

United Nations Country Team in the Philippines
Written contribution to the Fourth Cycle Universal Periodic Review of the Philippines

A. Introduction

1. This report, prepared by the UN Country Team in the Philippines, considers recent developments in the human rights situation, and provides recommendations to the Government.

B. Implementation of recommendations

Legislative and policy developments

2. The Philippines has ratified eight out of nine core human rights treaties. It has not signed or ratified the Convention on the Prevention of all Persons from Enforced Disappearance. It has not ratified the Optional Protocol to the ICESCR and the Optional Protocols to the CRC and the CRPD on an individual complaints procedure. Effective on 17 March 2019, the Philippines withdrew from the Rome Statute of the International Criminal Court. The Philippines has ratified 38 International Labour Organization (ILO) Conventions, including all eight conventions respecting fundamental human rights. It ratified the ILO Convention on Public Service (Labour Relations) (No. 151) in 2017 and ILO Convention on Occupational Safety and Health (No. 187) in 2019.

3. The Constitution of the Republic of the Philippines (1987) and other laws provide the overarching framework for human rights promotion and protection. During the reporting period, the Government adopted legislation promoting human rights including, the Migrant Workers Act (Republic Act 11641, 2021); An Act Prohibiting the Practice of Child Marriage and Imposing Penalties for Violations Thereof (Republic Act 11596, 2021); and the Safe Spaces Act (Republic Act 11313, 2018). In June 2021, Executive Order 140 was signed to adopt the National Employment Recovery Strategy 2021-2022, highlighting the need to stimulate the economy, protect workers, and emphasizing the importance of social dialogue in conflict resolution, consistent with ILO pillars and principles.¹ Some bills that, if enacted, would potentially further uphold human rights remained pending, including the Human Rights Defenders Bill; the Sexual Orientation and Gender Identity and Expression (SOGIE) Bill; the Comprehensive Anti-Discrimination Bill; the Bill establishing a National Preventive Mechanism against Torture; and legislation to establish a National Transitional Justice and Reconciliation Commission (TJRC) for the Bangsamoro. The Anti-Terrorism Act (Republic Act 11479, 2020) was not fully compliant with international human rights standards.

4. With regard to recommendation 131.34, the Commission on Human Rights of the Philippines (CHRP) continued to play an active role in human rights protection and promotion. The CHRP Charter bill has not yet been adopted. In line with recommendation 133.19, the Government took steps to strengthen the national mechanism for coordination, reporting and follow-up on recommendations from international human rights mechanisms. With regard to recommendations 133.34-133.41, the Government took steps to formulate and implement its third National Action Plan (2018-2022), but the plan was not formally adopted.

Recommendations:

- A. Adopt legislation on the Charter of the Commission on Human Rights in line with the Paris Principles.
- B. Amend the Anti-Terrorism Act (2020) to conform with international human rights obligations and standards.
- C. Ratify the Convention on the Protection of Persons from Enforced Disappearance.
- D. Adopt legislation on the National Transitional Justice and Reconciliation Commission on the Bangsamoro

¹ <https://www.officialgazette.gov.ph/2021/06/25/executive-order-no-140-s-2021/>

E. Develop and adopt a NAP on Human Rights, in consultation with a wide range of actors.

Cooperation with international human rights mechanisms

5. The Government extended invitations to the Special Rapporteur on the sale and sexual exploitation of children and the Special Rapporteur on freedom of expression to visit the country in 2022 and 2023 respectively. No visits of Special Rapporteurs took place during the period covered. The Government had not issued a standing invitation to the Special Procedures.

6. The Government submitted reports on the implementation of the CERD (2021), CEDAW (2021), the ICCPR (2019), and the CRC (2019). Its initial report on the implementation of the CRPD was considered in 2018. The Government report on the implementation of the CAT was due on 13 May 2020. Although the Government ratified the Optional Protocol to the CAT in 2012, it had not yet adopted legislation to establish a National Preventive Mechanism.

7. A report published by the UN High Commissioner for Human Rights in 2020 described key human rights challenges.² In October 2020, the Philippines co-sponsored HRC resolution 45/33 on technical cooperation and capacity building.³ The Government cooperated with the UN in the Philippines, together with the CHRP and civil society, to develop and implement a three-year UN Joint Programme on Human Rights (2021-2024). This programme focuses on six areas outlined in the resolution, namely strengthening domestic investigative and accountability measures; data gathering on alleged police violations; civic space, and engagement with civil society and the Commission on Human Rights; national mechanism for reporting and follow-up; counter-terrorism legislation; and human rights-based approaches to drug control.

