

UN Report to the 2017 UPR of the Philippines

Acceptance of international norms

- In line with recommendation 131.7, the Philippines has not signed or ratified the third OP to CRC on a communication procedure. To date, there are no steps taken to start the ratification process.
- The Philippines has ratified 37 ILO Conventions, of which 30 are in force. This includes all eight Conventions covering the fundamental rights at work¹. The Philippines has been sending regular reports to the Committee of Experts on Application of Conventions and Recommendations (CEACR) on ratified Conventions. Under this system, both employers and workers' organizations can send observations and the CEACR publishes its comments on key issues covered by the UPR.

Constitutional and legislative framework

- In line with recommendation 129.10, the adoption of laws like the Magna Carta of Women² and the Responsible Parenthood and Reproductive Health Act³ (RPRH) strengthened the legal framework on women's human rights. However, there is limited progress in ensuring that all legislation conforms with CEDAW and other human rights treaties, in advancing critical legal reforms such as revising the Family Code, the Penal Code, the Anti-Rape Law, and the Code of Muslim Personal Laws, and also in adopting a number of bills necessary for CEDAW implementation such as a bill on divorce and on recognizing repeated abuse as grounds for legal separation.
- In line with recommendation 129.10, the Philippines continues to exert efforts to improve legislation for the protection of women and children. However, the UN is concerned that the age of sexual consent remains low, at 12 years old, despite Senate Bills in 2013⁴ that unsuccessfully sought to increase the age of statutory rape to 16 years. Gender-based discrimination exists against men and boy victims of rape as lower penalties are imposed as compared to the rape of women and girls. The Philippine has not acted on the recommendation to amend Republic Act (RA) No. 7610⁵ to ensure that children associated with armed groups and forces are not prosecuted and are treated in accordance with the memorandum of agreement on the treatment and handling of children involved in armed conflict.⁶ On the prevention of corporal punishment and promotion of positive discipline, several bills were filed in the former 16th Congress, yet none were passed into law.

Institutional and human rights infrastructure and policy measures

- In line with recommendation 129.1, additional efforts are needed to build political will for government institutions to act on findings and recommendations of the Commission on Human Rights (CHR) including on violations of the MCW.

Equality and non-discrimination

- In line with recommendation 129.11, a comprehensive anti-discrimination act as well as an LGBTI-specific anti-discrimination act have been re-filed in Congress aimed at ending discrimination. Their adoption is recommended. An Anti-Age Discrimination in Employment Act⁷ was passed in June 2016.

- Women who are Muslim, indigenous, living with disabilities, migrant workers, internally displaced and LGBTI face a heightened risk of violence, exploitation and abuse as well as discrimination in political and public life, marriage and family relations, employment, education, access to justice and health care. Many of them are subjected to forced evictions and relocations as a result of large development projects and extractive industries.
- In the Contract of Service under the Department of Health's (DOH) Nurse Deployment Project, there is a provision that once a female nurse gets pregnant, the employment contract is terminated. This contradicts the Labor Code of the Philippines⁸ which stipulates that it is unlawful for any employer to discharge any woman on account of her pregnancy or while on leave or in confinement due to her pregnancy.

Right to life, liberty and security of the person

Extrajudicial Killings (EJKs)

