



Human Rights Council
Working Group on the Universal Periodic Review
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Philippines

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The United Nations country team stated that the Philippines had not ratified the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocols to the Convention on the Rights of the Child or the Optional Protocol to the Convention on the Rights of Persons with Disabilities.²

3. The United Nations country team also stated that the Philippines had withdrawn from the Rome Statute of the International Criminal Court.³

4. In 2020, the United Nations High Commissioner for Human Rights called upon the Philippines to invite special procedure mandate holders to monitor and report on specific human rights concerns and provide relevant technical assistance, and to also invite the Office of the United Nations High Commissioner for Human Rights (OHCHR) to strengthen its provision of technical assistance.⁴

5. The Philippines made financial contributions to OHCHR in 2017, 2019, 2021 and 2022.⁵

III. National human rights framework

1. Constitutional and legislative framework

6. The High Commissioner reported that the overarching focus on public order and national security, including in areas relating to counter-terrorism and the use of illegal drugs, had permeated the implementation of existing laws and policies, often at the expense of



human rights, due process, the rule of law and accountability, resulting in serious human rights violations.⁶

7. The High Commissioner called upon the Philippines to adopt legislation establishing a national preventative mechanism on torture.⁷

8. The High Commissioner reported that the proposed bills to restore the death penalty for drug-related offences would breach the obligations of the Philippines under international human rights law.⁸

9. The International Labour Organization (ILO) stated that Senate bill No. 2121, which sought to address legal gaps and institutionalize a system of accountability by criminalizing red-tagging and providing for dissuasive penalties against such acts, had been filed in March 2021.⁹

10. The Committee on the Rights of Persons with Disabilities expressed concern about the prevalence of the medical and charity approaches in legislation and policies concerning persons with disabilities. The Committee recommended that the Philippines, inter alia, establish a process to review legislation, bringing it into line with the human rights model of disability enshrined in the Convention on the Rights of Persons with Disabilities, recognize all persons with disabilities as rights holders and reaffirm their inherent dignity and autonomy, and develop an assessment policy and procedure, in line with that model.¹⁰

11. In 2021, the [Special Rapporteur on the situation of human rights defenders](#) called upon the Philippines to prioritize the passage of legislation for the protection of human rights defenders, noting the existence of bills in that regard.¹¹

12. Referring to a relevant recommendation supported by the Philippines from the previous review, the United Nations country team stated that the Philippines had not yet adopted the Sexual Orientation and Gender Identity Expression Equality bill.¹²

2. Institutional infrastructure and policy measures

13. Referring to a relevant recommendation supported by the Philippines from the previous review, the United Nations country team stated that the Philippines had yet to adopt the Commission on Human Rights of the Philippines Charter bill.¹³

14. The High Commissioner called upon the Philippines to improve cooperation between law enforcement bodies and the Commission on Human Rights and strengthen the investigative and forensic capacity of the Commission.¹⁴

15. Referring to relevant recommendations supported by the Philippines from the previous review, the United Nations country team stated that the Philippines had taken steps to formulate and implement its third national human rights action plan (2018–2022), but that the plan had yet to be formally adopted.¹⁵

16. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict stated that, on 9 June 2021, the Armed Forces of the Philippines and the United Nations had signed a strategic plan to prevent and respond to grave child rights violations in situations of armed conflict and, on 13 June 2021, the Philippines National Police had issued its child protection policy.¹⁶

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

17. Expressing relevant concerns, the Committee on the Rights of Persons with Disabilities recommended that the Philippines, inter alia: (a) recognize disability in its general legislation as a ground for discrimination in all areas of life; and (b) adopt a comprehensive strategy to prevent intersectional and multiple forms of discrimination against

persons with disabilities on the grounds of sex, age, origin, religion, ethnicity, sexual orientation and gender identity, impairment, migrant, asylum-seeking or refugee status, and social status.¹⁷

2. Right to life, liberty and security of person, and freedom from torture

18. The High Commissioner reported that, in just the first four months of 2020, including during the coronavirus disease (COVID-19) pandemic, OHCHR had documented continued killings of persons suspected of drug-related offences, and of human rights defenders. There had also been reports of widespread drug-related killings perpetrated by unidentified vigilantes.¹⁸