Recommendations:

- A. Issue a standing invitation to Special Procedures mandate holders.
- B. Implement recommendations in the 2020 report of the UN High Commissioner for Human Rights.
- C. Adopt legislation to establish a National Preventive Mechanism in accordance with the OPCAT, and ensure its proper functioning.
- D. Continue to engage with the UNCT in the Philippines to implement programmes to strengthen human rights promotion and protection.

Equality and non-discrimination

8. The Government took some steps to promote equal opportunities. Women and girls, indigenous peoples, persons with disabilities, migrant workers, people living in conditions of poverty in urban and rural settings, internally displaced persons and LGBTI persons were among those who were at risk of discrimination. The CHRP monitored and advocated for the rights of vulnerable groups, including through its Observatories on women, LGBTI, persons with disabilities, indigenous peoples and migrants.

9. With regard to recommendation 133.126, bills on non-discrimination, including the Comprehensive Non-discrimination Bill and the Sexual Orientation and Gender Identity Expression (SOGIE) Equality Bill had not yet been adopted. Nineteen Local Governance Units (LGUs) enacted anti-discrimination ordinances that prohibit discrimination based on sexual orientation and gender identity.⁴

Recommendations

- A. Adopt and implement the Comprehensive Non-discrimination Act and the Sexual Orientation and Gender Identity Expression Equality Act at national and local levels.

² A/HRC/44/22

³ HRC/Res/45/33

⁴ <https://pcw.gov.ph/enacting-an-anti-discrimination-based-on-sexual-orientation-and-gender-identity-law/>

B. Strengthen disaggregated data-collection, with a view to address access to rights by disadvantaged and marginalized individuals and groups, including indigenous peoples, persons with disabilities and people living in poverty.

C. Ensure that practices, policies and projects related to development and land governance are in line with relevant international standards and principles of non-discrimination, including in the ICCPR and ICESCR.

Persons living with disabilities (PWD)

10. The National Council on Disability Affairs and the CHRP raised awareness and provided capacity-building and other services for PWD. The CHRP launched its Observatory on the Rights of Persons with Disabilities in 2020. In 2018, the Filipino Sign Language Act (RA 11106) was adopted. In 2018 the Philippine was reviewed by the CRPD, which made detailed recommendations including related to rights-based approaches, participation, adequate financing and improved disaggregated data.⁵

11. The Act Providing for the Mandatory Philhealth Coverage for All Persons with Disability (RA 11228, 2019) provides automatic coverage for PWDs under the national insurance programme. Implementation of such measures was sometimes inadequate including due to lack of knowledge, data, and financing, including at the local level. In line with recommendation 133.249, the national health insurance developed a benefit package for children with disabilities in some tertiary hospitals. The package provides integrated service delivery platforms, sustainable financial access to rehabilitation services and assistive devices, and early detection and referral.

12. A Unicef study found that children with disabilities suffer stigma, have difficulties accessing education, and are at risk of sexual abuse and bullying. Barriers that need to be addressed include harmonizing definitions across laws and policies; strengthening early detection systems, and strengthening inclusive education.⁶ In the COVID-19 context, a study found challenges related to limited access to education, services and protection.⁷

Recommendations

A. Amend laws, policies and programs that discriminate against and marginalize PWD, and harmonize the definition of disability in laws with the principles of the CPRD.

B. Ensure full participation, consultation and active involvement of persons with disabilities in policy-making, and in planning of programs and projects.

C. Improve data collection to improving policy formulation, programming and service delivery.

Women and girls

13. The Government took steps to promote and protect the rights of women, with the Magna Carta of Women (RA 7910, 2009) providing the overall framework. The Gender Equality and Women Empowerment Plan (2019-2025) aimed to facilitate gender equality, including the implementation of international gender commitments, with the Philippine Commission of Women overseeing indicators of progress.⁸

14. In January 2022, the Act Prohibiting the Practice of Child Marriage (RA 11596, 2022) was adopted. Legislation, increasing the age of consent from 12 to 16 years was adopted in March 2022. Some discriminatory legal provisions remained, including criminal provisions in the Revised Penal Code (RA 3815, 1930) related to adultery and concubinage (Articles 333 and 334), and related to prostitution (Article 202)

⁵ CPRD/C/PHL/CO/1, 16 October 2018.

