citizens, or are physically infirmed or disabled can afford to live with dignity. Contributory schemes for social benefits include the Government Service Insurance System for public sector employees, and the Social Security System for private sector workers. To help break the intergenerational cycle of poverty, marginalized sectors like and poor families not covered by the foregoing social security agencies are provided social welfare services through CCT and other programs.
25. GPH's Housing Program provides resettlement for informal settlers; housing projects for low-salaried Armed Forces of the Philippines (AFP) and Philippine National Police (PNP) members; settlement upgrading; and community mortgage programs. During the reporting period, GPH assisted some 280,073 families living in danger areas and/or affected by government infrastructure projects, and institutionalized the no demolition-no resettlement policy.
26. In July 2016, R.A. 10884 mandated owners and developers of condominium projects to build socialized housing equivalent to 5% of their total project area or cost. It encourages developers to put up medium-rise socialized condominiums in urban areas to lessen the workers' daily suburban commute and traffic congestion, while optimizing land use, human resource productivity, and business efficiency.
27. The Philippine Health Agenda is anchored on the concept of universal health care or *Kalusugang Pangkalahatan* aimed at making the health care system equitable, inclusive, transparent and accountable, while allocating resources efficiently to provide affordable, high quality health services. Its achievement hinges on the country accountability framework that includes universal social health insurance coverage, health facility enhancement to ensure access to hospitals and primary level facilities, and various efforts towards the attainment of the health-related development goals.
28. Our government budget supports the Department of Health (DOH) in deploying health professionals to the *barrios*, expanding the immunization program for children, and strengthening the efforts to lower maternal and infant mortality rates, among others. As of June 2016, the National Health Insurance Program covers 92.62 million principal members and dependents.

29. The Responsible Parenthood and Reproductive Health (RPRH) Act of 2012 empowers DOH and local government units to ensure that reproductive health becomes universally accessible. To ensure availability of supplies and the training of providers in new contraceptive technologies, DOH has convened the National Implementation Team for the RPRH law.

30. Health-related laws enacted after our second UPR include: R.A. 10747, which promulgated a comprehensive policy in addressing the needs of persons with rare diseases; and R.A. 10767, which established a comprehensive plan of action to eliminate tuberculosis as a public health problem.

## **B. Protection of vulnerable sectors**

### **Children**

#### **Recommendations 129.9–10, 129.33–34, 129.37, 131.28**

31. Laws recently passed to fulfill State commitments under the Convention on the Rights of the Child include the Foster Care Act (R.A. 10165); Cybercrime Prevention Act (R.A. 10175); Responsible Parenthood and Reproductive Health Act (R.A. 10354); Expanded Anti-Trafficking in Persons Act (R.A. 10364); Anti-Drunk and Drugged Driving Act (R.A. 10586); Anti-Bullying Act (R.A. 10627); Strengthened Juvenile Justice and Welfare Law (RA 10630); Act Declaring November of every year as National Children’s Month (R.A. 10661); Act Providing for the Safety of Children Aboard Motorcycles (R.A. 10666); and Act Mandating the Provision of Emergency Relief and Protection for Children Before, During and After Disasters and Other Emergency Situations (R.A. 10821).

32. To ensure every Filipino child’s right to a name and nationality, GPH enacted the Philippine Statistical Act of 2013 to carry out, enforce and administer civil registration functions. GPH also launched the Philippines Civil Registration and Vital Statistics Strategic Plan for the years 2014–2018, identifying the priorities and opportunities for government agencies to act upon. In 2015, Proclamation 1106 declared years 2015–2024 as the Civil Registration and Vital Statistics Decade and instructed agencies to design programs to increase civil registration.

33. The Philippine Statistics Authority pursued awareness campaigns on the importance of civil registry documents, while setting up registration outlets near schools, hard-to-reach areas, and indigenous communities. To bring services closer to people, registration centers are also available in malls, travel agencies, remittance centers, and other convenient locations.

34. To address the specific needs of indigenous peoples, there is a pending bill seeking the establishment of an Indigenous Peoples Civil Registration System sensitive to the cultural and customary ways of indigenous peoples and harmonized with the existing laws and systems on civil registry.

35. R.A. 10630 amending the Juvenile Justice and Welfare Act (JJWA) of 2006 set the minimum age of criminal responsibility at fifteen years old, while providing for intervention programs and the establishment of *Bahay Pag-asa* facilities to serve as youth rehabilitation centers.

36. Local level implementation of the JJWA focused on innovations for local governments, such as appointment of licensed social workers to assist children in conflict with law (CICL); allocation of at least 1% of the Internal Revenue Allotment to strengthen local councils for the protection of children; adoption and implementation of Comprehensive Juvenile Intervention Programs; and implementation of mechanisms,

programs and other child appropriate processes to determine responsibility of CICL without resorting to formal court processes.

37. DSWD also established Regional Rehabilitation Centers for Youth to serve thousands of CICLs. In 2015, almost half of CICLs in rehabilitation centers have been successfully rehabilitated. Since 2010, DSWD has served 9,193 CICLs.

### **Recommendations 129.42–129.43**

38. Consistent with the Constitutional mandate that education receive the highest budgetary support, allocation for basic education has consistently increased over the last seven years. From 2010 to 2016, there was a 147% increase from PhP175-billion to PhP433.5-billion. For 2017, the Department of Education's (DepEd) budget is at P543.1 million.

39. The passage of the Enhanced Basic Education Act of 2013 (R.A. 10533) ensures the continuity of a complete, adequate, and integrated system of education relevant to the needs of the people and society-at-large. The law aims to put the Philippines at par with international standards, by upholding the right of every Filipino to Kindergarten plus 12 years of quality basic education. Reforms in the education sector continue with GPH's efforts to hire more and better-trained teachers, build additional classrooms with complete facilities, and create better learning materials. Investments in the public education system are complemented with the provision of grants in private schools through the Government Assistance to Students and Teachers in Private Education.

40. With the enactment of the Kinder Act of 2012 (R.A. 10157), kindergarten became mandatory for five-year old children, with kinder gross enrolment at 93.43% as of School Year (SY) 2015-2016. Since the previous reporting period, there has been an increase in completion rate and cohort survival rate among school children, and a decrease in dropout rate.

41. DepEd implements Alternative Delivery Modes for alternative learning opportunities for working learners, those living far from schools, and learners at risk of dropping out of school. Some 29,454 elementary- and secondary-level learners were enrolled in the ADMs for SY 2015-2016.