19. The High Commissioner noted that, in 2016, the Chief of the Philippines National Police had issued command memorandum circular No. 16-2016, launching the anti-illegal drugs campaign, project “Double Barrel”. One of its components was “Project Tokhang”, designed to eradicate illegal drugs in the smallest local governance units, the *barangays*. Noting that the terms “negation” and “neutralization” of “drug personalities” appeared throughout the circular, the High Commissioner stated that such ill-defined and ominous language, coupled with repeated verbal encouragement by highest-level State officials to use lethal force, could have emboldened the police to treat the circular as permission to kill. The Philippines had denied that there was a policy to kill people who used drugs and had stated that all deaths occurred during legitimate police operations. Following an examination of police reports on 25 operations in which 45 people were killed in Metro Manila between August 2016 and June 2017, OHCHR had found that the police claimed to have recovered satchels of methamphetamine and guns allegedly used by victims. OHCHR had also found that the police repeatedly recovered guns bearing the same serial numbers from different victims in different locations, with seven handguns appearing to have been recovered in two separate crime scenes, while two handguns appeared in five different crime scenes. OHCHR had concluded that that pattern suggested the planting of evidence by police officers and cast doubt on the self-defence narrative, implying that the victims were likely unharmed when killed.¹⁹

20. The High Commissioner called upon the Philippines to repeal Philippines National Police Command memorandum circular No. 16-2016, cease “Project Tokhang” and urgently put an end to extrajudicial killings, arbitrary detention and other violence targeting suspected drug offenders and people using drugs, and abolish the compilation and publication of “drug watch lists” at all administrative levels.²⁰

21. In its seventh periodic report to the Committee on Economic, Social and Cultural Rights in 2022, the Philippines stated that it was firmly against extrajudicial killings and all forms of violence against drug users and that it upheld the rule of law and human rights in anti-drug operations. The Philippine Anti-Illegal Drugs Strategy adhered to a holistic and human rights-based approach to illegal drugs and the use of dangerous drugs.²¹

22. In 2020, various special procedure mandate holders conveyed to the Philippines information that they had received concerning the alleged use of lethal force by the police in the enforcement of the enhanced community quarantine that was imposed across the country in response to the COVID-19 pandemic, including allegations of a killing by an unidentified assailant of an activist assisting with the COVID-19 relief efforts.²²

23. The Committee on the Rights of Persons with Disabilities expressed concern about the high level of violence against children with disabilities, in particular reports of children restrained in their homes and information about sexual violence perpetrated by male teachers in schools, and the absence of criminal prosecutions and redress mechanisms for victims.²³

24. The United Nations country team stated that the protracted overcrowding in detention facilities had worsened during the period under review. It expressed concern about the lack of adequate pre- and postnatal care for pregnant and breastfeeding women in detention facilities, and about the practice of separating infants from mothers shortly after birth.²⁴

3. International humanitarian law

25. Noting that, in November 2018, pursuant to memorandum order No. 32, the immediate deployment of additional officers of the Armed Forces of the Philippines and the police had been authorized in order “to suppress lawless violence and acts of terror in the Provinces of Samar, Negros Oriental and Negros Occidental, and the Bicol region”, the High Commissioner stated that, although there had been violence in those areas prior to the implementation of the order, the subsequent joint operation by the police and the military might have resulted in serious human rights violations, including alleged killings and arbitrary detention. There were also alarming reports of violations of international humanitarian law, including with regard to the conduct of aerial bombing operations. The High Commissioner noted the reported violations of international humanitarian law in Mindanao and the lack of progress in transitional justice and reconciliation. She called upon the Philippines to empower an independent body to conduct prompt, impartial, thorough, transparent investigations into all killings, and into alleged violations of international humanitarian law, with a view to prosecution and to the provision of remedies for victims and their families.²⁵

4. Human rights and counter-terrorism

26. The High Commissioner reported that the Philippines had scaled up its counter-terrorism response, which had had an impact on human rights. Although the Constitution and laws contained strong human rights provisions, several laws granted the authorities wide discretion to detain and charge individuals on the grounds of national security, without adequate human rights safeguards. The Anti-Terrorism Act diluted human rights safeguards, and the vague definitions in the Act might violate the principle of legality. The High Commissioner called upon the Philippines to invite OHCHR to strengthen its technical assistance with the country to enable the Office to offer advice on counter-terrorism legislation.²⁶

27. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict stated that the adoption of the Anti-Terrorism Act had raised concerns about the potential impact on vulnerable communities and on humanitarian actors, who feared being accused of association with armed groups and being designated as terrorists, with limited legal protections. As a result of the Act, a high number of children had been detained for alleged association with armed groups, notably the New People’s Army.²⁷

28. In a communication to the Philippines in 2020, various special procedure mandate holders conveyed that the Anti-Terrorism Act had raised serious concerns regarding the designation of individuals and civil society and humanitarian organizations as “terrorists” in the context of ongoing discrimination directed at religious and other minorities, human rights defenders and political opponents. They encouraged reconsideration of certain aspects of the Act to ensure its compliance with the international human rights obligations of the Philippines.²⁸ In reply, the Philippines stated that the Act complied with its obligations under international law and guaranteed respect for human rights, and that the Act should be appreciated from a broad and non-selective perspective that took into account international commitments, including under Security Council resolutions on counter-terrorism, laws and practices in other national and supranational jurisdictions and the grave reality of the country’s terrorism challenge.²⁹

