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Civil and Political Rights**

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Human Rights Committee

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**Consideration of reports submitted by States parties
under article 40 of the Covenant**

**Replies of the Philippines to the list of issues in relation to its
fifth periodic report***

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* The present document is being issued without formal editing.



Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to additional previous recommendations

Constitutional and legal framework within which the Covenant is implemented (art. 2)

Reply to paragraph 3 of the list of issues (CCPR/C/PHL/Q/5)

1. There are three draft bills in the House of Representatives regarding the Charter of the Commission on Human Rights (CHR) filed by three separate members of Congress, namely:

- House Bill No. 882 introduced by Cong. Manuel DG Cabochan III;
- House Bill No. 2144 introduced by Cong. Lawrence Lemuel H. Fortun; and,
- House Bill No. 3716 introduced by Cong. Myrna Joy S. Tambunting¹

2. The Philippine Congress is awaiting the final position paper of the CHR before formal discussions and votes are to commence. At least one sitting Senator has expressed his willingness to sponsor the proposed Charter.

3. The yearly budget allocations of the CHR starting 2016 has more than doubled:

Fiscal year (FY) 2016	- Php 439.7 million
FY 2017	- Php 724.9 million
FY 2018	- Php 666.9 million
FY 2019	- Php 799.5 million
FY 2020	- Php 888.8 million ²

Anti-corruption measures (arts. 2 and 25)

Reply to paragraph 4 of the list of issues

4. State party established an accessible national public service Citizen's Complaint Hotline (dial "8888") which is accessible for the whole day for the whole week, even on weekends (24/7) on 1 August 2016 that allows the public to anonymously report corrupt practices and poor front-line service delivery of the State, its agencies, government-owned and controlled corporations, government financial institutions and other instrumentalities of the government.³

5. Creation of a Presidential Anti-Corruption Commission on 4 October 2017 through Executive Order No. 43 s. 2017.

6. Based on the 2019 Annual Report of the Office of the Ombudsman, the total case workload of the Ombudsman is 3,947 criminal cases from which 2,791 are carry-over cases from 2018. Of the total workload, 617 were disposed of. Of the 617 disposed cases, 83 resulted in the filing of Information with the courts. Conviction rate over decided cases is 56%.

7. 308 of the accused in cases with the *Sandiganbayan* (or graft and corruption court) are high ranking officials.⁴

¹ 4th UNCAT State Report, item No. 10 (b) of page 13/ 71.

² 4th UNCAT State Report, Item No. 10 (a) page 13/ 71 and EU GEP+ Scorecard 2020, item No. 3 (g) page 56/ 149.

³ <https://op-proper.gov.ph/presidential-action-center/>.

⁴ <file:///C:/Users/User/Desktop/2019%20Ombudsman%20Annual%20Report.pdf>.

The fight against impunity and past human rights violations (arts. 2, 6, 7 and 14)

Reply to paragraph 5 of the list of issues

8. Enactment of the Human Rights Reparation and Recognition Act creating a Human Rights Victims' Claims Board through Republic Act No. 10368 which shall be attached to the State's independent National Human Rights Institution (NHRI) – Commission on Human Rights (CHR) facilitating the claims of 11,103 victims of past human rights violations.⁵

Transitional Justice and Reconciliation Commission

9. The enactment of the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao in 17 July 2018 or Republic Act (RA) No. 11054 takes into account recommendations found in the report of the Transitional Justice and Reconciliation Commission⁶ in 2016 establishing a transitional justice mechanism to address grievances of the Bangsamoro people and the indigenous peoples such as injustices, human rights violations, and marginalization through unjust dispossession of territorial and propriety rights and customary tenure.

Non-discrimination (arts. 2 and 25)

Reply to paragraph 6 of the list of issues

10. The 18th Congress of the Philippines is an institution that advocates and promotes the right to suffrage to all sectors of society having a diverse membership. Hon. Geraldine B. Roman of the 1st District of Bataan Province⁷ is an openly transgendered elected official of Congress and member of the LGBTQ community.

11. Twelve bills which seek to prohibit discrimination on the basis of sexual orientation and gender identity or expression (SOGIE) have been filed in the House of Representatives. These are currently pending with the Committee on Women and Gender Equality.

12. Four bills involving the same proposal have been filed in the Senate and are currently being reviewed by the Committee on Women, Children, Family Relations and Gender Equality.⁸

Counter-terrorism measures (arts. 2, 4, 7, 9 and 14)

Reply to paragraph 7 of the list of issues

Inclusive national deliberation

13. The Global Terrorism Index has consistently ranked the Philippines as among the top ten countries most impacted by terrorism for the past decades. While other states across the globe are starting to see a downtrend in the number of deaths due to terrorism, the Philippines continues to be included in the top countries with the largest number of deaths from terrorism.