- With regard to recommendation 129.13, the new administration's anti-illegal drug campaign has resulted in over 3,200 EJKs between July to mid-September 2016.⁹ The Philippine National Police (PNP) reported that two-thirds of those killed have been by vigilantes.¹⁰ Many of the victims were reportedly unarmed, others had no known connection to drugs and some were children. As part of its campaign plan¹¹, the government has called all drug users and pushers to come forward of which over 700,000 have reportedly done so. Of these, some have subsequently been killed, others have been arrested, a limited number have been sent to the few existing rehabilitation facilities and the majority have been registered and are checked on periodically. There is an urgent need to: stop the extra judicial killings and independently investigate and prosecute perpetrators of violence and human rights violations; bring the government's methods of fighting drugs in line with international standards from law enforcement operations to drug prevention, treatment and rehabilitation; and put an immediate end to public discourse that encourages or incites violence and killings. It is recommended that the government officially extend an invitation for a country visit to the Special Rapporteurs on Health and Summary Executions.
- In line with recommendation 129.13, there is a need to revoke Executive Order 546 signed in 2006 that allows local politicians to form their own militias or private armies, such as those implicated in the 2009 Maguindanao Massacre.
- In recommendation 131.34, the government committed to strengthening the CHR; however, to date, the CHR Charter Bill¹², that includes elements of the Paris Principles, has not been adopted. Top government officials have strongly criticized the CHR for speaking out against the human rights violations taking place as part of the anti-illegal drug campaign. It is recommended that the Charter be adopted and the CHR's budget increased.
- Progress has been noted on the adoption of national reform measures; however, continuing challenges remain for implementation at the local level. While recognizing these measures, workers submitted observations on continuing cases of violations of workers' rights including concerns in 2016 on the killings of union leaders. In 2016, the government accepted a Direct Contact ILO mission to review, with government, workers and employers, steps taken so as to improve future strategies.

- Under ILO Convention No. 87¹³, CEACR noted observations, including cases filed at the Committee on Freedom of Association, by national workers' organizations and International Trade Union Confederation (ITUC), citing incidents of continuing violation of trade union rights, including allegations of violence, intimidation, threat and harassment and filing of false criminal charges. The government established monitoring mechanisms, including the National Monitoring Mechanism, tripartite regional monitoring boards¹⁴, the Department of Justice Special Task Force and the Inter-Agency Coordinating Committee under Administrative Order (AO) 35¹⁵. While noting Government progress and responses, the Committee raised serious concerns on unresolved cases and recalled the importance of ending impunity. The UN is also concerned with the lack of progress and publicly available information on cases under AO35.

Violence against women, children and sexual and gender based violence

- In response to violence against women and children, in the health sector there is: a lack of dedicated doctors and social workers to attend to survivors in Women and Children Protection Units (WCPUs) in hospitals; an absence of permanently dedicated space in hospitals for the WCPU to ensure the survivors' safety and privacy; and a lack of temporary shelters for survivors.¹⁶
- The Philippine Health Insurance Corporation (PhilHealth) has yet to develop the benefit package for inpatient and outpatient services for survivors of violence against women and children. PhilHealth has been mandated to develop this package in accordance with the 2013 DOH AO regarding the establishment of WCPUs in hospitals.

Prison Conditions

- With regard to recommendation 129.34 on prison reform, inmate population growth has been unmatched by the construction of new prisons;¹⁷ extreme overcrowding has worsened exponentially¹⁸; training of prison guards is substandard; and the provision of food, water, treatment for health conditions including communicable diseases such as HIV and TB and sanitation are grossly inadequate.¹⁹
- During their 2015 country visit, the SPT urged the government to resolve chronic overcrowding as a priority and improve the conditions of people deprived of their liberty. The government is urged to make the SPT report public and implement the Committee's recommendations. It is further recommended that a draft memorandum is signed between Bureau of Jail Management and Penology and the CHR.

Prohibition of torture and cruel, inhuman or degrading treatment

- In line with recommendation 130.1 the Philippines acceded to the OPCAT in 2012, however to date no National Prevention Mechanism has been established. Considerable efforts are needed by the government for the full implementation of the 1992 Act safeguarding people deprived of their liberty²⁰ and the 2009 Anti-Torture Act²¹. Implement of the 2016 concluding observations by the CAT Committee is recommended.

Trafficking

- The Anti-Trafficking in Persons Act²² was amended and expanded in 2012²³ to strengthen protection services; however, its implementing rules and regulations remain pending. The CEDAW

Committee praised the law's adoption and government efforts to prevent and combat trafficking in persons, in particular women and girls. In areas where armed conflict has resulted in migration and trafficking of women and children, relevant programs and services were established, including women and peace centers, to respond to trafficking survivors. Efforts can be improved to enhance prevention; shelter, rehabilitation and reintegration support; and address root causes of women's vulnerability to trafficking.