29. Noting that a spate of emergency measures had been imposed in recent years, the High Commissioner stated that such measures must be limited to the extent strictly required by the exigencies of the situation, in duration and geographical scope. What ought to have been an exceptional state appeared to have become normalized. The High Commissioner called upon the Philippines to, *inter alia*, ensure that emergency measures were necessary, proportionate and time-bound, and were limited to those strictly required by the exigencies of the situation.³⁰

30. The High Commissioner reported that the departure from a predominantly militarized response to preventing and countering violent extremism was encouraging, but noted that that could only be sustainably achieved through meaningful participation of the affected communities, and respect for human rights and the rule of law. However, there were concerns

that the implementation of Executive Order No. 70, which had been introduced to institutionalize the whole-of-nation approach to end the insurgency by the end of the President's term, in 2022, by strengthening the counter-insurgency programme with a comprehensive socioeconomic development component, appeared to be going in the opposite direction, mobilizing the administration, from the national to the local levels, against suspected communist sympathizers, and further sowing suspicions and divisions in communities. Advocacy for economic and social rights came with the risk of being labelled anti-government and thus pro-insurgency, which could hinder the goal of inclusive and sustainable development. There had also been concerns that those patterns resembled those that characterized the anti-illegal drugs campaign, notably a presumption of guilt and lack of due process or of effective oversight. The High Commissioner called upon the Philippines to, *inter alia*, review Executive Order No. 70 to ensure compliance with the rule of law and international human rights norms.³¹

5. Administration of justice, including impunity, and the rule of law

31. In the context of the campaign against the use of illegal drugs, the High Commissioner called upon the Philippines to: (a) empower an independent body to conduct prompt, impartial, thorough, transparent investigations into all killings, and into alleged violations of international humanitarian law; and (b) provide adequate assistance for families of victims of drug-related killings.³²

32. The Philippines stated that the Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons had taken measures to ensure that extrajudicial killings and other violations of human rights were duly investigated.³³ ILO reported that, following years of inactivity, that Committee had been reconvened in 2020.³⁴

33. The High Commissioner stated that persistent impunity for human rights violations was stark, and practical obstacles to accessing justice were almost insurmountable.³⁵

34. The Committee on the Rights of Persons with Disabilities expressed concern about barriers that persons with disabilities faced in accessing justice. It recommended that the Philippines, *inter alia*: (a) adopt measures to provide age-appropriate or procedural accommodations, including accessible legal services; and (b) conduct capacity-building programmes for the legal profession and police and prison officers concerning the rights enshrined in the Convention on the Rights of Persons with Disabilities.³⁶

6. Fundamental freedoms and the right to participate in public and political life

35. The United Nations Educational, Scientific and Cultural Organization (UNESCO) reported that defamation was a criminal offence, pursuant to articles 353–362 of the revised Penal Code.³⁷

36. In 2021, special procedure mandate holders sent a communication to the Philippines in relation to information that they had received concerning cyberattacks in May and June 2021 against the independent media outlets Bulatlat and Altermidya and the civil society alliance Karapatan, which had allegedly been conducted by the Department of Science and Technology and the Armed Forces of the Philippines. They expressed serious concern that the alleged cyberattacks might have been linked to the human rights advocacy and independent media reporting of those organizations, and that the alleged cyberattacks appeared to have been perpetrated at a time when the three organizations had been reporting on, among other things, a request by the Chief Prosecutor of the International Criminal Court to open a full investigation into potential crimes against humanity committed during the “war on drugs” of the Government of the Philippines.³⁸ In reply, the Philippines stated that it had endeavoured to ensure that civic space was resilient to online hacking and cyberattacks. The Government would always respect the varying views and perspectives expressed on all platforms, including dissenting voices, whose freedom of expression would always be protected, especially from threats such as online hacking and cyberattacks.³⁹

37. UNESCO noted that the first national plan of action on the safety of journalists had been launched in 2020. It had been developed through multi-stakeholder consultations and

provided a road map for addressing five flagship areas deemed crucial to improving the safety of journalists and the media environment.⁴⁰