⁶ <https://reliefweb.int/sites/reliefweb.int/files/resources/CWDSitanPolicyBrief.pdf>

⁷ <https://www.unicef.org/philippines/reports/situation-children-disabilities-covid-19>

⁸ <https://pcw.gov.ph/gewe-plan/>

which sanctioned women sex workers exclusively, without applying a victim-centered approach.

15. The COVID-19 pandemic and lockdowns impacted on the rights of women. UNW raised concerns about possible increases in gender-based violence, and less access to protection mechanisms during lockdowns.⁹ A Gender and Inclusion Assessment highlighted the worsening situation of many women and girls across vulnerable subgroups.¹⁰ The Departments of Education (DoE), Health and the Commission on Population and Development launched the Comprehensive Sexuality Education and Adolescent Reproductive Health (CSE-ASRH) Convergence. However, there was a need for further full operationalization of a school-based, gender-sensitive, comprehensive sexuality education (CSE) curriculum in accordance with international standards.

16. A National Action Plan on Women, Peace and Security (2017-2022) incorporated principles from CEDAW and other human rights standards. In the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM), the Regional Action Plan on Women, Peace and Security was launched in October 2020.¹¹ The Bangsamoro Women Commission, BARMM ministries, and Local Government Units (LGUs) increased their institutional capacity to implement gender-sensitive programming, gather disaggregated data, and engage with civil society, including through the development of CSO action plans. There was a need to continue efforts to increase women's influence and inclusion in decision making processes at the national and local levels.

Recommendations

A. Review laws and policies to remove provisions that discriminate against women, and promote implementation of policies for women and girls' empowerment.

B. Ensure that social protection programmes address the needs of diverse women, including indigenous women, migrant workers, women in remote areas, women living with disabilities and LGBTI women.

C. Provide full access to quality comprehensive information on reproductive health, and strengthen the provision of high quality sexual and reproductive health services, including to women with disabilities and other marginalized groups.

Children

17. With regard to recommendation 133.219-133.221, the DoE developed a draft Basic Education Development Plan 2030. The plan established long-term priorities, with increased budget, focusing on access, equity, quality, resilience and well-being. However, a study showed that education spending in the Philippines remained lower than elsewhere in the region.¹² With regard to recommendations 133.223 and 133.224, the Alternative Learning System Act (RA11510, 2020) provided for increased support to out-of-school children and adults who had not completed basic education.

18. The decision to keep schools closed since March 2020, impacted negatively on the right to education. Children from the most marginalized groups, including children from indigenous groups and children with disabilities were at particular risk, including of not returning to education.¹³

19. With regard to recommendation 133.245, child labour remained a challenge. In its 2020 Observations on the Minimum Age Convention (C. 138), and on the Worst Forms of Child Labour Convention (C. 182), the CEACR urged the Government to strengthen efforts to progressively eliminate child labour, and to intensify efforts to eliminate trafficking of children by ensuring that those engaged in the trafficking of children be held

⁹ <https://asiapacific.unwomen.org/en/digital-library/publications/2020/04/gender-snapshot-covid-19-in-the-philippines>

¹⁰ <https://philippines.unfpa.org/en>

¹¹ <https://bwc.bangsamoro.gov.ph/may/programs-and-activities/launching-of-the-bangsamoro-regional-action-plan-on-women-peace-and-security-rapwps-2020-2022/>

¹² <https://www.pids.gov.ph/publications/7558>

¹³ <https://www.unicef.org/philippines/press-releases/learning-should-reach-most-vulnerable-unicef-says>

accountable, and strengthening capacity of law enforcement; ensure the effective enforcement of the Anti-Child Pornography Act; prevent the engagement of children in commercial sexual exploitation; provide rehabilitation and reintegration of victims; and strengthen efforts to prevent children from engaging in hazardous working conditions in domestic work.¹⁴

Children and Armed Conflict

20. In 2017, upon implementation of the UN-Moro Islamic Liberation Front (MILF) Action Plan, including the disengagement of 1,869 children, MILF was delisted from the annexes of the UNSG's Report on Children in Situations of Armed Conflict. Two other parties continued to be listed. The Government adopted the Act on Special Protection of Children in Situations of Armed Conflict (RA 11188, 2019), which incorporated UN Security Council resolutions on children and armed conflict into national law, strengthened national coordination and provided resources for holding perpetrators accountable.