- In line with recommendation 130.4, the Philippines recognized the growing threat and links to trafficking of child on-line exploitation and abuse and is drafting the Strategic National Response Plan to Prevent Online Child Sexual Exploitation 2016-2020.
- Under ILO Convention No. 29²⁴, the Government is requested to strengthen efforts to combat trafficking in persons. CEACR raised concerns on allegations of complicity of government officials with human traffickers.
- The Department of Social Welfare and Development (DSWD) recently trained all its regional focal points for recovery and reintegration programs for trafficked persons on strengthening victim identification and referral pathways in times of natural disasters and armed conflicts. The mandatory two-week course for police assigned to the PNP's Women and Children's Protection Desk now includes topics on gender-based violence and trafficking in persons.
- The Autonomous Region in Muslim Mindanao (ARMM) created its parallel Council Against Trafficking (ACAT) and action plan in 2013.

Children and Armed Conflict

- In line with recommendation 129.25, in 2012 the UN and the Armed Forces of the Philippines (AFP) developed a Strategic Plan in 2012 to protect children affected by armed conflict in the course of its military operations, however the document was never signed. In February 2016, the Department of National Defense issued Circular Number 1 on "Child Protection during Armed Conflict Situations" that amends the 2013 AFP Letter Directive 25²⁵ by increasing the minimum safe distance between schools/hospitals and military patrols and detachments from 50 meters to 460 meters. Good progress has been made by the Moro Islamic Liberation Front on the identification of children that remain associated with its forces.

Administration of Justice, including impunity and the rule of law

- Despite a strong national and international legal framework to protect human rights, credible implementation of these laws are lacking and impunity remains a serious concern in the Philippines. Only one conviction has been made under the Anti-Torture Act, none have been made under the 2012 Anti-Disappearances Act²⁶, and no convictions have been made in the case of the 2009 Maguindanao Massacre where 58 people were killed, including 32 journalists. The majority of the killings of human rights defenders (HRDs), journalists and environmental activist are never investigated and perpetrators, even when identified, are never arrested. Timely arrests, investigations and convictions must be undertaken by the government to end long-standing impunity.
- In line with recommendation 131.20, there are good efforts to increase gender sensitivity of courts; however, women, particularly with disabilities and from marginalized groups, experience

discrimination in formal and informal justice systems. There is also impunity for violations of women's rights, including for rape, sexual harassment and sexual violence in public spaces and for violence against women in general.

- In line with recommendation 129.33, 129.34 and 131.29 the Philippines strengthened the Juvenile Justice and Welfare Act of 2006 through the passage of RA 10630²⁷. While the minimum age of criminal responsibility remains at 15 years, there are efforts by the current 17th Congress to amend and lower it from 15 to 9 years. This is an alarming development, noting the parallel efforts to pass legislation to reinstate the death penalty despite being Party to the Second Optional Protocol of the ICCPR.
- The Transitional Justice and Reconciliation Commission (TJRC), created as part of the Normalization Annex of the Framework Agreement on the Bangsamoro to undertake a study and issue recommendations to promote healing and reconciliation, released its report in March 2016²⁸. It discusses historical injustices, legitimate grievances, human rights violations and marginalization through land dispossession and highlights the gender dimensions of the conflict. Cases are cited of extrajudicial killings and other violations of international human rights and humanitarian law that remain unaddressed. The TJRC report presents 91 recommendations, including on the creation of a National TJRC on Bangsamoro to address issues of land dispossession, impunity and the promotion of accountability and the rule of law.

Right to privacy, marriage and family life

- In line with recommendation 129.9, the Philippines issued Presidential Proclamation No. 1106 that declared the years 2015 to 2024 as Civil Registration and Vital Statistics Decade.

Freedom of Religion or belief, expression, association, and peaceful assembly and right to participate in public and political life

- In recommendation 129.35, the Philippines committed to protecting the rights of journalists and HRDs; however, the Philippines continues to be one of the deadliest countries in the world for both groups²⁹ with over 30 journalists killed during the 2010-2016 administration³⁰ and 31 HRDs killed in 2015. Following the May 2016 elections, harassment and attacks against media personnel and citizen commentators have spiked³¹ and a top official publicly stated that corrupt journalists would not be exempt from assassination³².