42. GPH also offers the Alternative Learning System (ALS), which served some 519,535 learners in 2015. The ALS implements two major non-formal education programs: (a) the Basic Literacy Program, which aims to eradicate illiteracy among out-of-school youth (OSY), adults, and, in extreme cases, school-age children; and (b) the Accreditation and Equivalency Program, which enables school dropouts to complete their education outside the formal school system.

43. GPH's *Abot-Alam Program* identifies OSY aged 15–30 years old who are unemployed or have not completed basic or higher education. From 2014–2015, some 860,808 OSY were matched to appropriate program interventions: 694,824 for ALS; 88,182 for entrepreneurship; and 77,802 for employment skills training.

44. DepEd's Pedals and Paddles program, launched in 2015, provided 35,374 bicycles and 1,216 boats for learners in far-flung areas. The *Kariton Klasrum* program continues to provide street children, OSY, and school dropouts with access to basic education through mobile classrooms.

45. Launched in 2013, the National Indigenous Peoples Education Program continues to strengthen the enabling conditions for culture-based education through capacity building for teaching and non-teaching personnel at all levels of governance, contextualization of the curriculum, development of culturally appropriate learning resources, and increase in budget allocation and education infrastructure.

46. Other recent developments in our efforts to expand and further democratize access to quality education include the enactment of the following laws:

- UniFAST Act (R.A. 10687), providing for a comprehensive and Unified Student Financial Assistance System for tertiary education and rationalizes access thereto;
- Open High School System Act (R.A. 10655), establishing the learner-centered and flexible open high school system as part of the DepEd’s alternative secondary education program;
- Open Distance Learning Act (R.A. 10650), institutionalizing open distance learning, through the use of information and communications technologies as an efficient system of delivering quality educational services in the country;
- *Iskolar ng Bayan Act* of 2014 (R.A. 10648), which provides scholarship grants to top graduates of all public high schools in state universities and colleges; and
- Ladderized Education Act of 2014 (R.A. 10647), which allows “permeability” between TVET and formal higher education to empower students and workers to exercise options or to choose when to enter and exit in the educational ladder.

### **Recommendation 131.5**

47. The 47.9% drop in child laborers (from 75,724 in 2014 to 36,247 in 2015) inspires the continued implementation of the Philippine Program Against Child Labor with a network of mutually enabling social partners for the protection, withdrawal, healing and reintegration of child workers into a caring society. The *Sagip Batang Manggagawa* inter-agency quick action mechanism aims to respond to cases of child labor in extremely abject conditions. It employs an inter-agency quick action team for detecting, monitoring and rescuing child laborers in exploitative working conditions.

48. In May 2012, DOLE institutionalized the Campaign for Child Labor-Free Barangays to influence change and obtain commitment and support to make villages free from child labor. Since 2013, the DOLE has certified 337 *barangays* as “child labor-free.” Through DOLE’s Incentivizing Compliance Program launched in 2012, GPH gives awards for Child Labor-Free Establishments. This aims to promote compliant and socially responsible business practices as establishment-based component of the Child Labor-Free Philippines campaign. Since 2013, DOLE has conferred Child Labor-Free certificates to 213 establishments. It has closed a total of 57 establishments, including those engaging minors in hazardous work.

49. In 2015, DOLE’s “Project Angel Tree” provided social assistance to 2,905 child laborers and children at-risk, in partnership with nongovernment organizations, private institutions, and other government agencies.

50. DOLE’s Integrated Livelihood Program and *Kabuhayan para sa Magulang ng Batang Manggagawa* project provided cash grants and livelihood assistance to 18,140 parents of child laborers from 2011–2015. As a result, 6,436 children were removed from child labor and 11,829 at-risk children were prevented from engaging in child labor. In 2016, DOLE provided an additional 5,633 parents with livelihood assistance in the form of materials and equipment.

51. The United States (US) Department of Labor, in its 2015 Findings on the Worst Forms of Child Labor, cited the Philippines as having achieved significant advancement in its efforts to eliminate the worst forms of child labor.



**Recommendation 129.25**

52. Through Executive Order (EO) 138 issued in 2013, GPH strengthened the Council for the Welfare of Children (CWC), and placed the reconstructed Inter-Agency Committee on Children in Armed Conflict (IAC-CIAC) under CWC's direct supervision. CWC continues to spearhead trainings for frontline service providers, especially focal agencies, in coordination with the IAC-CIAC. From 2015–2016, trainings on the protection of children in conflict-affected areas involved 105 service providers.

53. On February 2016, AFP promulgated Circular Number 01, entitled Child Protection. During Armed Conflict Situations, prescribing policies that prohibit the commission of Grave Child Rights Violations (GCRVs), and setting the procedures and guidelines in monitoring, reporting, and responding to GCRVs committed by either state or non-state actors. The guidelines include pertinent provisions on the selection of volunteers to the Citizen Armed Force Geographical Unit (CAFGU), Active Auxiliary Corps, and Special CAFGU Active Auxiliary Corps, the conduct of military activities in schools and hospitals, and the commanders' responsibilities in advocating for this policy.

54. The IAC-CIAC also created the Monitoring, Reporting and Response System for GCRVs in the Situations of Armed Conflict (MRRS-GCRVSAC) for the efficient monitoring of child rights cases. Some 107 cases are currently being reviewed under the MRRS-GCRVSAC.

55. On 19 February 2017, the Moro Islamic Liberation Front (MILF) released the first batch of about 50 children, who were previously engaged in armed conflict.

**Recommendation 131.17**

56. GPH has enacted laws allowing illegitimate children to use their father's surname (R.A. 9255) and the legitimation of children born to parents below marrying age (R.A. 9858). Bills aiming to secure the right to equal treatment of children born out-of-wedlock, including their right to equal inheritance, are currently pending and will continue to be pursued in Congress.

**Recommendation 129.24**

57. Several bills prohibiting corporal punishment, including Senate Bill Nos. 1348, 1189, 1170, 1136 and House Bill No. 516, are currently pending in Congress. The Child Rights Network with stakeholders continuously advocate for the passage of these bills.

**Women****Recommendations 129.7–129.8**

58. The World Economic Forum's 2016 Global Gender Gap Report ranks the Philippines as seventh in the world's most gender-equal society. In 2013, the Philippine Commission on Women (PCW) finalized the Women's EDGE Plan that serves as guide for agencies and LGU to properly implement and enforce the Magna Carta for Women (MCW). The EDGE plan provides direction in identifying interventions and strategies addressing various gender issues.