21. Children continued to be impacted by armed conflict. The Monitoring and Reporting Mechanism confirmed 63 cases of grave violations in 2020. Killing and maiming accounted for more than half of the verified violations. There was concern that children associated with armed groups were in some cases detained for long periods before being handed to relevant officials, in accordance with legal provisions.

Recommendations

- A. Allocate additional resources to the education sector, including to offset the impact of school closures, particularly on children at risk of dropping out or not returning to school.
- B. Strengthen mechanisms to implement obligations under ILO Conventions 138 and 182, to work towards the elimination of child labour.
- C. Continue to cooperate with counterparts to implement laws and policies to protect children in armed conflict.

Indigenous Peoples

22. The Indigenous Peoples Rights Act (Republic Act 8371, 1997) prioritizes the rights of indigenous communities to ancestral lands and entitles them to a share of benefits of mineral resources. However, Indigenous Peoples faced challenges including related to land rights, and limited access to basic social services. Many also lived in areas affected by conflict, making them vulnerable to violations and abuses by state and non-state actors, as well as displacement and loss of livelihood.

23. Indigenous Peoples and environmental rights activists were at risk of threats, detention and killings. On 30 December 2020, nine indigenous Tumandok leaders were killed, and 17 others arrested, when joint police and military conducted operations to implement warrants. Further efforts were needed to hold those responsible for violations and abuses against indigenous people accountable.

24. On 14 April 2021, Executive Order 130 lifted a nine-year moratorium on new mining operations.¹⁵ Some indigenous and environmental defenders expressed concern that the lifting of the moratorium undermined their rights, and that processes to obtain prior and informed consent from them were not always fully implemented. In Davao region, the closure of indigenous schools, in the context of allegations that they supported armed groups, limited access to education for indigenous children, including culturally appropriate education.

Recommendations

- A. Fully implement the Indigenous People's Rights Act. In particular, ensure that provisions on prior and informed consent are fully implemented with regard to rights to ancestral lands and operations of private

¹⁴ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13200:0::NO::P13200_COUNTRY_ID:102970

¹⁵ <https://www.pna.gov.ph/articles/1136843>, 15 April 2021.

businesses.

B. Take urgent steps to protect indigenous human rights and environmental defenders who are exercising their peaceful and legitimate rights, including in the context of land and environmental disputes, investigate reports of violations and abuses against them, and hold perpetrators accountable.

Freedom of expression, opinion and peaceful assembly

25. The Philippines Constitution guarantees freedom of expression, association and peaceful assembly. Under the Revised Penal Code (RA 3815, 1930), libel is a criminal offence. The Cybercrime Prevention Act (RA 10175, 2012) imposes a possible prison sentence for online libel.¹⁶ In 2012, the Human Rights Committee urged the Philippines to consider decriminalizing defamation, reiterating that criminal law should only be applied in the most serious cases, and should not lead to imprisonment.¹⁷

26. The Government took some steps to investigate killings of media workers, including through the work of the Presidential Task Force on Media Security. In December 2019, 45 persons, including police officers, were convicted in connection with the 2009 Ampatuan Massacre, in which 58 persons, including 32 media workers were killed. Further efforts are needed to ensure accountability for all those responsible. The PNP established vanguards for protection of media workers in the context of the 2022 election.

27. UNESCO's observatory listed 18 killings of journalists from 2017 to 2022.¹⁸ In June 2020, Maria Ressa and Reynaldo Santos Jr. were convicted of libel and are facing up to six years' imprisonment, but remained free pending appeal. In 2021, Maria Ressa was awarded the Nobel Peace Prize. The non-renewal the license of the ABS-CBN network in 2020 was also seen by observers as an indication of limitations on critical media. Other government critics also faced legal challenges. As of March 2022, Senator Leila de Lima remained in pretrial detention for over five years in connection with drug charges. In 2018, the UN WGAD found her detention arbitrary and called for her immediate release.¹⁹

28. In 2019, the ILO Committee of Experts on the Application of Standards, adopted conclusions on the application of Convention No. 87 on the Freedom of Association and Protection of the Right to Organize. It noted with concern the allegations of killings of trade unionists and anti-union violence, and the lack of investigations.²⁰ In 2020, the Committee noted new and serious allegations of violations of trade unionists' civil liberties submitted by workers organizations, including killings, violent dispersals of peaceful protests, and "red-tagging".