Freedom of Association and Collective Bargaining

- The Labor Code needs to align with the ILO Conventions' requirements on: equal right of aliens to organize, minimum membership requirement to form an independent union; limiting government intervention in compulsory arbitration to "essential services" based on ILO Convention No. 87; penal sanctions for participation in illegal strikes; government permission for foreign assistance to trade unions; and, membership requirements for the registration of federations or national unions.
- Under ILO Convention No. 98, while the Government addressed specific cases on anti-union discrimination and employers' interference, measures are required for the remaining cases, especially in EPZs³³.

Right to work and to just and favorable conditions of work

- Under ILO Convention No. 111³⁴, legal measures are required to protect women against discrimination in all aspects of employment, including hiring and security of employment. In light of the persistence of occupational gender segregation involving over-representation of women in low-skilled and low income jobs, government is encouraged to increase efforts to promote women's access to a wider range of and higher paid jobs.
- In relation to section 135(a) of the Labor Code, through the 1990 Rules implementing RA 6725³⁵, the CEACR urges the Government to amend the definition "work of equal value" with reference to equal remuneration for men and women³⁶.
- Policies for the protection and welfare of domestic workers in the country were instituted through the passage of RA 10361³⁷.
- Under ILO Convention No. 182³⁸, CEACR noted the ITUC's allegations that hundreds of thousands of children, mainly girls, worked as domestic workers and were subject to slave-like practices.
- Under ILO Convention No. 99³⁹, CEACR noted that the Barangay Micro Business Enterprise (BMBE)⁴⁰ workers are excluded from the minimum wage requirements. The government is requested to ensure that BMBE workers enjoy minimum wages.
- The Philippines' labor law compliance system requires that workers' and employers' representatives be part of the inspection to ensure application of national labor standards, which include contractual arrangements. The DOLE Department Order 131B-16⁴¹ further strengthens workers' engagement thereby increasing chances of identifying violations. Ratification of ILO Convention No. 129⁴² is recommended.

Right to social security and to an adequate standard of living

- The Philippines committed to UPR recommendation 129.3, yet the second national Philippine Human Rights Plan was never officially adopted.
- It is critical for the government to expand its housing program for the poor. The resettlement and housing of displaced families in Haiyan-affected areas remained as the lowest performing area, with only 9.42% completed by March 2016.
- The Regional Human Rights Commission in ARMM reported an increase of 414% assistance from 2013-2014 to human rights victims in the island provinces⁴³. It is recommended that government funding is sustained.

Right to Health

- In line with recommendation 129.41, the Philippines ranks amongst the top ten countries in the world that experience the highest levels of stunted children, including 4.2 million children under five years. A National Policy on the Management of Acute Malnutrition was endorsed and is scaling up severe acute malnutrition services. Bills to provide a comprehensive package of interventions for the

first 1,000 days of a child's life were filed during the 16th Congress yet did not pass and have been re-filed.

