

WORLD COUNCIL OF CHUCHES

NGO Working Group on Asia: Submission to UPR

1. The NGO Working Group on Asia¹ comprises thirteen member organizations with strong ties to grassroots groups in Asia and a focus on addressing human rights violations in the Asian region. As a Working Group, we *envision* an Asian region in which human rights are enjoyed by all, free from human rights violations. The *mission* of the Working Group is to promote human rights in Asia through our collective areas of work at the United Nations and with the NGO community in New York.
2. The Working Group believes that a credible and effective Human Rights Council with a credible and effective Universal Periodic Review (UPR) mechanism is vital to the protection, promotion and realization of human rights in Asia. The UPR mechanism starts its first reviews in April 2008 and; as a stakeholder in that process, we make this Submission, seeking to assist the UPR Working Group in being effective by developing good practices and procedures.
3. This Submission focuses on the Voluntary Pledges and Commitments that have been made, at the time of election, by the Human Rights Council member under review. According to *Human Rights Council Resolution 5/1 (para.1)* such pledges are to be one of four elements on which the review will be based. With respect to such pledges and commitments this Submission:
 - poses *queries* for the UPR to raise, in response to which the Council member under review will have an opportunity to provide information as to “best practices”;
 - suggests, where possible, *indicators* for assessing progress towards fulfilling pledges and meeting commitments; and
 - suggests, where appropriate, *possible voluntary commitments and pledges* (as provided for by *Human Rights Council Resolution 5/1 (para.27.e)* that the Council member under review may make as part of the outcome of the review.
4. We do so out of the desire to make the Outcome of the Universal Periodic Review a truly “cooperative mechanism”, as envisaged in *Human Rights Council Resolution 5/1 (para.33)*.
5. The NGO Working Group on Asia was convened as an initial response to the “collective cry for justice” for the victims of extra-judicial executions and forced disappearances in the Philippines that was made in *Let the Stones Cry Out: an Ecumenical Report on Human Rights in the Philippines and a Call to Action*. This Submission, as a part of that “collective cry for justice”, focuses on the voluntary pledges made by the government of the Philippines in 2006 and in 2007 when it successfully sought election/re-election to membership in the Council. The pledges are listed below, followed by questions appropriate for the UPR to consider.

Philippine Pledges made in 2006 regarding actions at the International Level

6. *Promoting constructive engagement of the Council with civil society, ensuring opportunities to gainfully contribute to the work of the Council* (Pledge made in 2006 and reiterated in 2007).
 - What engagement did civil society have in the Philippines, during the preparation of the submission? Which sectors were represented?
 - Is civil society represented in the Philippine delegation at the UPR?
 - During its first year as a member of the Council, what steps were taken to promote or support the participation of Philippine and other civil society groups in Council

¹ See attached addendum for a list of Member Organizations, Convener and Contact information.

- processes (e.g. establishing the institutional foundations and mechanisms of the Council)? In national processes that have a bearing on Council processes (e.g. UPR)?
- Suggested voluntary commitment: to specify what role will be developed for constructive engagement of civil society in the implementation, in the Philippines, of the outcome of the April 2008 UPR Review.
7. *Contributing to improving and strengthening the mechanisms and systems of special procedures of the Commission on Human Rights in order that they effectively serve the goals of the Council (Pledge made in 2006 and reiterated in 2007).*
- How many visits to the Philippines have been requested by special procedure mandate-holders since the making of the pledges?
 - How many visits have in fact taken place?
 - What steps have been taken to protect those who have engaged with special procedure mandate-holders during, or in connection with such visits?
 - What steps have been taken to respond to the recommendations resulting from such visits?
 - Suggested voluntary commitment: indicate willingness to issue a standing invitation to all special procedure mandate-holders.