Recommendations

A. Review legislation and consider decriminalizing defamation.

B. Strengthen protection of journalists, and to hold those who commit violations accountable.

C. Facilitate the visit of a High Level Tripartite Mission of the ILO to the Philippines.

D. Review the Labour Code and the Revised Penal Code to ensure that they conform with ILO Conventions and international human rights standards.

E. Ensure equal opportunities for franchises for legitimate media entities.

¹⁶ <https://www.officialgazette.gov.ph/2012/09/12/republic-act-no-10175/>

¹⁷ CCPR/C/PHL/CO/4,

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fPHL%2fCO%2f4&Lang=en

¹⁸ <https://en.unesco.org/themes/safety-journalists/observatory/country/223790>

¹⁹ WGAD Opinion No. 61/2018.

²⁰ https://www.ilo.org/ilc/ILCSessions/108/committees/standards/WCMS_713974/lang--en/index.htm

Human Rights Defenders

29. With regard to recommendations 133.74, 133.158, 133.172, 133.174, 133.176-178 and 133.180, cases of killings, unlawful detention, disappearances, and threats against HRDs were documented. There were attempts to delegitimize legitimate and peaceful activities promoting human rights, including by accusing HRDs of being linked to armed groups, so-called “red-tagging”. A number of HRDs remained in detention. Some were detained based on questionable warrants and charges were later dismissed by courts, but only after long pretrial detention periods. On 7 March 2021, nine HRDs were killed in joint police and military operations to execute search warrants. Initial steps to bring the perpetrators to justice were underway in some of these cases, but further efforts to end targeting of HRDs and hold perpetrators accountable were needed.

Recommendation

- A. Adopt legislation on the protection of human rights defenders.
- B. Engage in a comprehensive, open and safe national dialogue with human rights defenders at risk, with a view to increasing protection and promotion of their legitimate and peaceful work.
- C. Strengthening mechanisms to investigate violations and abuses against human rights defenders.
- D. End the practice of “red-tagging”, which puts individuals at increased risk.

Security Forces and the use of force

30. Between 1 July 2016 and 31 January 2021, official figures stated that 6,229 persons were killed by police during anti-drug operations. A report by the High Commissioner for Human Rights estimated that at least 8,663 persons were killed in anti-drug operations between June 2016 and February 2020. Other sources estimated that the number was much higher, including vigilante killings. On 15 September 2021, the International Criminal Court announced that it had opened an investigation into killings in the “war on drugs” during the period prior to the Philippines withdrawal from the Rome Statute.

31. Unlawful killings and excessive use of force by members of the military and police were also reported in the context of operations to implement search and arrest warrants, including in cases involving human rights defenders. In most cases, the perpetrators of these killings were not held accountable.

Recommendations:

- A. Stop extrajudicial killings, and ensure that perpetrators of violence and human rights violations are brought to justice in trials that meet international standards for fair trial.
- B. Strictly enforce operational protocols on minimum use of force, in compliance with international obligations and standards.
- C. Strengthen training for members of law enforcement on international human rights obligations and standards pertaining to the use of force.

Administration of justice and the rule of law

32. In July 2020, the Secretary of Justice announced an Interagency Review Panel to review irregularities in all cases of police killings during of anti-drug operations. As of February 2022, 52 cases were forwarded for criminal investigation with 250 ready to be forwarded to the NBI. Four cases had reached trial stage. These initiatives required further strengthening. In addition, the AO35 mechanisms also investigated cases of killings considered to be of a political nature. There was a need to intensify such efforts to ensure accountability in all

cases.

33. In BARMM, the recommendations in the 2016 report of the Transitional Justice and Reconciliation Commission (TJRC) had not been implemented, in particular the creation of a National Transitional Justice and Reconciliation and Commission for the Bangsamoro. At the national level, the bills filed in congress had not yet been adopted, while at the regional level a resolution was filed in the BTA in relation to the creation of both national and regional TJR mechanisms aiming to address key issues, namely historical injustices, legitimate grievances, human rights violations and marginalization through land dispossession.

Recommendations

- A. Strengthen domestic accountability measures, including the Interagency Review Panel and the AO35 Mechanism, with a view to holding all those responsible for human rights violations and abuses accountable.
- B. Continue to engage with development partners, including the UN, to address challenges in the justice system.
- C. Expedite the initiation of a victim-centered and human rights-based TJR process for the Bangsamoro.