- In a positive development, the RPRH Act was passed in December 2012; however, maternal mortality and unmet needs for family planning remain high, particularly amongst the poorest. In 2014, the Supreme Court ruled the RPRH Act as constitutional, yet its ruling prohibits access to modern family planning methods for minors without parental consent.
- Teen pregnancy is increasing and is the highest in the ASEAN with 13% of 15-19 years old either pregnant or have at least one child. The 2013 National Demographic and Health Survey indicates that three in every ten pregnancies are unplanned or mistimed. The actual fertility rate is 27% higher than wanted fertility. The unmet need for family planning has stagnated and even increased marginally among currently married women from 17% in 2003 to 18% in 2013.⁴⁴ Among never-married women 15-24 years old, 20.1% reported having taken action to end the pregnancy early. Abortion remains illegal and are typically performed under clandestine and unsafe conditions putting women's lives at risk.⁴⁵
- In June 2015 the Supreme Court issued a temporary restraining order on the DOH for its progestin-only subdermal implants program. In September 2016, the Court denied the government's request to lift the restraining order on the procurement, selling, distributing, dispensing, administering and promoting contraceptive implants.
- Since the enactment of the RPRH Act, the Department of Education has not included any line item in its annual budget for the implementation of the Comprehensive Sexuality Education.
- The current administration has included full implementation of the RPRH Act as one of the points in its 0 plus 10-point socio-economic agenda and developed the 2017-2020 Family Planning Costed Implementation Plan.
- With regard to recommendation 129.38, the Philippines failed to meet its MDG 6 target on HIV, with the total number of new HIV cases increased by 159% between 2012 and 2015.⁴⁶ HIV prevalence among people who inject drugs (PWID) has remained at more than 45% to date.⁴⁷
- The Global Commission on HIV and the Law cited the Philippines amongst countries that "criminalize some aspects of proven harm reduction services for injecting drug users"⁴⁸. Republic Act 9165⁴⁹ penalizes mere possession of equipment or paraphernalia fit for administering any dangerous drug into the body. Health and outreach workers who possess such equipment as part of comprehensive harm reduction services may face penalties of imprisonment from six months to four years and fines of up to PHP⁵⁰ 50,000.
- The proportion of HIV positive cases in the 15-24-year age group increased from 25% in 2006-2010 to 28% in 2011-2016.⁵¹ However, RA 8504⁵² limits the access to HIV testing by young people below 18 years old because of the requirement for parental consent prior to testing. Current efforts to amend the Act include proposals from civil society to lower the age of consent⁵³. This has so far received resistance from government on grounds of the Supreme Court ruling on the RPRH Act upholding parental authority as an inherent right recognized under the Philippine Constitution.

- UNAIDS recommends: provision of rights-based and evidence-informed comprehensive package of services for people who use drugs (PWUD), including needle and syringe programs and replacing all forms of compulsory drug treatment with voluntary community-based schemes; amendment of RA 9165 to include provisions that support evidence-informed HIV prevention services for PWUD; and, amend RA 8504 to allow voluntary HIV services for young people between the ages of 15 to 18 years without the need to secure parental/guardian consent.
- In 2015, the government undertook a review of the Maternal, Newborn and Child Health policy, that has led to initial discussions on the needed revisions such as the addition of Prevention of Mother to Child Transmission (of HIV) in maternal care and making HIV testing mandatory during antenatal care. However, to date there has been no revision of the policy.

Right to education

- According to the 2013 Functional Literacy, Education and Mass Media Survey, one in every ten, or about four million Filipino children and youth, was out-of-school in 2013.
- In 2013, in line with recommendation 129.42, RA 10533⁵⁴ was adopted mandating kindergarten and an additional two years in senior high school to raise the quality of basic education graduates and makes their qualifications on par with international standards. The new Administration is expanding access to education to the most disadvantaged learners in the Philippines by enhancing the Alternative Learning System program.

Persons with living with disabilities

- In line with recommendation 130.6, PhilHealth will launch a new benefit package for Children with Disabilities which includes comprehensive coverage for health and rehabilitation services including the provision of a wide range of assistive devices. The DOH is working on a Service Delivery Network model for Children with Disabilities.
- A range of factors undermine the provision of high quality sexual and reproductive health (SRH) services to women living with disabilities such as service providers' limited awareness of their SRH needs, inadequate understanding of their rights and a lack of access to resources that would enable them to provide a disability-inclusive service.⁵⁵

Right to Food, safe drinking water and adequate sanitation

- The Philippines met its goal under MDG 7, target 7.C with a 92% total improvement in use of drinking water. Yet, disparities exist between urban and rural access to improved water systems; gender concerns have not yet fully been incorporated in the water supply systems; inequities remain for Indigenous Peoples (IPs) and lower-income communities for improved access to quality water systems.⁵⁶
- According to the report of the UN Special Rapporteur on the Right to Food following her February 2015 country visit, efforts are needed to strengthen and improve the food and nutrition security status of the country. Some of the key recommendations required include the formulation and adoption of a national strategy on the Right to Food; issuance of pending related legislations

including the Right to Food Act; establishment of a program to mitigate hunger and increase incomes; and the prioritization of vulnerability assessments to ensure food security.