38. The High Commissioner stated that human rights advocacy was routinely equated to insurgency, with the focus being diverted to discrediting the messengers rather than examining the substance of the message. That had muddied the space for debate, for disagreement and for challenging State institutions and policies, which had resulted in deep mistrust between the Government and civil society. The High Commissioner called upon the Philippines to, inter alia: (a) take confidence-building measures to foster trust with civil society organizations and facilitate their engagement with State institutions mandated to respond to human rights concerns, without reprisal; (b) halt and condemn incitement to hatred and violence against human rights defenders; (c) ensure that the rights to freedom of expression, association and peaceful assembly were respected and protected; and (d) withdraw politically motivated charges against human rights defenders, political opponents, journalists and media organizations, legal and judicial officials, trade unionists, church workers, and others, and take legal measures to ensure their protection.⁴¹

39. The Philippines stated that it took cases of human rights violations seriously and valued the work of human rights defenders. It was committed to implementing the recommendations made by the Commission on Human Rights of the Philippines following its inquiry on the situation of human rights defenders in the country.⁴²

40. The Committee on the Rights of Persons with Disabilities recommended that the Philippines adopt amendments to section 22 of Republic Act No. 7277 and other related measures to ensure that persons with hearing impairments were provided with language subtitles in its televised news broadcasts.⁴³

41. The same Committee recommended that the Philippines repeal discriminatory provisions that prevented persons with intellectual or psychosocial disabilities from exercising their rights to vote and stand for elections. The Committee also recommended that measures be taken to facilitate electronic voting for all persons with disabilities regardless of the type of impairment.⁴⁴

7. Prohibition of all forms of slavery, including trafficking in persons

42. Referring to relevant recommendations supported by the Philippines from the previous review, the United Nations country team stated that the Inter-Agency Council against Trafficking had conducted research and capacity-building and had undertaken protection and legal action, in line with its strategic plan. During the COVID-19 pandemic, there had been concerns of an increase in the vulnerability to trafficking and online sexual abuse and exploitation of children.⁴⁵

43. The Committee on the Rights of Persons with Disabilities expressed concern about the risks of trafficking faced by women with disabilities and recommended, inter alia, that the Philippines ensure that any strategies for the prevention of trafficking addressed the particular risks of women and girls with disabilities to different forms of trafficking and exploitation.⁴⁶

8. Right to work and to just and favourable conditions of work

44. Referring to relevant recommendations supported by the Philippines from the previous review, the United Nations country team stated that the Philippines had adopted the Migrant Workers Act (2021) and had created the Department of Migrant Workers to increase the protection of Filipino workers who were abroad. A national action plan on fair and ethical recruitment had also been adopted.⁴⁷

45. Expressing relevant concerns, the Committee on the Rights of Persons with Disabilities recommended that the Philippines, inter alia, adopt measures to ensure the effective implementation of Presidential Decree No. 442 and the 5 per cent employment quota system, and to provide for reasonable accommodation in job recruitment processes and ensure that those processes were inclusive of persons with disabilities.⁴⁸

9. Right to social security

46. Referring to relevant recommendations supported by the Philippines from the previous review, the United Nations country team stated that, although the Philippines had implemented some programmes targeting the most vulnerable populations, further measures were needed to address structural challenges relating to income inequality and poverty.⁴⁹

47. The High Commissioner stated that, since many indigenous communities were geographically isolated and lacked adequate access to basic social services, they relied heavily on civil society support. However, such support was hampered by the fear of civil society organizations being portrayed as New People's Army affiliates, in the light of the emphasis on national security, intelligence-gathering and red-tagging in the execution of Executive Order No. 70.⁵⁰

10. Right to an adequate standard of living

48. Referring to a relevant recommendation from the previous review and noting the pertinent measures that had been taken by the Government, the United Nations country team stated that the Philippines had continued to experience undernutrition and micronutrient deficiencies, with an increase in overweight. The implementation of COVID-19 measures had had a negative impact on food security.⁵¹

49. The Committee on the Rights of Persons with Disabilities recommended that the Philippines, inter alia: (a) adopt criteria to ensure that programmes to provide for clean water, food and housing mainstreamed all persons with disabilities; and (b) adopt measures to provide for social protection schemes and allowances that recognized the additional costs associated with disability and ensure access to disability pensions for all persons with disabilities.⁵²

11. Right to health

50. The United Nations country team reported that the Philippines had taken steps towards ensuring universal access to COVID-19 vaccinations, which had included efforts to reach vulnerable groups. However, while communication at the national level had advocated COVID-19 vaccinations, local advocacy had been inconsistent, contributing to a low vaccination rate in some regions.⁵³

51. Referring to relevant recommendations supported by the Philippines from the previous review, the United Nations country team stated that the implementation of the Responsible Parenthood and Reproductive Health Act of 2012 (Reproductive Health Law) had resulted in improvements in antenatal and postpartum care, and facility-based deliveries.⁵⁴

