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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Philippines

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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

1. On 29 May 2012, the Philippines received a total of eighty-eight (88) recommendations during the conduct of its Second Universal Periodic Review in the UN Human Rights Council Working Group. The Philippine Government initially accepted fifty-three (53) of the recommendations as these were deemed consistent with its national legislation, policies and programs.
2. The Philippine Government thereafter conducted inter-agency consultations to discuss the pending 35 recommendations. In accordance with the annex of the Human Rights Council Resolution 5/11 and Human Rights Council Resolution 16/21, following are the detailed responses of the Government to the recommendations contained in paragraph 131 of Document A/HRC/21/21.
3. The following recommendations enjoy the support of the Philippine Government:
 - (a) The Philippines accepts recommendation 131.3, insofar as the ILO Convention No. 189 is concerned, with its ratification on 6 August 2012. Its parallel domestic legislation, the Domesit Workers Bill or "Kasarnbahay Bill," has been certified as an "urgent bill" by Pres. Benigno S. Aquino III.
 - (b) The Philippines partially accepts recommendation 131.4, as it pertains to ILO Convention 189. However, we note and shall study the recommendation to accede to the CED and ILO Convention 169.
 - (c) The Philippines accepts recommendation 131.5, as the State has been intensifying its efforts to address the problem on the worst forms of child labour.
 - (d) The Philippines accepts recommendation 131.13.
 - (e) The Philippines accepts recommendation 131.20, as such is also provided in the Implementing Rules and Regulations of the Anti-Torture Act.
 - (f) The Philippines accepts recommendation 131.22.
 - (g) The Philippines accepts recommendation 131.23, within the context of the UPR.
 - (h) The Philippines accepts recommendation 131.28. The State addresses the situation of children in detention through strong policy measures provided under the Juvenile Justice and Welfare Act of 2006.
 - (i) The Philippines accepts recommendation 131.32, as it pertains to taking measures to end extrajudicial killings and enforced disappearances, and to investigate all cases and bring those responsible to justice. The Philippines notes the first part of the recommendation. Similar to its response to recommendations 13 1.14 and 13 1.15, the Philippine Government shall continue to study and issue invitations to special procedures on a case-by-case basis.
4. The following recommendations have been noted and will merit future consideration by the Philippine Government:
 - (a) The Philippines notes **recommendation 131.1**. A bill entitled "An Act Defining and Penalizing the Crime of Enforced or Involuntary Disappearance" is pending in the Philippine Congress. Upon enactment of domestic legislation, the Philippines shall study the possibility of ratification of the International Convention for the Protection of all Persons from Enforced Disappearances.
 - (b) The Philippines notes **recommendation 131.2**, for the same reason as mentioned in recommendation 131.1 on the matter of ratifying the ICPAPED, and to study the possibility of ratifying the OP-CRPD.

- (c) The Philippines notes **recommendation 131.6**, on the possibility of ratifying the OPICESCR.
- (d) The Philippines notes **recommendation 131.7**, on the possibility of ratifying the OPCRC.
- (e) The Philippines notes **recommendations 131.9. and 131.10**. The Philippine Government has convened inter-agency meetings to review and study the implementation of Philippine obligations, specifically Part 9 (International Cooperation), under the Rome Statute of the International Criminal Court. Likewise, there are on-going legislative initiatives that aim to complement and enhance the effectiveness of local laws, such as the Philippine Act on Crimes Against International Humanitarian Law, Genocide and other Crimes against humanity.
- (f) The Philippines notes **recommendation 131.11**. The Philippine Government is reviewing the impact of the Kampala amendments on domestic legislation in consultation with stakeholders.
- (g) The Philippines notes **recommendation 131.12**. The Philippine legislative process involves two chambers; Namely the Senate and the House of Representatives. At present, there is an on-going legislative process for the enactment of an Anti-Enforced Disappearance Law.
- (h) The Philippines notes **recommendations 131.14 and 131.15**. The Philippine Government is open to constructive dialogue and cooperation with the special procedures of the Human Rights Council. The Philippine Government shall continue to study and issue invitations to special procedures mandate holders on a case-by-case basis.
- (i) The Philippines notes **recommendation 131.16**. The Philippine Government has reviewed all discriminatory provisions, and bills to amend these, under the Women's Priority Legislative Agenda, are now pending in Congress.
- (j) The Philippines notes **recommendation 131.17**. Philippine laws already address the status of children born out of wedlock.
- (k) The Philippines notes **recommendation 131.18**. The guidelines contained in the Istanbul Protocol are included in the implementing rules and regulations of the Anti-Torture Act.
- (l) The Philippines notes **recommendation 131.20**. Substantial reform has been and continues to be implemented in the judicial system.
- (m) The Philippines notes **recommendation 131.21**. There are ongoing programs on gender sensitivity in the judiciary.
- (n) The Philippines notes **recommendation 131.24, 131.25, and 131.26** in light of an ongoing review of Executive Order 546. The Philippines does not condone the use of child soldiers.
- (o) The Philippines notes **recommendation 131.27** even as the State supports victims of human rights violations under any circumstance.
- (p) The Philippines noted **recommendation 131.29**. There are continuing discussions of the appropriate provision of the law as it impacts upon the upholding of restorative juvenile justice as a national policy.
- (q) The Philippines notes **recommendation 131.30**. An Anti-Discrimination Bill that includes specific provisions that address discrimination faced by LGBTs is currently pending in the Philippine Congress.

(r) The Philippines notes **recommendation 131.31**. Attacks against journalists are effectively investigated and perpetrators are penalized in accordance with existing domestic legislation.

(s) The Philippines notes **recommendation 131.33**. The Philippine Constitution protects the life of the unborn child.

(t) The Philippines notes **recommendations 131.34 and 131.35**. The State implements a comprehensive maternal-newborn-child health and nutrition program which includes information and services on family planning. The State has already integrated reproductive health into its Family Health Programs implemented by the Department of Health, a shift from a stand-alone family planning focused programme to one that is more strategic, dynamic, and comprehensive.

5. The following recommendation does not enjoy the support of the Philippine Government:

Recommendation 131.8 does not enjoy the support of the Philippines. The Philippines has made no reservations in its ratification of the OP-CAT. In accordance with Article 24 of the OP-CAT, the PHL has deferred the visit of the Sub-committee on the Prevention of Torture.