Conditions in detention facilities and prisons

34. Extreme and protracted overcrowding in detention facilities worsened. In May 2021, the average congestion rate in jails was 392%, with the maximum rate of congestion in a facility reaching 2,699%, the equivalent of 28 persons occupying a 4.7 square meter cell area.²¹ In prisons, the average congestion rate stood at 304% as of January 2022.²² Women detainees faced additional challenges. Of particular concern was the lack of adequate pre- and postnatal care and facilities for pregnant and breastfeeding detainees, and the practice of separating infants from mothers shortly after birth. Pre-trial detention remained the norm, as non-cash bail alternatives were limited and arraignments often took several weeks, despite a 10-day limit set in law. Non-sentenced detainees corresponded to 70% of the incarcerated, and most were accused of non-violent drug-related offenses. Release depended on clearance from multiple bodies which could take months.

Recommendations

- A. Design a comprehensive plan for reduction of overcrowding in jails and prisons, considering the expansion of non-custodial measures and in compliance with the Tokyo Rules.²³
- B. Review laws and regulations on judicial arraignments to present detainees promptly upon arrest, on criminal clearances to be electronic and speedy, and on non-custodial measures to make them more accessible, in relevant cases, as alternative to incarceration.
- C. Adopt legislation and policies for the protection of women detainees, that are compliant with the Bangkok Rules.²⁴ Take immediate measures to address the situation for pregnant inmates and new and breastfeeding mothers.

Social security, an adequate standard of living and combating poverty

35. With regard to recommendations 133.204-209, 133.211 and 133.212, the Government implemented some programmes targeting the most vulnerable populations. The Social Security Act (RA 11199, 2018) facilitated nationwide access, with the number of self-employed and voluntary members enrolled in social security increased by 20.2% to 8.43 million as of May 2021. The *Pantawid Pamilyang Pilipino Program* to improve health, education and nutrition of the poorest children was expanded. The 105-Day Expanded Maternity Leave Act

²¹ https://www.bjmp.gov.ph/images/data_and_stats/BJMP_Jail_Facility_Congestion_Rate.jpg

²² <https://bucor.gov.ph/data-and-statistics/>

²³ <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-standard-minimum-rules-non-custodial-measures>

²⁴ <https://digitallibrary.un.org/record/%20691193>

(RA 11210, 2019) extended paid maternity leave from 60 days to 105 days, with a provision of 15 additional days for single mothers.²⁵ Further measures were needed to address structural challenges related to income inequality and poverty.

36. COVID-19 increased poverty and inequalities. Poverty levels rose to 23.7% in the first half of 2021, an increase from 21.1% in 2018.²⁶ Lockdowns resulted in loss of income, which disproportionately affected the poorest populations. The Government adopted the *Bayaniban* to Heal as One Act (Republic Act 11469, 2020) which provided for emergency support to around 18 million low income households, while the Social Amelioration Programme provided cash transfers to help families meet basic needs during lockdowns.

37. In BARMM, the poorest region, poverty incidence rates fell from 55.9% in 2018 to 39.4% in 2021. This was in large part due to implementation of the peace agreement, increased investments in the region, more infrastructure support, and increased social services for the most vulnerable populations. However, inequality and limited access to social services impacted on fulfilment of basic social and economic rights to the poorest populations.

Recommendations:

A. Ensure that COVID-19 recovery efforts integrate human rights principles, are developed in consultation with a wide range of stakeholders, and that they target the most vulnerable groups.

B. Continue to expand the provision of social assistance and safety nets, with a focus on the most vulnerable groups.

Right to food and adequate nutrition

38. With regard to recommendation 133.210, the Government took steps to implement the Philippine Plan of Action for Nutrition (2017-2022); launched the National Food Policy (2020) aimed at zero hunger; and established the Inter-Agency Task Force on Zero Hunger. In 2018, the Government adopted legislation and implemented a National Feeding Programme in daycare facilities and schools, and to strengthen maternal and child nutrition in the first 1,000 days.²⁷ The Bangsamoro Transitional Authority launched the BARMM Food Security and Nutrition Roadmap and established a Food Security Task force in order to increase self-reliance and resilience.

39. The Philippines continued to experience undernutrition and micronutrient deficiencies, while overweight was increasing. COVID-19 measures impacted negatively on food security. According to a Rapid Nutrition Assessment Survey, 62.1% of Filipino households experienced moderate to severe food insecurity in 2020. 53.6% of households reported problems in accessing food during lockdowns, as a result of lack of money, limited public transportation, loss of livelihood, lack of access to adequate food, and the elderly who had no one to buy food for them. School feeding programmes were impacted by school closures.