52. The Committee on the Rights of Persons with Disabilities expressed concern about reported incidents of forced sterilization of women with intellectual disabilities and recommended that the Philippines, inter alia, take measures to protect women with intellectual disabilities from involuntary sterilization.⁵⁵

53. Noting relevant concerns, the same Committee recommended that the Philippines, inter alia: (a) ensure that women, girls and persons with psychosocial disabilities had comprehensive access to sexual reproductive health and community-based rehabilitation services in rural and remote areas; (b) increase health-care professionals' training on the provision of sexual and reproductive health-care education and services to such persons; and (c) strengthen training for all regional health workers nationwide by reactivating the Reproductive Health Law.⁵⁶

54. Referring to relevant recommendations from the previous review, the United Nations country team stated that the Philippines had developed a voluntary care model for persons who use drugs. However, challenges remained in applying a human rights-based approach to the use of drugs, centred on harm-reduction strategies and access to evidence-based treatment, care and support services without the need to enter the criminal justice system.⁵⁷

55. The High Commissioner stated that the treatment of drug dependency was an element of the right to health and should be ensured in compliance with the human rights principles

of non-discrimination, respect for the inherent dignity of individuals, confidentiality, privacy and informed consent.⁵⁸

56. The United Nations country team noted that the Philippines had adopted the Philippine HIV and AIDS Policy Act (2018), which facilitated access to HIV services, including by providing for persons between the ages of 15 and 18 to undergo HIV testing without parental consent.⁵⁹

12. Right to education

57. Referring to relevant recommendations supported by the Philippines from the previous review, the United Nations country team stated that the Philippines had developed a draft basic education plan, 2030, that established, inter alia, long-term priorities and provided for increased budgetary allocations.⁶⁰

58. Noting the closure of schools as a result of the COVID-19 pandemic, UNESCO stated that, in addition to several guidelines that had been issued to ensure the continuity of education, the Philippines had adopted the “Basic education learning continuity plan for school year 2020–2021 in light of the COVID-19 public health emergency”.⁶¹

59. The Committee on the Rights of Persons with Disabilities observed with concern the lack of measures to provide for inclusive and mainstreamed education for persons with disabilities and the low number of children with disabilities enrolled in elementary schools. Moreover, the education of children, young persons and adults with disabilities in regular educational facilities was hindered by barriers to accessibility and the lack of universal design for learning and of reasonable accommodations in all academic and social aspects of student life.⁶²

60. Referring to a recommendation supported by the Philippines from the previous review, UNESCO stated that the Philippines had continued to enhance laws and policies regarding access to education for the most disadvantaged learners.⁶³

61. The High Commissioner stated that teachers and students at indigenous community learning centres run by non-governmental organizations had been attacked and harassed. On 25 February 2019, several banners had been posted outside a school in North Cotabato Province, accusing it of links with the New People’s Army. On 12 July 2019, the Government had closed 54 such schools in Mindanao, pointing to complaints that the schools were teaching violent extremism. The High Commissioner called upon the Philippines to ensure universal access by indigenous children to quality education, in line with their cultural identity, language and values.⁶⁴

13. Development, the environment, and business and human rights

62. The Committee on the Rights of Persons with Disabilities recommended that the Philippines, inter alia: (a) adopt an effective mechanism in accordance with the Sendai Framework for Disaster Risk Reduction 2015–2030 in order to have an accessible communication strategy and a comprehensive emergency strategy and protocols for situations of risk; (b) ensure that disaster risk reduction strategies were inclusive and accessible for persons with disabilities; and (c) enact legislation and enforce measures requiring all public services to develop individual and local plans for the safe evacuation of persons with disabilities during situations of risk, in close consultation with persons with disabilities.⁶⁵

B. Rights of specific persons or groups

1. Women

63. The Committee on the Rights of Persons with Disabilities expressed concern about the high levels of gender-based violence against women and girls with disabilities, including sexual violence and abuse. It recommended that the Philippines, inter alia, develop a strategy to protect them against all forms of gender-based violence.⁶⁶

2. Children

64. Noting the adoption of the Act on Special Protection of Children in Situations of Armed Conflict (2019), the United Nations country team stated that children continued to be affected by armed conflict. There were concerns that children associated with armed groups had, in some cases, been detained for long periods of time before being handed over to the relevant authorities.⁶⁷

65. The Committee on the Rights of Persons with Disabilities recommended that the Philippines, inter alia: (a) adopt a comprehensive strategy and action plan for the promotion and protection of the rights of children with disabilities; (b) strengthen respect for the rights of children with disabilities at home, and enhance support for the families of such children; and (c) ensure national coverage of referral systems, including community-based rehabilitation of children with disabilities, across the country.⁶⁸