- With regard to the formulation of a national strategy, the previous administration was able to develop the Food Staples Self-Sufficiency Plan. This plan, however, focused on food availability, and was lacking in the nutrition aspect of food security. The current administration has expressed its intention to include food and nutrition security as one of its priority agenda items, but this is yet to be developed. It is therefore recommended that the administration include the development of a food security plan as one of its priorities which not only should ensure having enough food for the people, but also safe and nutritious food. The strategy should also be able to address institutional challenges that separate food production and nutrition dimensions. This is important as under the current structure, food production is being handled by the Department of Agriculture (DA), while the nutrition aspect is with the National Nutrition Council (NNC) under the DOH. The government needs to develop a holistic strategy to address this issue.
- In terms of the recommendation to establish a program to mitigate hunger and increase incomes, under the previous administration, the National Anti-Poverty Commission was able to develop the Integrated Community Food Production program which also recognized the importance of increasing household income. It is recommended that the government expand this program to include more areas and ensure the active involvement of other concerned agencies such as the DA, NNC and DSWD, among others. Relatedly, the current Vice President has initiated consultations and is seeking to provide an overarching framework for the government's initiatives on food security and rural development. In this regard, it would be important to adopt a coordinated approach amongst all concerned agencies and ensure complementarity of their respective initiatives. This will help maximize resources and provide more responsive interventions to all in terms of realizing their Right to Food.

Minorities and Indigenous People

- Indigenous Peoples face human rights violations in three different contexts in the Philippines: overall socio-economic and cultural marginalization and discrimination; exploitation of ancestral land and resources; and, as a result of the long-standing internal armed conflict between the Government and the New People's Army (NPA). In 2015 there was a notable deterioration of the situation for IPs, particularly in the context of armed conflict, as IPs were regularly subjected to human rights violations by the AFP, the NPA and IP paramilitary groups that operate with complete impunity in areas where military are also present. These human rights violations included threats, harassment, and killings; the occupation of land and schools; the destruction of property, forced recruitment into paramilitary groups, and being labeled and subsequently targeted as NPA supporters or fighters. In 2015 there was a significant increase in the number of IPs displaced by armed conflict, with approximately 17,035 individuals as compared to an estimate of 2,000 in 2014 and 2013, respectively.⁵⁷ The IPs faced significant loss of livelihoods due to repeated and protracted displacement as well as food insecurity due to an inability to farm as a result of threats and armed activities, largely by IP paramilitary groups. Of the grave child rights violations verified in 2015⁵⁸, a significant number involved IP children, teachers or schools⁵⁹. The government is urged to disband

and disarm all armed paramilitary groups, arrest and prosecute perpetrators of violence and criminal acts, and ensure that individuals are not persecuted due to their political beliefs.

- With regard to recommendation 129.12, cases of extrajudicial killings of and gender-based violence against women human rights defenders from indigenous communities have been reported⁶⁰. It is recommended to investigate these cases, prosecute perpetrators and ensure adequate remedies for victims and their families.
- The Philippines was ranked as the second deadliest country in the world in 2015 for environmental activists with 33 reported killings, 22 of which were IPs⁶¹. Commercially valuable natural resources are concentrated in areas of IP ancestral domain, leaving them continuously vulnerable to development aggression from both private and public actors. This has ultimately resulted in multiple forms of human rights violations, including threats, harassment, killings, displacement, loss of land and livelihood leading to further impoverishment and marginalization. Many of the IPs that were killed in 2015 and in early 2016 had been actively opposed mining and logging projects on their land and were also reportedly ‘tagged’ by the government as NPA supporters. It is critical that the government significantly strengthen the quantity and quality of essential social services to IP communities and address the important challenges that impede the full implementation and proper functioning of the Indigenous People’s Rights Act⁶².
- The government has institutionalized a global health standard of facility-based delivery. However, not all women, notably from rural and minority communities, have the means, access to transportation or cultural affinity to avail of those services. Some local government units have implemented punitive policies such as imposing monetary fines to traditional birth attendants and pregnant women and prohibiting the processing of birth certificates for children born outside of those facilities.
- In line with recommendation 129.11, the CEDAW Committee is concerned that women who are Muslim, IPs, living with disabilities, migrant workers, IDPs and LBTs, face a heightened risk of violence, exploitation and abuse as well as discrimination in political and public life, marriage and family relations, employment, education, access to justice and health care. Muslim, indigenous and other women in rural areas are subjected to forced evictions and relocations as a result of large development projects and extractive industries. The government should ensure: equal rights, opportunities and protection for women facing multiple and intersecting forms of discrimination; that the policies, projects and practices relating to development and land governance are in line with relevant international standards; and that victims of forced eviction and relocation are provided with effective remedies, including compensations, in a timely manner.

