



**Universal Periodic Review Submission
The Philippines
November 2011**

Summary of Main Concerns

Philippine President Benigno Aquino, III maintains that his administration is “working overtime” to prevent new human rights violations and to resolve previous cases, and has asked for patience. Yet despite promises of reform, his administration has made little progress in addressing impunity for serious human rights violations. Extrajudicial killings of leftist activists and petty criminals continue, with the government failing to address involvement by the security forces and local officials.

The Philippines is a multiparty democracy with an elected president and legislature, a thriving civil society sector, and a vibrant media. But several key institutions including the civilian and military justice systems remain weak, and the military and police still commit human rights violations with impunity. Armed opposition forces, including the communist New People’s Army (NPA) and various Islamist Moro groups, also commit abuses against civilians.

Impunity for Extrajudicial Killings and Enforced Disappearances

In the previous UPR in 2008, the Philippines committed to implement recommendation 6 to “completely eliminate torture and extrajudicial killings” and to “intensify its efforts to carry out investigations and prosecutions on extrajudicial killings and punish those responsible.” The Philippines has not yet implemented the recommendation to sign and ratify the International Convention on the Protection of All Persons from Enforced Disappearance.

Successive Philippine governments over several decades have failed to bring an end to extrajudicial killings and enforced disappearances. Although the number of killings has decreased since President Aquino took office in June 2010, Human Rights Watch documented in mid-2011 at least seven extrajudicial killings and three enforced disappearances during the Aquino administration in which there was significant evidence of military involvement.¹ For instance, on February 27, 2011, unidentified assailants shot and killed Rudy Dejos, a tribal chieftan and local human rights officer, and his son Rudyric. The elder Dejos’ body showed signs of torture. Philippine army soldiers had previously

¹ See Human Rights Watch, *No Justice Just Adds to the Pain*, July 18, 2011, <http://www.hrw.org/reports/2011/07/18/no-justice-just-adds-pain-0>

threatened him on several occasions. The police blamed the NPA for the killing before gathering any evidence, and have now filed charges against an alleged NPA member. The family does not believe the NPA is behind the killing.

A damaging climate of impunity persists in the Philippines. Out of hundreds of extrajudicial killings and enforced disappearances since 2001, there have been only seven successfully prosecuted cases resulting in the conviction of 12 people. Police investigations remain inadequate, with investigators frequently not visiting crime scenes or collecting only the most obvious evidence. Evidence of military involvement is routinely not pursued, investigations cease after the identification of one suspect, and arrest warrants frequently go unexecuted. Witnesses are not adequately protected.

“Private Armies” and State-Backed Militias

The Philippine government has failed to seriously investigate atrocities by powerful ruling families, ban abusive militia forces, or curtail access of officials to military weaponry. In several provinces, ruling families continue to use paramilitary forces and local police as their “private armies.” Perhaps the starkest reminder of this problem is the November 2009 massacre of 58 people in Maguindanao province on the southern island of Mindanao, allegedly by the local governing family using police, military, and paramilitary personnel.

Human Rights Watch recognizes that the Philippines continues to face genuine internal security threats. The government still defends the use of paramilitary forces to fight NPA insurgents and Islamist armed groups. However, Philippine history shows that substituting professional armed forces and police with heavily armed and barely trained civilians is dangerous and counterproductive. In October 2011, President Aquino announced the deployment of additional paramilitary personnel to provide security to mining companies.

Violations of International Humanitarian Law

Philippine security forces, the NPA and various Moro armed groups continue to be implicated in serious violations of international humanitarian law, including unlawful killings and attacks on civilians.

Human Rights Watch reported on the NPA’s summary executions and use of “people’s tribunals” that do not respect basic fair trial rights against alleged “enemies of the people.”²

The Philippine army falsely asserted in several incidents in 2011 that children taken into custody by the military were NPA child soldiers.³

The Philippine military continued to use school buildings and school grounds to establish bases and barracks, contrary to national legislation prohibiting such use. This practice endangers students' and teachers' security, as well as children's right to education.

² “Philippines: Communist Rebels Target Civilians”, Human Rights Watch news release, October 4, 2011, <http://www.hrw.org/news/2011/10/05/philippines-communist-rebels-target-civilians>

³ “Philippines: Army Falsely Tags Children as Rebels”, Human Rights Watch news release, October 11, 2011, <http://www.hrw.org/news/2011/10/11/philippines-army-falsely-tags-children-rebels>

“Death Squads”

“Death squads” operating in Davao City, General Santos City, Digos City, Tagum City, and Cebu City target mostly poor and marginalized victims, such as alleged petty criminals, drug dealers, gang members, and street children. Human Rights Watch found that police officers and local government officials were involved or complicit in the decade-old killing spree by the so-called Davao Death Squad that has left over 900 residents dead.

Since April 2009, various government institutions have announced that they would investigate the death squads. While the National Commission on Human Rights has conducted public hearings and investigations on the issue, two years later there is still no report from this investigation.