59. In 2013, GPH declared November 25 of every year as a National Consciousness Day for the Elimination of Violence Against Women and Children. Government agencies and institutions continue to conduct annual campaigns, like Women's Month Celebration and 18-Day Campaign to End Violence Against Women (VAW) to raise awareness on Convention on Elimination of All Discriminations Against Women (CEDAW), MCW, related laws, and international human rights standards.

60. GPH provides strong budgetary support for Gender and Development (GAD). The PhP 105.75 billion budget for GAD in 2015 was almost twice the PhP 57.73 billion of 2013. The number of agencies complying with the minimum 5% GAD budget allocation has also increased from a mere 25 in 2014 to 137 in 2017.

61. To ensure gender mainstreaming and implement MCW, the Philippine Framework Plan for Women outline efforts for gender-responsive governance. As of March 2017, women occupy 43.5% of third level positions in government. Six out of 10 women occupying Career Executive Service positions are Career Officials.

62. PNP has 1,918 Women and Children Protection Desks (WCPD) nationwide, with 4,573 personnel at the frontlines of responding and preventing, receiving and documenting gender-based violence and violence against women and children (VAWC), and of providing assistance in filing appropriate administrative and criminal cases. Around 88% of the 42,028 villages have WCPDs responding to gender-based violence cases. From 2013 to 2015, the Department of Justice (DOJ) has recorded a total of 30,334 VAW cases filed in court.

63. GPH continues to work on improving the social condition of women through various rehabilitative and protective programs for Women in Especially Difficult Circumstances (WEDC). In 2016, DSWD assisted a total of 355,133 cases of WEDCs. Women-Friendly Spaces were also set up in LGU evacuation camps to ensure a systematic, organized and gender-responsive ways of delivering services to victims of natural or manmade calamities.

64. The second leg of the Gender Responsive Economic Transformation of Women Project builds on the results and lessons of the 2006-2013 leg. It is a PhP 334.9 million project developed to provide a timely opportunity to improve sustainability, productivity, and competitiveness of women's micro-enterprises and to continue enhancing the enabling environment for their economic empowerment.

#### **Recommendations 129.40–129.41**

65. The DOH executed the first “full” implementation of the RPRH Law in 2015 and appropriated PhP 21.74 billion, almost double the budget in the previous year, to support the implementation of various RPRH programs, like the Family Planning Program and the National Safe Motherhood Program.

66. Through RPRH Law, 80% of total live births were covered by DOH facilities. Maternal mortality ratio went down from 221 deaths per 100,000 deliveries in 2011 to 114 per 100,000 deliveries in 2015. An estimated 5.5 million women of reproductive age availed of natural and artificial modern family planning methods. Furthermore, 13,908 people living with Human Immunodeficiency Virus (HIV) are undergoing Anti-Retroviral Therapy using the PhP 324-million DOH budget for HIV programs.

67. In 2016, GPH hit its target of ensuring that 90% of pregnant women were attended to by a skilled health professional. Contraceptive use in the country increased since 2012, with the Contraceptive Prevalence Rate at 33.26% increasing to 46.87% in 2015. Moreover, women's life expectancy also increased from 72.9 years in 2016 to 74.3 years in 2017.

68. In spite of the two-year temporary restraining order limiting the full implementation of RPRH Law, President Duterte signed EO No. 12 on 9 January 2017 for the purpose of “Attaining and Sustaining Zero Unmet Need for Modern Family Planning Through the Strict Implementation of the Responsible Parenthood and Reproductive Health Act.” The EO provides funds from government sources and encourages support from the private sector.

**Recommendation 131.16**

69. The PCW regularly formulates a Women's Priority Legislative Agenda (WPLA), a set of proposed bills that seek to amend or repeal the discriminatory provisions of existing laws and moves for new legislations that promote women's empowerment and gender equality. Included in the WPLA are bills amending the Anti-Rape Law, increasing maternity leave to 100 days, enacting the Anti-Prostitution Bill, and amending certain provisions of the Family Code and the Revised Penal Code.

**Migrant workers****Recommendations 129.22, 129.23**

70. Our migrant workers are our modern-day heroes. Applying the one country-team approach, all personnel of the GPH posted abroad follow the 2015 Joint Manual of Operations in Providing Assistance to Migrant Workers and Other Filipinos Overseas, particularly to those in distress.

71. The Department of Foreign Affairs (DFA) continues to use its Assistance-to-Nationals (ATN) Fund to assist overseas Filipinos in terms of repatriation, provision of basic necessities, medical expenses, immigration fees and overstaying penalties, attendance at hearings, payment for translation services, medico-legal, and authentication fees, financial assistance and other immediate ATN service to Filipino nationals. From 2012 to 2016, the ATN Fund assisted some 97,449 overseas Filipinos in distress. For 2015–2016, alone, a total of 11,875 overseas Filipinos were repatriated from conflict-torn areas.

72. Meanwhile, DFA's Legal Assistance Fund continues to be used for the hiring of lawyers, obtaining legal retainers and other legal services for Filipinos facing legal problems abroad. From 2012 to 2016, DFA maintained and concluded retainer agreements with reputable law firms in areas with high concentration of overseas Filipinos to ensure that prompt legal services are made available to those requiring legal assistance. Lawyers were also engaged on a per-case basis.

**Recommendations 130.4, 130.7**

73. Our government is firmly committed in preventing and effectively prosecuting all forms of human trafficking, illegal recruitment, and labor exploitation. In 2012, GPH issued AO No. 28 on Guidelines and Procedures to harmonize the forging of bilateral labor agreements between the Philippines and other countries. GPH currently has cooperation agreements with Australia, Cambodia, China, Japan, Malaysia, New Zealand, Republic of Korea, Pakistan, Jordan, Kuwait, Lebanon, Libya, Oman, Qatar, Saudi Arabia, United Kingdom, United States of America, ASEAN, and the United Nations (UN). GPH is also state party to the eight fundamental conventions of the ILO.

74. GPH also enacted the Cybercrime Prevention Act (R.A. 10175) in September 2012 to govern crimes committed in cyberspace. The law specifies several new acts of cybercrime, including cybersex and online child pornography. In 2013, GPH passed the Expanded Anti-Trafficking in Persons Act (R.A. 10364), providing additional protection for victims of trafficking, and creating the Inter-Agency Council Against Trafficking (IACAT) as the primary body to coordinate, monitor and oversee the law's implementation. As of August 2016, the IACAT has documented a total of 243 convictions with 272 persons convicted of trafficking.

75. In 2013, Philippine Overseas Employment Agency, in cooperation with the International Organization for Migration and the Spanish-supported Millennium Development Goal Achievement Fund Joint Programme on Youth, Employment and

Migration, initiated the Campaign Against Illegal Recruitment, Trafficking and Irregular Migration.