Migrants

- In line with recommendation 130.7, the government’s issuance of a Joint Manual of Operations in Providing Assistance to Migrant Workers and Other Filipinos Overseas was noteworthy. The CEDAW Committee welcomed the adoption of the amended Migrant Workers and Overseas Filipinos Act of 2010⁶³, but expressed concern with widespread exploitation and abuse of Filipino women migrant workers, especially domestic workers, and insufficient reintegration support to returnees. The government should strengthen efforts to protect women migrant workers’ rights

through: bilateral agreements and memorandums of understanding; continuing awareness raising among women migrant workers on their rights; prosecuting perpetrators of exploitation and abuse; and providing gender-responsive reintegration to returning women migrant workers.

Refugees, and asylum seekers

- While there is a favorable protection environment afforded to asylum-seekers, refugees and stateless persons in the Philippines, there is an existing gap for them to practice a liberal profession. Refugees and stateless persons who complete their education in the Philippines are not allowed to take licensure examinations under the current legal framework which impedes their ability to practice their profession of choice. It is recommended that the national law relating to practice of profession be amended and alternative methods of assessing qualifications of refugees and stateless persons be introduced in lieu of the licensure examination.

Persons of Concern under the Stateless Mandate

- The Philippines has yet to accede to the 1961 Convention despite its commitment to do so in December 2011⁶⁴. The act of accession will ensure that gaps in the citizenship framework, both in principle and in practice, are addressed and will allow for creation of laws to ensure that everyone has a citizenship. It will also address the lack of clear citizenship for foundlings and incorporate safeguards against statelessness. Currently there is no express legislation on the citizenship of foundlings in the Philippines.
- It is recommended that the Philippines: Accede to the 1961 Convention⁶⁵; fully adopt and implement the 2015 National Action Plan to End Statelessness; undertake a review of the existing nationality-related legal and administrative framework with a view to ensuring the right of everyone to nationality without discrimination and protecting groups at risk of statelessness, including foundlings; adopt legislative improvements towards facilitated naturalization for refugees and stateless persons in compliance with the provisions of the 1951 and 1954 Convention.

Internally displaced persons (IDPs)

- Forced displacement is a recurring phenomenon in the Philippines, owing primarily to natural disasters, armed conflict, and clan feuds. Particularly in Mindanao, communities face repeated conflict- and clan feud-related displacements. Some displacements become protracted, with considerable impacts on livelihood, resilience, and access to services, including for persons with specific needs. As of July 2016, 159,541 IDPs remain in need of durable solutions throughout Mindanao. While the Government demonstrates its commitment to address this issue, mainstreaming a consistent and sustainable approach to protection concerns remains a key challenge.
- Displaced populations are particularly vulnerable to inadequate living conditions, including poor shelter; limited access to basic services such as water and sanitation facilities; insufficient food assistance; and lack of access to sustainable livelihoods. Civilian properties are frequently destroyed as a result of conflict. There are currently very limited mechanisms providing government support for reconstruction or reparations.
- Legal, regulatory, and institutional frameworks are in place to address some of these issues. Particularly with regard to implementing recommendation 129.9 from the UPR 2nd Cycle, local authorities have been cooperative in extending support for the birth registration of internally

displaced children who lost documentation during displacement. In 2012 Act No 293⁶⁶ was adopted by ARMM's Regional Legislative Assembly which provides, among others, funding to ensure late registration, free of charge. Its implementation at the municipal level would ensure effective reduction of unregistered children, especially in conflict-affected areas.