3. Persons with disabilities

66. Expressing concerns about accessibility, the Committee on the Rights of Persons with Disabilities recommended that the Philippines, inter alia, conduct a review of its legislation and adopt a plan of action to develop accessibility to the physical environment, transportation, information and communications for all persons with disabilities, and expand accessibility laws and guidelines to protect the accessibility of all persons with disabilities.⁶⁹

67. The same Committee expressed concern about legislation that denied persons with disabilities the legal capacity to express their will and preferences concerning all aspects of their lives and recommended that the Philippines review articles 37 to 39 of its Civil Code (Republic Act No. 386), article III, section 11, of its Constitution and Republic Act No. 9406, and enact legislation recognizing the full legal capacity of persons with disabilities.⁷⁰

68. The same Committee recommended that the Philippines, inter alia, redouble its efforts to implement the provisions on rehabilitation in the general health-care policies and strengthen relevant monitoring mechanisms.⁷¹

69. The same Committee expressed concern about the lack of recognition of the right of persons with disabilities to live independently and be included in the community and recommended that the Philippines, inter alia, enact legislation recognizing the right of persons with disabilities to be included in the community and to choose their place of residence.⁷²

70. The same Committee recommended that the Philippines adopt a policy framework to ensure that persons with disabilities could acquire quality and affordable mobility aids and assistive devices, technologies and services necessary for their personal mobility.⁷³

4. Indigenous peoples and minorities

71. The Philippines stated that it had continued to undertake measures towards fully implementing the Indigenous Peoples' Rights Act (1997), in particular with regard to their rights to ancestral lands, territories and resources.⁷⁴

72. The High Commissioner stated that, while the legal framework for the rights of indigenous peoples was, on the face of it, exemplary, powerful business and political actors undermined efforts at land distribution and agrarian reform. The requirement for free and prior informed consent for any interventions in indigenous communities was regularly manipulated, including through bribery and intimidation. Although the National Commission on Indigenous Peoples had substantial powers, there remained mistrust in its effectiveness and its independence. The High Commissioner called upon the Philippines to, inter alia, fully and comprehensively implement the Indigenous Peoples' Rights Act and ensure full respect for the principle of free, prior and informed consent and meaningful participation at all stages of development projects that affected indigenous communities.⁷⁵

73. In 2019, various special procedure mandate holders communicated to the Philippines information that they had received concerning the alleged failure of the Government to protect the human rights of the indigenous peoples and local communities living near Didipio, Nueva Vizcaya Province, and on the impact on the livelihood of the population and the

overall environmental degradation in that region that had resulted from the exploitation of a gold and copper mine by OceanaGold Corporation, an Australia-based mining company. They expressed their serious concern about the degradation of the environment and human rights violations and abuses due to the mining activities carried out by the company in Didipio, with the support of the Philippines National Police, and the apparent lack of action by the Government in that regard.⁷⁶

74. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict expressed growing concern about the significant increase in attacks by the armed forces on indigenous communities in Mindanao, including in the Bangsamoro Autonomous Region in Muslim Mindanao. The assertion by those communities of their rights to ancestral domain had led to recurrent and prolonged displacement.⁷⁷

5. Migrants, refugees and asylum-seekers

75. The United Nations High Commissioner for Refugees (UNHCR) stated that, while services were provided through the Inter-Agency Steering Committee on the Protection of Asylum-Seekers, Refugees and Stateless Persons, under which referral mechanisms with relevant service agencies had been established, such services were extended to those persons of concern on an ad hoc basis.⁷⁸

6. Internally displaced persons

76. The Committee on the Rights of Persons with Disabilities expressed concern about reports that during the Battle of Marawi in Lanao del Sur Province in 2017, many women and at-risk groups, such as children and persons with disabilities, had been left in the centre of gunfire and chaos, causing massive internal displacement.⁷⁹

77. UNHCR stated that the Philippines faced a high risk of displacement due to natural disasters, armed conflict and sporadic crime and violence. Displacement was addressed through a disaster response framework, based on the Philippine Disaster Risk Reduction and Management Act. A legislative and policy framework protecting internally displaced persons would not only complement existing legislation but would also address concerns specific to displaced persons through a human rights-based approach.⁸⁰

78. UNHCR stated that displaced families staying in evacuation centres following the devastation caused by Super Typhoon Rai had learned from local authorities that they would not be allowed to return to their residences following the implementation of the no-build zone policy. The imposition of that policy, without due process provided by existing laws, might constitute forced eviction and therefore all affected persons should be guaranteed their right to due process.⁸¹

7. Stateless persons

79. UNHCR stated that, while refugees and stateless persons could apply for naturalization, they had faced challenges due to rigid qualifications and disqualifications and lengthy and costly processes. Due to the age requirement, among other qualifications, unaccompanied children were unable to apply for naturalization despite their right to a nationality, leaving gaps that could lead to childhood statelessness. To address those issues, a bill on facilitated administrative naturalization had been finalized.⁸²

Notes

¹ [A/HRC/36/12](#), [A/HRC/36/12/Add.1](#) and [A/HRC/36/2](#).