76. In 2014, the Philippines and the US led the regional and thematic consultations for the formulation of the non-binding Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster through a State-led process, Migrants in Countries in Crisis initiative. The Philippines-US cooperation to fight TIP resulted in the blacklisting for possible apprehension of US-registered sex offenders through the Project Angel Watch. As of March 2016, a total of 556 registered sex offenders were blacklisted.

77. GPH also launched a Reintegration Program for Trafficked Persons for the 10,678 trafficking-in-persons victims, mostly women and their families, and instituted social welfare attaché offices in Philippine Embassies with highest form of Gender Based Violence against Filipino overseas workers. DFA also conducted Anti-Trafficking in Persons (TIP) Regional Workshops for the Philippine Foreign Service Posts to capacitate frontline Foreign Service personnel in identifying potential victims and in providing assistance. The project complements the Pre-Deployment Orientation Seminar for Philippine Foreign Service personnel to be assigned abroad, which includes a curriculum on combatting human trafficking. In 2015, DFA published a Handbook on International and National Legal Frameworks in Combatting Human Trafficking.

78. In 2016, the PNP-Women and Children Protection Center, launched a total of 42 TIP operations leading to the rescue of 267 victims, arrest of 74 alleged traffickers, and the filing of 28 cases before the Prosecutor's Office. In addition, the National Bureau of Investigation's (NBI) Anti-Human Trafficking Division has investigated a total of 248 Illegal Recruitment and 221 TIP cases, and conducted 12 rescue operations, leading to the arrest of 52 alleged traffickers and/or facilitators and the filing of 35 cases now pending in Prosecutor's Offices and in courts.

79. Moreover, pursuant to the "Children's Emergency Relief and Protection Act" (R.A. 10821), upon the declaration of a state of calamity, the PNP and the DSWD, with the assistance of the AFP, immediately heightens comprehensive measures and monitoring to prevent child trafficking, labor, and prostitution, including domestic and sexual violence, in calamity-stricken areas.

80. Recognizing the milestones in GPH's anti-human trafficking policies, the U.S. Department of State's Trafficking in Persons Report released in June 2016 granted the Philippines a Tier 1 ranking – the highest compliance level a government can achieve for its anti-trafficking measures. The improved ranking has been attributed to the improvements in the following agencies:

- PNP and NBI for their vigorous law enforcement efforts;
- The Philippine Supreme Court (SC) for its continuous trial system pilot project aimed to expedite trafficking in persons cases;
- IACAT for providing anti-human trafficking training to law enforcement authorities;
- DSWD for the recovery and reintegration program and partnership with civil society organizations; and
- Bureau of Immigration, POEA and the Commission on Filipinos Overseas (CFO) for their concerted efforts to prevent human trafficking.

81. Since July 2016, GPH has pursued several TIP-related initiatives, including preparation of bilateral agreements with countries in the Middle East and the African region; signing of the Philippine-Cambodia Memorandum of Understanding on Cooperation in Combating Transnational Crime; and ratification of the Philippines-Japan

Social Security Agreement to coordinate pension programs for people who live or work in either of the two countries.

82. For the current year, the Philippines ratified the Association of Southeast Asian Nations (ASEAN) Convention against Trafficking in Persons, Especially Women and Children (ACTIP), which recognizes that human trafficking is “an offense to the dignity of human beings.” The ASEAN action plan on trafficking seeks to strengthen border control among member states, intensify efforts to prosecute trafficking cases, and strengthen regional cooperation. DFA will be leading GPH’s participation in the ASEAN meeting on trafficking-in-persons, and the World Day Against Trafficking in Person, which is promoted by the United Nations every 30<sup>th</sup> of July.

### **Indigenous Peoples (IP)**

#### **Recommendations 129.11, 129.44**

83. GPH promotes and protects its 112 indigenous groups, which comprise 15% of our population, through the National Commission on Indigenous Peoples (NCIP).

84. Mining companies cannot enter the ancestral domain of IPs without their free, prior, and informed consent. Communities that have given their consent receive royalties from mining companies, and social services through the latter’s Corporate Social Responsibility programs.

85. In times of calamities, the NCIP coordinates with the National Disaster Risk Reduction and Management Council in order to assist affected IPs. In the aftermath of Typhoon Yolanda, a grant of PhP 82.2- million was approved for rehabilitation projects for affected IPs in Coron, Palawan and Leyte.

86. Integrated in the Philippine Development Plan 2017-2022 are programs to raise awareness on IP rights; promote the primacy of the IP justice system, conflict resolution institutions and peace-building processes in settling disputes; and the mandatory representation of IPs in local legislative councils to ensure their active participation in mainstream governance under the constitutional tenets of unity and development in diversity. The NCIP also launched the Philippine Indigenous Peoples Ethnography (PIPE) 2017-2022 program to complete the titling of all remaining ancestral domains/lands.

### **Older persons and PWDs**

#### **Recommendations 129.11, 129.36–129.39, 130.6**

87. GPH supports global agreements on ageing as formulated during the 1982 First World Assembly on Ageing in Vienna. Likewise, GPH affirmed our support to the 1992 UN General Assembly’s commitment to formulate a Plan of Action on Ageing for the 21<sup>st</sup> Century. Guided by our five-year Philippine Plan of Action for Senior Citizens (PPASC) 2012-2016, a major area of concern focuses on advancing the health and well-being of the Filipino elderly.

88. The PPASC 2012-2016 is GPH’s response to various key issues related to population aging with a vision of “a society for all ages where the senior citizens are empowered to achieve active ageing.” PPASC 2012-2016 builds on the achievements of former plans while enhancing the strategies and mechanisms for more responsive actions given the emerging challenges senior citizens face. It focuses on strengthening the collaboration of different stakeholders and senior citizens themselves to ensure implementation of various programs and services for the elderly. Through the Plan, GPH and the private sector firm up their commitment to vigorously pursue measures to address challenges of population ageing and combat elderly poverty.

89. GPH provides mandatory health insurance coverage for all senior citizens and has expanded age coverage of the Social Pension for Indigent Senior Citizens to 60 years old (from 77 years old in 2011). In 2015, some 877,198 or 93.96% of senior citizen target beneficiaries with no regular source of income and no pension benefits became social pensioners with monthly cash grants of PhP500. As of 2016, the program has an annual budget of PhP8.7 billion. DSWD has served 96.78% of the target 1.3 million beneficiaries for 2016.