- Gaps still exist in the national legal framework and implementation mechanisms for IDPs. A draft IDP Bill has yet to be adopted. A first draft passed by Congress was vetoed by the President in 2013, and a new bill was refiled in 2014. Its adoption is recommended as it could contribute significantly to government's efforts to address forced displacement.
- Particularly in ARMM, durable solutions are required to address the ongoing needs of IDPs, both in evacuation sites, those staying with host families and returnees. In addition, as return or relocation does not serve as a durable solution in cases of repeated displacement, IDPs' humanitarian needs could only be effectively addressed by focusing on the root factors contributing to displacement. Protracted displacements from armed conflict (Western and Central Mindanao areas) and natural disasters (Bopha/2012, Bohol Earthquake/Oct 2013 and Haiyan/Nov 2013, among others) still require support for the progressive realization of durable solutions.
- The government's 2015 updated national disaster response plan⁶⁷ included an IDP Protection Protocol section which outlined inclusion of the Local Council Against Trafficking-Violence Against Women and Children in the humanitarian cluster coordination and response.

Right to Development and Environmental Issues

- Steps have been taken to amend the corporation code in accordance with the UN Guiding Principles on Business and Human Rights; however, it remains pending in Congress and passage and implementation is recommended.
- On climate change, the Philippines has signed but not yet ratified the Paris Agreement⁶⁸. Progress has been made on the government's 2011-2028 National Climate Change Action Plan, however there are challenges to its implementation. The Supreme Court adopted the internal Rules of Procedure for Environmental Cases aimed at strengthening claimants' access to justice; however, these procedures would need to be actively implemented for this initiative to be meaningful. Government efforts must also be strengthened to ensure private-sector accountability relative to international standards on business and human rights.

Human rights and counter-terrorism

- Workers raised concerns on possible negative implications of the Human Security Act, such as misuse and suppression of legitimate trade union activities. The Government adopted the AFP Guidelines from 2012, which require clearance from DOLE and limit the role of police and military to situations when a criminal act has been, is or is about to be committed, or in cases of actual violence during a labor dispute.

¹ Philippine ratification record: http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0:NO:11200:P11200_COUNTRY_ID:102970

² Republic Act No. 9710, "The Magna Carta of Women", <http://www.gov.ph/2009/08/14/republic-act-no-9710/>

³ Republic Act No. 10354, "An Act Providing for a National Policy on Responsible Parenthood and Reproductive Health", <http://www.gov.ph/2012/12/21/republic-act-no-10354/>

- 4 1879 and House Bills Nos. 2042 and 3638
- 5 Republic Act No. 7610, “Special Protection of Children Against Abuse, Exploitation and Discrimination Act”, <http://hrlibrary.umn.edu/research/Philippines/RA%207610%20-%20Child%20Abuse%20Law.pdf>
- 6 This recommendation was reiterated by the 1st and 2nd Reports of the Secretary-General on Children and Armed Conflict in the Philippines, and the Concluding Observations on the initial Philippine Report on the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (CRC OP AC) the Concluding Observations on the initial Philippine report on the CRC OP AC.
- 7 Republic Act No. 10911, “Anti-Age Discrimination in Employment Act”, https://www.senate.gov.ph/republic_acts/ra%2010911.pdf
- 8 Article 137 of the Labor Code of the Philippines
- 9 Malou Mangahas, Karol Ilagan, Vito Lucero, and Davinci Maru “War on Drugs, no EO Signed by du30” Philippine Center for Investigative Journalism, 19 September 2016 <http://pcij.org/stories/war-on-drugs-no-eo-signed-by-du30-a-chaos-of-numbers/>
- 10 *Ibid.*
- 11 PNP Anti-illegal drugs campaign plan – project ‘Double Barrel’, <http://didm.pnp.gov.ph/Command%20Memorandum%20Circulars/CMC%202016-16%20PNP%20ANTI-ILLEGAL%20DRUGS%20CAMPAIGN%20PLAN%20%E2%80%93%20PROJECT%20DOUBLE%20BARREL.pdf>
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