² United Nations country team submission for the universal periodic review of the Philippines, para. 2.

³ Ibid.

⁴ [A/HRC/44/22](#), para. 87 (f). See also United Nations country team submission, para. 5.

⁵ See OHCHR, *United Nations Human Rights Report 2017*; OHCHR, *United Nations Human Rights Report 2019*; OHCHR, *United Human Rights Report 2021*; and OHCHR, “Voluntary contributions to OHCHR in 2022” (available at www.ohchr.org/sites/default/files/2022-02/VoluntaryContributions2022.pdf).

- ⁶ A/HRC/44/22, paras. 12 and 81.
- ⁷ Ibid., para. 87 (c) (iii). See also United Nations country team submission, para. 6.
- ⁸ A/HRC/44/22, para. 42.
- ⁹ ILO submission for the universal periodic review of the Philippines, para. 7.
- ¹⁰ CRPD/C/PHL/CO/1, paras. 6 (a) and 7 (a)–(b).
- ¹¹ OHCHR, “Philippines: expert urges Congress to enact human rights defenders law”, 18 March 2021.
- ¹² United Nations country team submission, para. 9. For the relevant recommendation, see A/HRC/36/12, para. 133.126 (Mexico); and A/HRC/36/12/Add.1.
- ¹³ United Nations country team submission, para. 4. For the relevant recommendation, see A/HRC/36/12, para. 133.34 (Russian Federation); and A/HRC/36/12/Add.1.
- ¹⁴ A/HRC/44/22, para. 87 (c) (iii).
- ¹⁵ United Nations country team submission, para. 4. For the relevant recommendations, see A/HRC/36/12, para. 133.34 (Russian Federation), para. 133.35 (China), para. 133.36 (Nepal), para. 133.37 (Libya), para. 133.38 (Thailand), para. 133.39 (Uganda), para. 133.40 (Kenya) and para. 133.41 (Mexico); and A/HRC/36/12/Add.1.
- ¹⁶ Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission for the universal periodic review of the Philippines, p. 1.
- ¹⁷ CRPD/C/PHL/CO/1, paras. 10 (a)–(b) and 11 (a)–(b).
- ¹⁸ A/HRC/44/22, paras. 19–20 and 82.
- ¹⁹ Ibid., paras. 15, 18, 19 and 24.
- ²⁰ Ibid., para. 87 (a) (i).
- ²¹ E/C.12/PHL/7, paras. 195–196.
- ²² See communication PHL 2/2020. All communications mentioned in the present report are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.
- ²³ CRPD/C/PHL/CO/1, para. 30 (a).
- ²⁴ United Nations country team submission, para. 34.
- ²⁵ A/HRC/44/22, paras. 45, 63 and 87 (c) (i).
- ²⁶ Ibid., paras. 40–42 and 87 (f) (ii).
- ²⁷ Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission, p. 1.
- ²⁸ See communication PHL 4/2020.
- ²⁹ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35537>.
- ³⁰ A/HRC/44/22, paras. 43 and 87 (b) (i).
- ³¹ Ibid., paras. 46–47 and 87 (b) (iii).
- ³² Ibid., paras. 87 (a) (iii) and 87 (c) (i).
- ³³ E/C.12/PHL/7, para. 204.
- ³⁴ ILO submission, para. 8.
- ³⁵ A/HRC/44/22, para. 83.
- ³⁶ CRPD/C/PHL/CO/1, paras. 26–27.
- ³⁷ UNESCO submission for the universal periodic review of the Philippines, para. 5.
- ³⁸ See PHL 5/2021.
- ³⁹ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36754>.
- ⁴⁰ UNESCO submission, para. 13.
- ⁴¹ A/HRC/44/22, paras. 83 and 87 (d) (i)–(ii).
- ⁴² E/C.12/PHL/7, paras. 24–27.
- ⁴³ CRPD/C/PHL/CO/1, para. 39.
- ⁴⁴ Ibid., para. 51.
- ⁴⁵ United Nations country team submission, para. 51. For the relevant recommendations, see A/HRC/36/12, para. 133.184 (Azerbaijan), para. 133.185 (Iraq), para. 133.186 (Lebanon), para. 133.188 (Bosnia and Herzegovina), para. 133.189 (Cuba), para. 133.190 (Egypt), para. 133.191 (Indonesia), para. 133.192 (Sierra Leone), para. 133.193 (Holy See), para. 133.195 (Maldives), para. 133.196 (Netherlands), para. 133.197 (Sri Lanka) and para. 133.200 (Uzbekistan); and A/HRC/36/12/Add.1.
- ⁴⁶ CRPD/C/PHL/CO/1, paras. 30 (c) and 31 (c).
- ⁴⁷ United Nations country team submission, paras. 48–49. For the relevant recommendations, see A/HRC/36/12, para. 133.251 (Sri Lanka), para. 133.252 (Viet Nam), para. 133.253 (Indonesia) and para. 133.254 (Nepal); and A/HRC/36/12/Add.1.
- ⁴⁸ CRPD/C/PHL/CO/1, paras. 46–47 (a)–(b).
- ⁴⁹ United Nations country team submission, para. 35. For the relevant recommendations, see A/HRC/36/12, para. 133.204 (Saudi Arabia), para. 133.205 (Singapore), para. 133.206 (Viet Nam), para. 133.207 (Cambodia), para. 133.208 (Lao People’s Democratic Republic), para. 133.209 (Yemen) and para. 133.212 (Ecuador); and A/HRC/36/12/Add.1.
- ⁵⁰ A/HRC/44/22, para. 71.