Philippine Pledges made in 2006 regarding actions at the National Level

8. *Strengthening domestic support for the ratification of the Optional Protocol to the Convention against Torture and the Second Optional Protocol to ICCPR.*
- What steps have been taken? With what results?
 - In light of the abolition of the death penalty in the Philippines and given the commitment in 2007 “to the value and sanctity of human life” how has the government been dealing with extra-judicial executions and enforced disappearances during 2006 – 2007?
 - Suggested voluntary commitment: to provide timely investigation and effective remedies in every claim of extra-judicial executions and enforced disappearances henceforth.
9. *Encouraging civil society and other relevant parties to actively utilize the various UN human rights complaints mechanisms and to submit timely replies to communications filed under such mechanisms.*
- What steps have been taken? With what results?
 - How many communications are presently pending and where? What is the status of each?
 - Suggested voluntary commitment: indicate a plan to publish in the Annual Report of the National Human Rights Commission of the Philippines how many communications are currently pending, where, and what their status is.
10. *Implementing, more actively, the Concluding Observations and Recommendations of relevant human rights treaty monitoring bodies.*
- What steps have been taken? With what results?
 - Suggested voluntary commitment: to publish and publicize in all local languages and dialects the Concluding Observations and Recommendations emanating from the relevant human rights treaty-monitoring bodies, as well as what the response of the government is to such Observations and Recommendations.

11. *Strengthening the independent National Human Rights Commission (Pledge made in 2006 and reiterated in 2007).*
 - What steps have been taken? With what results?
 - Suggested voluntary commitment: to provide on a regular basis, to the Human Rights Council, to each of its special Procedures and Mechanisms, and to all relevant human rights treaty-monitoring bodies the Annual Report of the National Human Rights Commission of the Philippines.

12. *Instilling a human rights-based approach in the realization of the UN Millennium Development Goals (MDGs), the right to development, and economic, social and cultural rights (reiterated in the 2007 pledge).*
 - What steps have been taken? With what results?
 - What steps have been taken towards the realization specifically of the gender dimensions of the MDGs?
 - Are there any “best practices” to report?
 - Suggested voluntary commitment: Establish a civil society advisory body to consult with the government on specific meanings and implementation mechanisms of a Human Rights Approach

13. *Continue to strengthen the capacity of the national judicial system in applying international human rights norms and standards.*
 - What steps have been taken? With what results?
 - Specifically, what steps have been taken regarding the recommendations of the 2007 National Summit on Extra-judicial Executions and Disappearances convened by the Supreme Court of the Philippines?
 - Suggested voluntary commitment: to cooperate in the full implementation of **all** the Recommendations adopted by the 2007 National Summit.

14. *Improving access to justice of the poor and other vulnerable sectors of society.*
 - What steps have been taken? With what results?
 - Suggested voluntary commitment: to ensure that the Annual Report of the National Human Rights Commission of the Philippines contains a section detailing steps taken and results.

15. *Enhancing the implementation of the Indigenous People’s Act, especially in relation to ancestral lands and ancestral domains.*
 - What steps have been taken? With what results?
 - Suggested voluntary commitment: to ensure that the Annual Report of the National Human Rights Commission of the Philippines contains a section detailing steps taken and results.

16. *Campaign for the passing in Congress of an Anti-Terrorism Law.*
 - What human rights safeguards does the Law contain? How effective have these safeguards proven to be in practice? What challenges and obstacles, if any, limit success?
 - What is the response of the government (in light of the Philippines pledge made in 2006 and reiterated in 2007) to the recommendations made recently by special rapporteurs, Martin Scheinin for example, relating to such Law?
 - Suggested voluntary commitment: to ensure that the Annual Report of the National Human Rights Commission of the Philippines contain a section detailing steps taken and results.

Philippine Pledges made in 2007 regarding actions at the International Level

17. *Continuing to focus on the vital importance of bridging national, regional and international human rights goals, standards and strategies.*

- What specifically has been done in this regard during the year that Philippines has been a member of the Human Rights Council (since the pledge was made in 2006)? With what results?
- Suggested voluntary commitment: indicate a plan to publish in the Annual Report of the National Human Rights Commission of the Philippines a description of such bridging activities that have been undertaken during the year.

