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NATHALIE PROUVEZ

Chief

Rule of Law and Democracy Section

Office of the High Commissioner on Human Rights (OHCHR)

Dear Ms. Prouvez:

Greetings from the Commission on Human Rights of the Philippines (CHRP)!

In response to the request of OHCHR for contributions to the *Second Session of the Forum on Human Rights, Democracy and the Rule of Law*, the Commission respectfully submits the following suggested topics:

I. Human Rights-Based Approach (HRBA) to Legislation

In relation to the theme of the second session of the forum: "Parliaments as promoters of human rights, democracy and the rule of law", the Commission proposes the inclusion of a topic on *Human Rights Based Approach (HRBA) to Legislation* with focus on the independence of parliament.

HRBA to Legislation, in Philippine experience, has been adamantly advocated by the Commission in fulfillment of its constitutional mandates to: (1) recommend to Congress effective measures to promote and protect Human Rights; (2) monitoring government compliance with the international treaties.

In previous years, the Commission has espoused a 'Human Rights Legislative Agenda' which was a product of consultation with various stakeholders – from the Commission, government agencies as well as non-governmental organizations representing the disadvantaged, marginalized and vulnerable groups. It is aimed to present a common agenda for human rights advocates and provide Congress with a "scorecard" to base its performance in enacting laws that address human rights issues and promote the protection and fulfillment of the same.

Human Rights Legislative Agenda is also designed to assist the legislature in implementing the Philippines' obligation to translate and harmonize international human rights commitments into domestic standards and policies.

HRBA to Legislation proves to be an effective way to ensure that policies enacted are congruent with the human rights and governance principles of participation, accountability, non-discrimination, transparency, human dignity, empowerment, rule of law, also known as the PANTHER principles. Through this framework, it can be guaranteed that no one will be left behind in terms of the equal provision of

services to all citizens. However, HRBA to legislation is not without challenge. In the Philippines, one challenge experienced by human rights advocates as regards this approach is the dynamics between the executive and legislative which oftentimes result to difficulty in forwarding policies and legislations advancing human rights.

In view of this, we hope that States will be able to engage in discourse regarding HRBA to legislation and its benefits to rights holders as well as duty bearers and how states can collectively articulate strategies to overcome challenges such as executive influence over legislative matters. This can also serve as an avenue to highlight NHRI's role in advocating for HRBA to legislation in fulfillment of its mandates for the protection, promotion and fulfillment of human rights.

II. Contribution of Parliaments to the Universal Periodic Review

The Commission further suggests a follow-through discussion on the *Contribution of Parliaments to the Universal Periodic Review Work of the Human Rights Council and its Universal Periodic Review*.

While we acknowledge that previous discussions have been held in the Human Rights Council (HRC) regarding this specific topic since it was first tackled in the Panel Discussion, which took place in the HRC in June 2016, we hope that discussions this year 2018 will produce concrete action points to address remaining challenges and gaps raised in previous sessions. Moreover, we hope that continued discussion will help maintain global interest towards increased parliamentary engagement with human rights and the rule of law.

Also, as most of the UPR recommendations require the involvement of parliament and the enactment of laws and policies, it is important that we continue discourses on how parliaments can better ensure that such recommendations are effectively realized or integrated in States' parliamentary agendas.

We further hope that through this suggested topic, the bridging role of NHRIs to promote transparent, participatory and inclusive processes to monitor and realize UPR recommendations will be highlighted in the process.

Thank you very much for giving the Commission an opportunity to contribute to the forum by submitting our proposed topics for discussion and we hope that you would kindly consider our suggestions.

Sincerely yours,


JOSE LUIS MARTIN C. GASCON
Chairperson