90. To promote the rights of PWDs, Proclamation No. 688 declared the 2013-2022 as the Philippine Decade of “Make the Right Real for Persons with Disabilities” and mandated the formulation of a comprehensive National Plan of Action for the Decade. The National Council for Disability Affairs (NCDA), in collaboration with government agencies and instrumentalities, LGUs, civil society organizations, organizations of and for PWDs, has adopted the Incheon Strategy on Disability.

91. NCDA also developed a training manual entitled *Laging Handa* on Inclusive Community-Based Disaster Risk Reduction and Management focused on addressing PWD’s concerns during disasters, further strengthening the implementation of the Philippine Disaster Risk Reduction and Management Act of 2010. Meanwhile, the Philhealth Insurance Corporation issued Circular No. 2016-0032, the Guiding Principles for the Benefits for Children with Disabilities” that enhanced access by children with disabilities to rehabilitation services.

92. The following laws for the benefit of senior citizens and PWDs have been enacted after our second UPR:

- R.A. 10366, providing for the establishment of accessible polling places for PWDs;
- R.A. 10372 (Intellectual Property Code of the Philippines), allowing the reproduction of copyright materials into accessible formats to be used for learning activities of PWDs;
- R.A. 10524, providing for the employment of PWDs in government agencies, offices or corporations, and private companies;
- R.A. 10645, granting mandatory Philippine health insurance to all senior citizens, further strengthening the Expanded Senior Citizens Act of 2010;
- R.A. 10754, expanding the benefits and privileges of persons with disability; and
- R.A. 10968, recognizing and honoring Filipino centenarians with a cash grant of PhP100,000.

### **Domestic workers**

#### **Recommendations 131.3, 131.5**

93. On September 2012, the Philippines ratified International Labor Organization’s (ILO) Convention 189 on Decent Work for Domestic Workers. In May 2013, GPH signed a bilateral agreement on the employment of household service workers with the Kingdom of Saudi Arabia.

94. The passage of *Batas Kasambahay* in 2013 ensures that domestic workers, majority of whom are women, are given the same recognition given to formal sector workers. This landmark legislation provides for domestic workers’ monthly minimum wage, daily and weekly rest periods, annual service incentive leave with pay, thirteenth month pay, and social security coverage.

95. Advocacy efforts on the implementation of the law include the use of infomercials and official social media channels. With the assistance of local government units (LGU), our social protection agencies have facilitated the registration of domestic workers. As of 2015, DOLE has also provided assistance to more than 400 workers, facilitating the release of Php 3.09 million monetary benefits to 213 domestic workers through its dispute settlement mechanism.

### **Lesbian, Gay, Bisexual, Transgender (LGBT)**

#### **Recommendation 131.30**

96. GPH has anti-discrimination laws and policies protecting all sectors, including the LGBT. The MCW provides for equal treatment of every individual regardless of ethnicity, gender, age, language, sexual orientation or other status as established by human rights standards. In 2016, Representative Geraldine Roman of Bataan became the country's first transgender elected to Congress.

97. Civil Service Commission (CSC) Memorandum Circular (MC) No. 29-2010 prohibits discrimination against LGBTs applying for civil service examinations. In addition, the CSC's Revised Policies on Merit and Promotion plan include a provision that inhibits discrimination in the selection of employees based on various criteria including gender.

98. The bill prohibiting discrimination on the basis of Sexual Orientation and Gender Identity and Expression (SOGIE), aimed to ensure equal treatment in the workplace, schools, commercial establishments, and government offices is currently pending in Congress. In the meantime, 19 LGU have enacted their own Anti-Discrimination ordinances. DSWD also issued a memorandum respecting the right of LGBT personnel to wear uniforms based on their preferred SOGIE.

## **C. Environment**

#### **Recommendation 129.45**

99. GPH recognizes our people's right to a balanced and healthful ecology and aims to enhance national growth in a way that effectively safeguards the environment. GPH recently ratified the Paris Agreement on Climate Change, with our President stressing that implementation thereof is for the purpose of supporting the country's national development objectives and priorities, such as sustainable development, eradication of poverty and provision of basic needs, and securing social and climate justice and energy security for our people.

100. On April 2016, GPH enacted the Philippine Green Jobs Act (R.A. 10771), which promotes creation of employment that contributes to preserving or restoring the quality of the environment, and grants incentives to business enterprises that generate and sustain green jobs. Our Department of Environment and Natural Resources (DENR) recently issued DENR Administrative Order No. 2017-08 containing the guidelines for just transition of the agency's programs and projects to "green economy models" where community members create sustainable goods and services for the rehabilitation of degraded ecosystems.

101. The inter-agency National Anti-Environmental Crime Task Force (NAECTF) created last August 2016 employs a "multi-stakeholder approach" that targets environmental offenders through strict implementation of environmental laws coupled with post-enforcement rehabilitation. With the help of NAECTF, DENR launched a nationwide campaign against illegal structures in watersheds and other inland bodies of water,

illegitimate logging and quarrying operations, and other economic activities violative of environmental protection mechanisms. It also undertook a comprehensive review of all mining operations, which led to show-cause orders and suspension/closure notices against violators. In addition, it has launched the *Aksyon Kalikasan* hotline that actively engages the public in reporting violators of environmental standards, and is closely working with the affected communities to find sustainable solutions that balance livelihood and ecological protection.

#### **D. Accountability and rule of law**

##### **Recommendations 129.12–129.14, 129.26, 129.28–129.29, 129.32, 129.35, 131.22–131.23, 131.32**

102. While there is no domestic law defining EJKs, after our second UPR, the previous administration issued AO 35, which created an Inter-Agency Committee (IAC) to act on alleged EJKs, enforced disappearances and torture. The IAC continues to monitor violations of basic rights, allegedly perpetrated by state and non-state forces who have been accused of silencing legitimate dissent and opposition by members of civil society, cause-oriented groups, political movements, people's and non-government organizations and by ordinary citizens. The IAC uses the composite team approach, emphasizing collaboration, cooperation, coordination among prosecutors and investigators.

103. In the absence of a domestic law specifically defining EJK, any killing outside legitimate police operations is considered as murder or homicide. The Operational Guidelines of AO-35, issued by the previous administration, defines extrajudicial or extra-legal killings as killings wherein the victim was a (i) a member of, or affiliated with an organization, to include political, environmental, agrarian, labor, or similar causes; or (ii) an advocate of above-named causes; or (iii) a media practitioner or (iv) person(s) apparently mistaken or identified to be so." Further, it is not classifiable as EJK unless State or non-State agents targeted the victim by reason of actual or perceived membership, advocacy, or profession; and the circumstances of the killing reveal a deliberate intent to kill. The GPH adopts this definition by the previous administration.