Recommendations

A. Continue to combat malnutrition, including through allocating adequate budget and gathering disaggregated data to inform policy and planning.

B. Revisit policies for tenurial rights where communities should have access to land for growing food and ensures non-degradation of the environment.

C. Strengthen local food production by enhancing farmers' access to agricultural inputs and related technologies for better productivity, food systems resilience and prioritize marketing of food produce by local farmers.

²⁵ <https://www.officialgazette.gov.ph/downloads/2019/02feb/20190220-RA-11210-RRD.pdf>

²⁶ <https://psa.gov.ph/content/proportion-poor-filipinos-registered-237-percent-first-semester-2021>

²⁷ Republic Act 11037 (2018) and Republic Act 11148 (2018).

- D. Increase access to nutritious foods in disadvantaged communities and require main settings to create healthy food environments, and adopt consumer-friendly labels to identify unhealthy foods and beverages.
- E. Implement the WHO recommendations on the marketing of foods and non-alcoholic beverages to children.

Right to health

40. The Universal Health Care Act (RA 11223, 2019) recognized access to high-quality health services as a human right, and led to increased enrolment by people living in poverty. Under the health care scheme, packages were implemented to promote health equity.

41. The Government took steps towards universal access to COVID-19 vaccinations, including efforts to reach some vulnerable groups, including GBV survivors and homeless persons. While national communications messages advocated for COVID-19 vaccinations, local advocacy was inconsistent, contributing to low vaccination rates in some regions. In October 2021, a Senate inquiry revealed cases of gross overpricing of COVID-19 emergency procurement.²⁸ Accountability measures were not able to prevent implementation of this procurement.

42. With regard to recommendations 133.213-133.216, implementation of the Reproductive Health Act (2012) resulted in improvements in antenatal and postpartum care, and facility-based deliveries. The maternal mortality rate was 121 per 100,000 live births.²⁹ The Government adopted Executive Order 141 (2021) outlining measures for prevention of teenage pregnancies, including sex education, education and employment opportunities, and information campaigns.

43. With regard to recommendations 133.217, 133.218, 133.50 and 133.52, the Department of Health and the Dangerous Drugs Board developed a voluntary care model for persons who use drugs. Six pilot Recovery Clinics, provided a complementary pathway for rights-based and evidenced-informed substance use disorder treatment. The DDB also updated policies and procedures in handling persons who use drugs.³⁰ However, challenges remained in applying a human rights-based approach to drugs, centered around harm reduction strategies and ensuring access to evidence-based treatment, care and support services without needing to enter the criminal justice system.

44. The Government adopted the Philippine HIV and AIDS Policy Act (RA 11166, 2018), facilitating easier access to HIV services, in particular through provisions for people aged 15 to 18 to undergo HIV testing without parental consent. The Human Rights Roadmap to address barriers to access HIV services was approved by the Philippine National AIDS Council.

Recommendations

- A. Strengthen efforts towards universal health care, targeting the most vulnerable groups.
- B. Strengthen human rights based and harm reduction strategies in addressing drugs.
- C. Implement stronger accountability measures in the health sector to ensure that corruption does not negatively impact on the right to health.

²⁸ https://legacy.senate.gov.ph/press_release/2021/1022_pangilinan1.asp

²⁹ <https://data.unicef.org/country/ph/>

³⁰ [BOARD REG NO. 7 S. 2019.pdf \(ddb.gov.ph\)](https://www.ddb.gov.ph/BOARD_REG_NO._7_S._2019.pdf)

Internally Displaced Persons

45. Internal displacement in the Philippines continues to occur due to cycles of armed conflict, generalized crime and violence, and natural disasters. As of February 2022, 200,000 persons remained displaced. This included the population affected by Typhoon Rai in December 2021.³¹

46. Protracted displacement remained a challenge. In December 2021, UNHCR reported that approximately 108,000 persons had been protractedly displaced since 2013, including around 85,300 persons displaced by the conflict in Marawi in 2017. In the absence of rights-based national legislation addressing internal displacement, there was a need for administrative and executive policies to ensure protection of IDP rights, including their right to participation. The lack of consultations led to the provision of assistance which did not fully match their needs. Administrative requirements also hampered the return of IDPs. The report of the BARMM Special Committee on Marawi highlighted housing, land and property as crucial to solutions.³²

47. Following Typhoon Rai, the implementation of No-Build Zones prevented residents from rebuilding housing structures in areas considered to be at high risk of natural disaster. There was concern that in some cases, the implementation of such provisions could amount to forced eviction, and the UN called for a rights-based approach to achieve durable solutions.