18. *Supporting the self-determination of peoples as part of playing an active role in upholding the rights of the disadvantaged and vulnerable groups.*

- How has the Philippines voted, as a member of the Human Rights Council, when these issues have come up relating to, for example, Myanmar, Sri Lanka Pakistan?
- What steps have been taken regarding self-determination issues in the Cordilleras and in Mindanao? With what results?
- Suggested voluntary commitment: to indicate what steps are planned by the government during the period between the present UPR and the next.

19. *Promoting and supporting initiatives on inter-faith dialogue globally, in the context of promoting human rights.*

- What steps has the Philippines taken regarding the Recommendations and Call to Action contained in *Let the Stones Cry Out: an Ecumenical Report on Human Rights in the Philippines and a Call to Action*, which is itself one of the most important outcomes of an inter-faith dialogue process in the Philippines?
- Suggested voluntary commitment: to identify specific steps, relating to specific recommendations in the Report that the Government will undertake after the UPR.

Philippine Pledges made in 2007 regarding actions at the National Level

20. *Strengthening domestic support for signing and ratifying the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearances.*

- What steps have been taken? With what results?
- Suggested voluntary commitment: to ensure that the Annual Report of the National Human Rights Commission of the Philippines contain a section detailing steps taken and results.

21. *Condemning extra-judicial killings in the strongest terms and cooperating with the international and national human rights community to continue to strongly address the issue.*

- What steps have been taken to effectively address the issue? With what results?
- What further steps are envisaged? When?
- What steps have been taken to cooperate with the international and national human rights community to address the issue in the Philippines? With what results?
- What further steps are envisaged? When?
- Suggested voluntary commitment: to ensure that the Annual Report of the National Human Rights Commission of the Philippines contain a section detailing steps taken and results.

22. *Commitment to uphold justice and strengthen efforts to address impunity.*

- What specific steps have been taken to fulfill this commitment (including support to the 99 Special Courts that the Philippines Supreme Court has set up “to specially and preferentially hear and expeditiously decide on such cases”)? With what results?
- How is the impartiality and credibility of the Melo Commission and Task Force Usig being monitored and reported on by the government?
- Suggested voluntary commitment: to ensure that the Annual Report of the National Human Rights Commission of the Philippines contain a section detailing steps taken and results.

23. *Having enacted the Human Security Act of 2007, ensuring that measures in the Law for the protection of human rights are strictly observed.*

- Specific details as to the measures and their effectiveness.
- Suggested voluntary commitment: to ensure that the Annual Report of the National Human Rights Commission of the Philippines contain a section detailing steps taken and results.

24. *Resolution 5/1 of the Human Rights Council (para.1) stresses that the UPR should fully integrate a gender perspective. Since the Pledges and Commitments of the Philippines do not conspicuously integrate a gender perspective, we strongly recommend that the information submitted by the Philippines to the UPR fully disaggregate gender dimensions, as appropriate.*

25. This submission is made in the spirit of ensuring that the outcome of the UPR of the Philippines will be cooperative. For the outcome to be both cooperative and effective, two elements from the human rights paradigm need to be reiterated;

- Obligations of both *conduct* and of *result* must be monitored and assessed.
- “A promise made with no intention to perform” is how “fraud” is defined in Common Law.

26. All UPRs, including that of the Philippines must aspire to have successfully addressed both of the above elements.

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NGO Working Group on Asia Member Sign-on as of 19 November 2007

- Church World Service
- Congregation of Our Lady of Charity of the Good Shepherd
- International Center for Law in Development
- The Lutheran World Federation
- Presbyterian United Nations Office
- United Methodist Church, General Board of Church and Society
- World Council of Churches
- World Student Christian Federation

CC: National Council of Churches in the Philippines and to the Philippine Working Group.

Addendum

Member Organizations of the NGO Working Group on Asia

- Caritas Internationalis
- Church World Service
- Congregation of Our Lady of Charity of the Good Shepherd
- International Center for Law in Development
- Lutheran Office for World Community
- Karapatan
- National Council of Churches in the Philippines
- Philippines Working Group / Asia – Pacific Forum
- Presbyterian United Nations Office
- United Church of Christ
- United Methodist Church, General Board of Church and Society
- World Council of Churches
- World Student Christian Federation

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