104. President Duterte announced in several occasions that there is no State policy that promotes, condones, sanctions or encourages extrajudicial killings (EJKs). There is no State policy to kill drug traffickers, criminals, or dissenters. GPH is focused on an aggressive and relentless fight against criminality and illegal drugs, requiring that all police and military operations be conducted within the bounds of law, and recognizing and respecting the rights and dignity of the accused.

105. Even our Commission on Human Rights (CHR) Commissioner Gwen Pimentel-Gana, who heads the task force on EJKs, acknowledges that, in the absence of government policy, the alleged EJKs cannot be considered state-sponsored. On 27 March 2017, she said that there is no evidence that the killings coinciding with the anti-drug campaign are state-sponsored.

106. To craft the necessary legislation to prevent impunity, two separate committees of the Philippine Senate conducted inquiries on the issue of alleged EJKs of drug traffickers. After conducting exhaustive hearings, the Senate Committee on Justice and Human Rights reported that there was no solid evidence to prove the existence of a state-sponsored policy to commit killings to eradicate drugs.

107. The Senate inquiries led to a number of bills seeking to strengthen the PNP-Internal Affairs Services and create police courts that will have exclusive jurisdiction on criminal and civil cases arising from the violations of PNP procedures and rules of engagement. There are also proposals to shorten the timeframe in resolving administrative cases and



recommendation for criminal cases, as well as to create a Joint Congressional Oversight Committee to receive reports and updates on alleged EJKs.

108. Public polls have indicated overwhelming public support for the campaign against criminality and illegal drugs. Recent nationwide surveys reflect overwhelming public support for the GPH's campaign against criminality and illegal drugs. Latest statistics from Pulse Asia show that 82% of Metro Manila residents feel safer because of GPH's campaign against illegal drugs.

109. Recently, there have been baseless, malicious allegations and propaganda that all deaths under investigation regardless of motives and circumstances are EJKs and summary executions related to the anti-drug campaign; they are not. Those deaths under investigation are classified as homicide or murder under Philippine law and policy. As of 24 March 2017, some 1,427 or 23.7% of the reported deaths have been resolved while 76.3% are currently being investigated. The PNP has clarified that the motives of a huge number of killings are either not drug-related or have not yet been determined.

110. AO-35 IAC has not taken cognizance of alleged EJKs of alleged drug traffickers since deaths of alleged members of criminal syndicates fall outside their mandate. The alleged drug suspects do not appear to be members of cause-oriented groups or of the media, and do not have any particular affiliation or advocacy. But GPH's different agencies such as DOJ, NBI, PNP, and CHR are conducting their own separate investigations on the reported deaths.

111. PNP strongly condemns vigilantism in any form and does not tolerate extrajudicial methods in its anti-criminality operations. It strictly adheres to the Police Operational Procedures and practices human rights-based policing in carrying out its anti-illegal drugs operations.

112. To prevent police impunity, the National Police Commission (NAPOLCOM) and the PNP has existing policies and guidelines to discipline their personnel and officials. The NAPOLCOM issued MC No. 2016-002 dated 7 March 2016 revising the uniform rules of procedures before the administrative disciplinary authorities and the PNP Internal Affairs Service.

113. PNP also recently abolished its Anti-Illegal Drugs Group and formed a Counter Intelligence Task Force to ensure that the duty-bearers possess the highest sense of integrity and honesty. The police officers involved in illegal activities are continuously being purged from the police force. Last February 2016, the PNP officially launched a public hotline for concerns against scalawags.

114. Issued on July 2016, PNP's Command MC No. 16-2016 sets forth the general guidelines, procedures and tasks of police units in the conduct of the Anti-Illegal Drug Campaign Plan. PNP Investigative Directive No. 2016-12 reiterated the protocols of investigation and set guidelines on how the investigative units should perform their responsibilities in case of armed confrontation during the conduct of anti-illegal drug operations.

115. Meanwhile, PNP's Internal Cleansing program provides for the conduct of counter-intelligence operations and the arrest and prosecution of PNP personnel engaged in unlawful activities. PNP also conducted random drug testing of its personnel; at least 43 were charged for illegal drug use. Sixty of the 76 drug-related administrative charges were recommended for summary hearing procedures. More importantly, after investigation, 31 police personnel have been charged with murder. This number includes the 19 police personnel from Region 8 who were implicated in the killing of alleged drug lord, Albuera Mayor Rolando Espinosa, Sr.

116. The President's Executive Order No. 15 created the Inter-agency Committee on Anti-illegal Drugs and an Anti-Illegal Drug Task Force to suppress the drug problem in the country. The Task Force is tasked to conduct effective anti-illegal drug operations and arrest of high drug personalities down to the street level peddlers and users, conduct intensive advocacy initiatives, and ensure the comprehensive implementation of Barangay Drug clearing program.

117. GPH's Drug Rehabilitation and Community-Based Rehabilitation program, spearheaded by the Department of Interior and Local Government, has two major components: a) construction of drug rehabilitation centers for in-patients; and b) implementation of a nationwide community-based drug rehabilitation program for outpatients. GPH recently inaugurated a 10,000-patient capacity drug rehabilitation center in Fort Magsaysay, Nueva Ecija. Construction of additional centers in Bukidnon, Bohol and the City of Taguig is a priority.

118. On July 2016, SC ordered additional 240 courts to handle drug-related cases. SC in effect authorized the 955 organized national courts across the country to handle and decide drugs cases.

119. At the ground level, more justice zones will be established to provide platform for effective inter-agency collaboration in the criminal system. Justice zones will monitor the life span of criminal cases and track activities and targets set by relevant actors and agencies. Within the six-year period, 14 justice zones will be established and assessed for possible replication.

120. In PDP 2017-2022, GPH highlights the coordination among the justice sector institutions, agencies and actors to ensure swift and fair administration of justice. It seeks to overhaul existing mechanisms by ensuring the collaboration and interdependence among the justice sector institutions, a process that recognizes jurisdictions and mandates.

#### **Recommendation 129.31**

121. The PNP imposes accountability mechanisms on civilian volunteer organizations in its fight against all forms of criminality nationwide. The Barangay Peacekeeping Action Teams are unarmed multipliers that conduct community-based activities and information campaign in support of PNP's anti-criminality effort, internal security operation and disaster management control program.

#### **Recommendation 131.31**

122. On October 2016, the President issued AO No. 1, creating the Presidential Task Force on violations of the right to life, liberty and security of the members of the media.