Recommendations

A. Adopt a rights-based legislative and policy framework protecting IDPs to complement existing laws on disaster response, while addressing issues such as protection and durable solutions.

B. Enhance adaptability of social protection systems to allow flexibility, scalability and rapid support to IDPs affected by natural and human-induced disasters.

C. Address housing, land and property issues in Marawi, Maguindanao and in areas heavily impacted by Typhoon Rai and expedite rehabilitation and restoration of security to encourage voluntary return and durable solutions, ensuring full participation of IDPs in decision-making.

D. Ensure that victims of forced eviction and relocation are provided with effective remedies, including timely compensation.

E. Adopt a common Early Warning and Early Response (EWER) system in BARMM, engaging the government, communities and civil society to strengthen prevention and resilience.

Migrant workers

48. The Government made progress in implementing recommendations 133.251-133.254 on enhanced protections of the rights and welfare of migrant workers. On 30 December 2021, the Government adopted the Migrant Workers Act (RA 11641, 2021), creating a Department of Migrant Workers to increase the protection of Overseas Filipino Workers. Outcomes of consultations with stakeholders were reflected in the law, which includes specific provisions for protection against violence against women and other gender-based violations.

49. In November 2021, the NAP on fair and ethical recruitment was adopted and in December, the NAP on Sustainable and Gender-Responsive Return and Reintegration was launched to strengthen implementation of the Global Compact for Safe, Orderly, and Regular Migration (GCM). The plan included provisions fostering reintegration pathways that address the climate crisis and other environmental challenges, and ensuring that employment, education and training, and entrepreneurial programs for migrants and their families do not reinforce labour segmentation by gender.

³¹ <https://reliefweb.int/report/philippines/philippines-super-typhoon-rai-odette-humanitarian-snapshot-11-february-2022>

³² <https://www.mindanews.com/documents/2020/08/report-of-the-bangsamoros-special-committee-on-marawi/>

Recommendations

A. Ensure that the Philippines' GCM commitments are fully reflected in the Implementing Rules and Regulations of the Department of Migrant Workers Act, and in future policies on labor migration

Refugees, asylum seekers, stateless applicants, stateless persons and populations at risk of statelessness

50. With regard to recommendations 133.256 and 133.257, the Philippines acceded to the 1961 Statelessness Convention in February 2022. In 2017, the Government formally launched the NAP to End Statelessness aiming to address statelessness, strengthen birth registration, improve qualitative and quantitative data, and facilitate the naturalization procedure for refugees and stateless persons, in line with the 1951 Refugee and 1954 Statelessness Conventions. It also issued Executive Order No. 163 series of 2022³³ institutionalizing access to protection services for refugees, stateless persons, further strengthening the protection environment for persons of concern.

Recommendations

A. Operationalize the 1961 Statelessness Convention by ensuring safeguards to address gaps in the citizenship framework.

Trafficking in persons

51. With regard to recommendations 133.184-133.186, 133.188, 133.189, 133.190-133.193, 133.195-133.197 and 133.200, the Inter-Agency Council Against Trafficking conducted research, capacity-building, protection and legal action, in line with its Strategic Plan (2017-2022). Between 2017 and 2020, 345 persons were convicted of trafficking in persons.³⁴ During the COVID-19 pandemic, there were concerns that vulnerability to trafficking increased. Online sexual abuse and exploitation of children was of rising concern. Losses of livelihoods and isolation of children during prolonged lockdowns put children at increased risk.

Recommendations

A. Strengthen efforts to combat all forms of trafficking, with the support of relevant stakeholders.

B. Continue to apply a victim-centered trauma-informed approach, which focuses on the rehabilitation and reintegration of victims of trafficking in the community.

C. Clarify guidelines for addressing cases of trafficking in persons who are also asylum seekers, stateless persons, or stateless applicants, and ensure their consistent application.

³³ <https://www.officialgazette.gov.ph/downloads/2022/02feb/20220228-EO-163-RRD.pdf>

³⁴ <https://iacat.gov.ph/?p=6008>