Sexual and Reproductive Rights

Restricted access to condoms continues to impede HIV/AIDS prevention efforts in the Philippines, where more than 90 percent of HIV transmission occurs through unsafe sexual contact. The overall prevalence of HIV has increased sharply in recent years, particularly among the most at-risk populations.

In September 2010 President Aquino pledged to enhance access to all forms of family planning, including condoms and introduced a new bill, the Responsible Parenthood, Reproductive Health and Population and Development Bill 2011. According to the Guttmacher Institute, over half of the pregnancies in the Philippines are unplanned. The institute estimated that in 2008, 570,000 women turned to illegal and unsafe abortion, 90,000 women suffered complications from the often crude and painful methods used, and 1,000 women died as a result. According to the Center for Reproductive Rights, abortion-related complications are one of the top ten reasons for hospitalization of women in the Philippines.

Migrant Workers’ Rights

The Philippines is seen as a regional leader in protecting its migrant workers. Rampant abuse against migrant workers continues, especially from illegal recruiters and once abroad. The 2010 amendments to the Migrant Workers’ Act should help Filipino migrant workers by requiring the Philippines to evaluate countries’ legal and protection frameworks to certify them as eligible destinations. However, government bans on specific countries have been largely ineffective without stronger multilateral cooperation as Filipinos lose jobs and host countries turn to labor from countries with weaker protections.

Recommendations to the Government of the Philippines

On Impunity for Serious Rights Violations:

- Order the police and National Bureau of Investigation to vigorously pursue serious rights violations allegedly committed by military and police personnel; where cases are not properly investigated, pursue appropriate disciplinary measures for insubordination or criminal investigations for obstruction of justice or graft and corruption.
- Order the inspector general and the provost marshal of the armed forces to investigate and publicly report on the involvement of military personnel in serious rights violations, and to identify failures within the armed forces investigative agencies to fully prosecute cases, including on the basis of command responsibility.
- Take all necessary measures, including reforming the witness protection program, to ensure the safety of victims of serious crimes, witnesses, and families of victims and witnesses before, during, and after trial.
- Sign and ratify the Convention for the Protection of All Persons from Enforced Disappearance.

On “Private Armies” and State-Backed Militias:

- Issue an executive order banning all paramilitary and militia forces in the Philippines because of their long and continuing history of serious human rights violations. To accomplish this, systematically disarm all paramilitary and militia forces, end all private funding of such groups, and implement their staged reduction and disbandment.
- In the absence of banning all paramilitary and militia forces, ensure such forces comply with existing legislation, regulating recruitment, training, and supervision. Ensure all such regulations are publicly available and vigorously implemented.
- Direct the National Bureau of Investigation to give priority to investigating alleged extrajudicial killings and other serious crimes that may involve government officials, or security and militia forces, particularly if they appear linked to broader criminal activity by local authorities.
- Order an appropriate government agency to investigate whether public funds have been unlawfully used for creating, arming, and supporting militia forces, and prosecute those responsible for doing so.
- Submit a bill to Congress that prevents local government officials from selecting or dismissing police chiefs in their jurisdiction for private purposes, and discourage nepotism.

On “Death Squads”:

- Publicly denounce extrajudicial killings and local anti-crime campaigns that promote or encourage the unlawful use of force.
- Order the Philippines National Police, the Ombudsman’s Office, and the National Bureau of Investigation to conduct thorough investigations into the targeted killings of alleged drug dealers, petty criminals, and street children, and pledge that state employees who are found to be involved or complicit in such killings will be prosecuted in accordance with the law. Investigators should open channels of communication to receive information anonymously.

On Violations of International Humanitarian Law:

- Philippine security forces and non-state armed groups should take all necessary measures to ensure compliance with international humanitarian law and appropriately discipline those responsible for abuses regardless of rank or position.
- Government forces should abide by the law prohibiting use of schools for military purposes.

On Sexual and Reproductive Rights:

- Provide access to information on HIV prevention in all public schools and ensure accuracy, comprehensiveness, and proper implementation of curricula by trained and competent teachers and nongovernmental HIV/AIDS educators.
Implement strategies aimed at reducing unplanned and unwanted pregnancies. These include ensuring universal access to condoms, other contraceptive supplies, and information, and securing adequate funding for a full range of contraception methods. The Philippines' government should take the required steps to lift bans on modern contraceptives, such as the Manila City Executive Order.

On Migrant Workers' Rights:

- Strengthen cooperation with other labor-sending countries in order to better negotiate minimum human rights protections for migrant workers in destinations such as Saudi Arabia, the United Arab Emirates, and Malaysia.
- Take a leadership role not only in modeling national-level protections for migrant workers, but in strengthening regional collaboration to establish minimum standards that can mitigate a "race to the bottom" and increase pressure for receiving states to improve protections.
- Finalize and adopt the Domestic Workers' Bill.
- Ratify the International Labour Organization Convention on Domestic Work.