- ⁵¹ United Nations country team submission, paras. 38–39. For the relevant recommendation, see [A/HRC/36/12](#), para. 133.210 (Lebanon); and [A/HRC/36/12/Add.1](#).
- ⁵² [CRPD/C/PHL/CO/1](#), paras. 49 (a) and (c).
- ⁵³ United Nations country team submission, para. 41.
- ⁵⁴ *Ibid.*, para. 42. For the relevant recommendations, see [A/HRC/36/12](#), para. 133.213 (Brazil), para. 133.214 (Sweden), para. 133.215 (New Zealand) and para. 133.216 (Denmark); and [A/HRC/36/12/Add.1](#).
- ⁵⁵ [CRPD/C/PHL/CO/1](#), paras. 32–33.
- ⁵⁶ *Ibid.*, paras. 42–43.
- ⁵⁷ United Nations country team submission, para. 43. For the relevant recommendations, see [A/HRC/36/12](#), para. 133.50 (Romania), para. 133.52 (Thailand), para. 133.217 (France) and para. 133.218 (Pakistan); and [A/HRC/36/12/Add.1](#).
- ⁵⁸ [A/HRC/44/22](#), para. 35.
- ⁵⁹ United Nations country team submission, para. 44.
- ⁶⁰ *Ibid.*, para. 17. For the relevant recommendations, see [A/HRC/36/12](#), para. 133.219 (Viet Nam), para. 133.220 (Bolivarian Republic of Venezuela) and para. 133.221 (Saudi Arabia); and [A/HRC/36/12/Add.1](#).
- ⁶¹ UNESCO submission, p. 7.
- ⁶² [CRPD/C/PHL/CO/1](#), para. 40 (a)–(c).
- ⁶³ UNESCO submission, p. 5.
- ⁶⁴ [A/HRC/44/22](#), paras. 72 and 87 (e) (iii). See also the Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission, p. 1, and the United Nations country team submission, para. 24.
- ⁶⁵ [CRPD/C/PHL/CO/1](#), para. 23 (a)–(c).
- ⁶⁶ *Ibid.*, paras. 14 and 15 (a).
- ⁶⁷ United Nations country team submission, paras. 20–21.
- ⁶⁸ [CRPD/C/PHL/CO/1](#), para.17 (a)–(c).
- ⁶⁹ *Ibid.*, paras. 20 and 21 (a)–(b).
- ⁷⁰ *Ibid.*, paras. 24 (a) and 25 (a).
- ⁷¹ *Ibid.*, para. 45 (a).
- ⁷² *Ibid.*, paras. 34 (a) and 35 (a).
- ⁷³ *Ibid.*, para. 37.
- ⁷⁴ [E/C.12/PHL/7](#), para. 30.
- ⁷⁵ [A/HRC/44/22](#), paras. 65 and 87 (e) (i)–(ii). See also United Nations country team submission, paras. 22–24.
- ⁷⁶ See communication PHL 1/2019.
- ⁷⁷ Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission, p. 1.
- ⁷⁸ UNHCR submission, p. 4.
- ⁷⁹ [CRPD/C/PHL/CO/1](#), para. 22.
- ⁸⁰ UNHCR submission, p. 5.
- ⁸¹ *Ibid.*, p. 6.
- ⁸² *Ibid.*, pp. 2–3.
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