123. Out of 125 reported cases, AO-35 IAC validated 61 cases as work-related media killings classifiable as EJKs. As of October 2016, there have been 14 convictions, with 8 more pending trial, 3 pending preliminary investigation, and 5 still under police investigation.

124. Since the assumption of President Duterte, the Presidential Task Force on Media Security reported that the case of Catanduanes News' publisher Larry Que, who used to write critical columns on local officials allegedly negligent on the issue of an illegal drugs factory in the province, is the only media killing verified as related to the victim's work. PNP's Task Force *Usig* is currently investigating seven other cases of killings of media practitioners; however, it remains inconclusive whether or not their deaths have a relation to their work.

125. To uphold freedom of expression, President Duterte issued EO No. 2, dated on 23 July 2016, establishing the first freedom of information policy in the Philippines covering all government offices under the Executive Branch.

### **Recommendation 129.30**

126. The Philippines values accountability and equal protection: anyone who violates the law, whether or not they are powerful or influential, is treated like any other accused and shall be brought to justice. Of the 192 murder suspects for the Maguindanao Massacre, 109 are under detention, have been arraigned, and are undergoing trial. Principal suspects, former mayor Andal Ampatuan, Jr. and former governor Zaldy Ampatuan, were placed under detention.

127. The SC previously released rules to speed up trial, and assigned Judge Jocelyn Solis Reyes of the Quezon City Regional Trial Court Branch 221 to focus solely on the case, with three assisting judges handling minor motions and other pending cases in her court. To date, weekly continuous trials are being held.

128. The prosecution has submitted its Formal Offer of Evidence (FOE) and rested its case. Only the following incidents are set to be resolved: the resolution of the bail application of Ampatuan Jr, and his subsequent trial-in-chief; the resolution of the remaining defense FOEs; and the conclusion of the presentation of defense evidence. Once the parties have rested their cases, these will be submitted for the decision of the court.

129. After being at large for four years, former Palawan Governor Joel Reyes and his brother, Coron Mayor Mario Reyes were arrested in Thailand on September 2015. The two were arrested for murder of Palawan-based broadcaster Gerardo Ortega, a known staunch critic of the Reyeses who was murdered on 24 January 2011.

130. Retired Major General Jovito Palparan was arrested in Manila on 12 August 2014, almost 3 years after an arrest warrant was issued against him.

## **E. Responsibility to protect**

### **Recommendations 129.17–129.20, 131.18–131.19**

131. In 2012, GPH ratified the Optional Protocol to the Convention against Torture.

132. The PNP – Human Rights Affairs Office (HRAO) has formulated and is overseeing the implementation of key policies, such as the prohibition of all forms of torture, hazing and other cruel, inhuman, and degrading acts in the conduct of police training courses and all other police functions, and memorandum directives which prohibit fake arrest and arbitrary detention.

133. GPH continues the conduct case conferences, and capability building programs/trainings for PNP personnel. In 2016, CHR in partnership with the PNP, Asia Pacific Forum and Association for the Prevention of Torture, successfully conducted the First National Summit on Torture Prevention. Seminars and refreshers on human rights and Anti-Torture Act increased from 20 in 2015 to 31 in 2016.

134. To prevent torture in custodial facilities, PNP-HRAO and Police Human Rights Officers implement reporting mechanisms enabling the CHR to track the status of persons under police custody. Periodic inspections of lock-up cells nationwide happen every first week of the month and monthly reports are submitted to the CHR.

135. Around 50,000 copies of human rights information and advocacy materials, such as posters on the rights of persons of persons arrested, detained and under custodial

investigation, and “Know your Rights: A Citizen’s Primer on Law Enforcement” were distributed to police personnel and civil society organizations.

136. Some 5,000 copies of the New PNP Miranda Warning Pocket Cards containing provisions of the Anti-Torture Act translated in ten Filipino dialects were distributed to the PNP nationwide.

137. On December 2015, the Handbook on the Bureau of Jail Management and Penology (BJMP) Policy on Torture Documentation, Reporting and Rehabilitation of Torture Victims was published to provide guidelines on the mandatory reporting/documentation of torture cases upon commitment while in detention.

138. From 2012 to 2016, twelve personnel were formally charged for human rights violations committed against detainees. As a result, there were four administrative convictions, two suspensions, one demotion and one dismissed from service. The BJMP-HRAO Desk assisted the victims in all these cases during the conduct of investigation.

139. The Bureau of Corrections (BuCor) strictly implements an operating manual that ensures the protection of inmates from maltreatment, cognizant of the latter’s inherent dignity and value as human beings, and their rights and privileges. A major milestone in the country’s efforts to improve jail facilities is the passage of the BuCor Modernization Act of 2013 (R.A. 10575), which aims to make BuCor’s systems at par with international prison management standards.

140. Re-training of BuCor custodial personnel on rights-based handling of persons deprived of liberty is being pursued. Some 658 personnel completed trainings conducted by the BuCor Training School, while 90 custodial personnel benefited from anti-torture workshops conducted by the CHR and non-government groups, such as the United Against Torture Coalition, in 2014 and 2015.

141. The AFP Human Rights Office undertakes continuing advocacy training, information dissemination and education programs on the Anti-Torture Law and other human rights violations for enlisted personnel up to the command and general staff.

142. To cope with the overcrowded condition of jails aggravated by the increasing number of inmates, BJMP conducted a jail decongestion program composed of: (a) paralegal program designed to assist inmates’ availment of legal modes of release and to fast-track the adjudication of cases; (b) construction of additional jail buildings and improvement of existing facilities; and (c) adoption of a legislative agenda that resulted in the passage of laws on decongestion such as Time Allowances Law (R.A. 10592), Release on Recognizance Act (R.A. 10389), and Revised Subsidiary Imprisonment Law (R.A. 10159). From 2013-2015, 117,591 inmates were released through the BJMP Paralegal Program.

143. In 2016, Congress appropriated PhP 330 million for BJMP’s construction of about 16,500 square meters jail space. This was a substantial increase from the previous year’s PhP 39 million worth of capital outlay. In 2017, an unprecedented amount of almost PhP 1.7 billion was approved for the construction of jails; GPH expects this to add jail space of about 85,000 square meters and to ease jail congestion by 420%.

144. The SC also issued various circulars or guidelines addressing the issue of prolonged pre-trial detention and jail congestion. On March 2014, it issued guidelines to prescribe mandatory time limits in the prosecution of cases against a detained accused, directing courts to terminate the regular trial within 180 days or trial by judicial affidavits within 60 days from the date the trial began minus the excluded delays/postponement.

145. In 2016, the SC also approved the hiring of 635 court decongestion officers and implemented a decongestion program, which resulted in a 30% caseload reduction in

Quezon City. It also implemented the e-Subpoena program, an automated notification system where courts are able to send out electronic subpoena duly received by the concerned police officer through their national headquarters.

146. The General Appropriations Act of 2017 authorized the increase of inmates' daily subsistence allowance to PhP 60 (from PhP 50) to account for inflation and to allow jail authorities to provide inmates with the appropriate quantity and quality of food that meets accepted nutritional standards.

147. DOH and BJMP recently signed a Memorandum of Agreement to ensure sick inmates' priority and free access to DOH-managed hospital and medical centers, and to address the perennial lack of adequate medical care to inmates and insufficient number of physicians and medical professionals in the BJMP.

#### **Recommendation 131.27**

148. The Human Rights Victims Reparations Act (R.A. 10368) was enacted in 2013. On March 2017, GPH released the compensation for the first 4,000 victims, each one receiving an amount proportional to the gravity of the human rights violation, based on the law's point system.

## **F. Mainstreaming human rights**

#### **Recommendations 129.21, 129.3–129.5**

149. The PNP partnered with the International Committee of the Red Cross and the Hanns Seidel Foundation/Germany in the conduct of human rights and international humanitarian law seminars and forum workshops, and the distribution of IHL information materials to police personnel.

150. The Philippine Human Rights Plan (PHRP) 2012-2016, anchored on principles defined under the 1993 Vienna Declaration and Program of Action, i.e., treaty-driven, sector-specific, rights-based, nationally and inclusively owned, and cognizant of key governance tracks as priority issues for action, was implemented under the supervision of the Presidential Human Rights Committee of the Office of the President. The plan's milestones and challenges were the focus of the multi-stakeholder/sectoral *Ugnayang Bayan para sa Pantaong Karapatan* in December 2015.

151. AFP's Internal Peace and Security Plan (IPSP) Bayanihan, a curriculum on HR, IHL, and the rule of law for AFP personnel, is being continued through the Development Support and Security Plan *Kapayapaan*, which gives emphasis to the peaceful settlement of peace-inclined threat groups like Communist Party of the Philippines/New People's Army/National Democratic Front (CPP/NPA/NDF), MILF and Moro National Liberation Front (MNLF).

152. The bill establishing the National Committee for the Prevention of Torture, the National Preventive Mechanism against torture and other cruel, inhuman or degrading treatment or punishment, is currently pending before Congress.

153. Congress recognized the need for the CHR to increase its resources and expand its activities in relation to the investigation of human rights cases, provision of assistance to victims and other operational programs. CHR's budget of PhP 439 million in 2016 almost doubled to PhP 724.9 in 2017. From 2012-2017, the CHR budget grew by 165%. A bill has also been filed to strengthen the CHR's functional and structural organization, equipping it with prosecutorial and quasi-judicial power to make it more effective.

154. The National Monitoring Mechanism for monitoring of cases involving alleged EJK, ED and torture remains in operation as a vehicle for government and non-government engagement for the productive investigation and build-up of cases.

**Recommendations 131.20–131.21**

155. The Philippine Judicial Academy (PHILJA) continues its conduct of seminars, workshops and other judicial and legal education programs for justices, judges, court personnel and lawyers, and officials and lawyers of quasi-judicial bodies, whether pertaining to their adjudicative or administrative functions. Part of PHILJA's special focused programs is conducting seminars and lectures in the current developments, as well as emerging issues in particular areas of law, including Gender Sensitivity and Human Rights and International Humanitarian Law.

156. The SC's Committee on Decorum and Investigation ensures that the Rule on Administrative Procedure on Sexual Harassment Cases, and the Guidelines on Proper Work Decorum in the Judiciary are better observed. Meanwhile, the Committee on Gender Responsiveness in the Judiciary led women protection activities, including orientations on the MCW, observance of Women's Month, and parenting skills.

157. The Committee on Family Courts and Juvenile Concerns continues to monitor gender statistics involving cases against women and children, and to create additional Family Courts as contemplated in the Family Courts Act of 1997 and evidenced by SC Resolution of 14 June 2016.

**Recommendations 131.14, 131.15**

158. GPH fully supports the Special Procedures process of the Human Rights Council, and will extend invitations to the Special Rapporteurs at the most appropriate time, provided they prove their openness, independence, and willingness to engage the Philippine government in a constructive dialogue.

**Recommendations 131.3, 131.12**

159. GPH enacted an Act Defining and Penalizing Enforced or Involuntary Disappearance (R.A. 10353) on December 2012.

**Recommendation 131.9–131.11**

160. As early as 2009, even before the Philippines ratified the Rome Statute, it already passed the landmark R.A. 9851, defining and penalizing crimes against international humanitarian law, genocide and other crimes against humanity. Moreover, GPH and the revolutionary group CPP-NPA-NDF has concluded the Comprehensive Agreement on Human Rights and International Humanitarian Law, which has some provisions similar to the International Criminal Court's Rules.

**Recommendations 131.24, 131.26**

161. The Office of the President, through MC No. 83, series of 2015, created a National Task Force focused on the dismantling of private armed groups in the proposed Bangsamoro and adjacent regions to stabilize the security situation. PNP reported that, as of 2016, there were 35 members of private armed groups arrested and a total of 47 firearms seized from them.

162. The PNP continues to implement its *Kontra Boga* campaign to stop Private Armed Groups, criminal gangs, vigilantes, threat groups through an aggressive campaign of

confiscating illegal firearms. Some 9,393 illegal firearms were seized from 2015 to July 2016.

**Recommendation 130.5**

163. From 2013 to 2016, there were 9,563 cases filed against local government unit officials and 4,857 cases against PNP officials before the Ombudsman.

#### **IV. The way forward**

164. To date, GPH is in the process of drafting its Philippine Human Rights Action Plan for the next five years. As our President himself expressed during his first State of the Nation Address in July 2016, *“there can never be real, tangible, and felt development without making our people feel secure.”* The Philippines shall implement a rights-based approach to development and governance, as GPH improves our people’s welfare. Human rights must work to uplift human dignity.

165. GPH is committed to an open, inclusive, constructive, and transparent review before the UPR working group, and continues to support the UPR process and the UN human rights system. GPH will engage relevant stakeholders in deciding which recommendations to accept, therefore ensuring a successful implementation against the backdrop of the present national challenges GPH is facing.

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