14. The Parliament of the Philippines amended the Human Security Act of 2007 through the legislation of the Anti-Terrorism Act of 2020 (ATA 2020) incorporating human rights-based inputs from the National Human Rights Institution (NHRI) – the Commission on Human Rights, human rights defenders (HRDs) and Civil Society Organizations in the drafting of the legislation. 173 out of 204 votes cast in Parliament were in favor of passing the legislation of ATA 2020. Of the 173 that voted in favor of the ATA 2020, 25 of them were elected parliamentarians representing vulnerable and marginalized sectors such as

⁵ https://hrvmmemcom.gov.ph/hrvmmc_post/human-rights-victims-claims-board-hrvcb/.

⁶ Article IX, Section 1 of RA 11054.

⁷ <https://www.congress.gov.ph/members/search.php?id=roman-g>.

⁸ EU GEP+ Scorecard 2020, Item 4 (a) page 65/ 149.

students, youth, teachers, academe, urban poor, worker-laborers, peasant farmers, agricultural workers, fisher folks and internally displaced persons.

15. The ATA intends to give Philippine authorities a much-needed strong legal backbone to support the criminal justice system in preventing terrorism and prosecuting those who are involved in terror acts. With the evolving terrorist threats and ever-changing tactics, terrorists perpetrate insidious acts. Therefore, a strong legal framework is needed to exact accountability, liability, and responsibility, recalling United Nations Security Council (UNSCR) 1624, while maintaining respect for civil liberties and upholding fundamentally guaranteed rights. The ATA is replete with safeguard provisions that guarantee respect for human rights, which the Act itself ensures shall “be absolute and protected at all times”. Moreover, the provisions of the Act were not crafted in a vacuum, but rather accounted for lessons learned from the implementation of the Human Security Act of 2007, the relevant UN Security Council Resolutions concerning counter-terrorism, the standards set in other national jurisdictions, as well as by international and supranational organizations, and the international human rights framework.

Definition of terrorism

16. In order to be considered as acts of terrorism, the intent and purpose taken together must be established. It is erroneous to say that the mere performance of the acts enumerated constitutes as acts of terrorism. Performance of these acts without the underlying purpose may be considered as violations under the Revised Penal Code or other Special Laws, and not as acts of terrorism.

17. Section 4 of the ATA is clear and precise as to what constitutes these critical elements, and provides a high bar for application. This belies the concern of possible abuse and arbitrariness. All other relevant sections on the commission of terrorist acts – Sections 5,6,7,8,9,10,11 and 12 – are to be taken in the context of Section 4, and thus cannot be considered ambiguous or without sufficient basis.

18. The last paragraph of Section 4 of the ATA 2020 defining terrorism incorporated inputs from the NHRI – CHR, HRDs and CSOs. It clearly provides in an explicit and unequivocal manner that “advocacy, protest, dissent, stoppage of work, industrial or mass action, and other similar exercises of civil and political rights not intended to cause death or serious physical harm to a person, to endanger a person’s life, or to create a serious risk to public safety, does not constitute a terrorist act.”

Period of detention without a warrant

19. The fourteen (14) day detention period extendible by ten (10) days under ATA is a relatively conservative measure, compared with the legislated periods of preventive detention in other national jurisdictions, which can range from thirty (30) to seven hundred twenty (720) days.

20. The Philippines believes that this provision is necessary, if promptness of appearance before a judicial authority and conduct of trial within a reasonable time is to be weighed by the real necessities of abating terrorism, including the gathering of evidence and intelligence, protection of the arrested individual from retaliation, and coordination with other jurisdictions.

21. Sufficient safeguards are present to prevent the arbitrary implementation of Section 29, including the requirement for the arresting agent/officer to secure authorization from the Anti-Terrorism Council, and the requirement to immediately submit a notice to the nearest judge of the court detailing the time, date and manner of the arrest, as well as the location, physical and mental state of the arrested person/s, copy furnished the Commission on Human Rights (CHR). Failure to notify the judge of the nearest court will merit imprisonment of ten (10) years and dismissal from the service for the erring agent/officer.

22. Section 30 also provides that the arresting agent/officer inform the arrested person/s of their rights under custodial detention, including the right to be informed of the nature and cause of arrest, right to remain silent, right to competent and independent counsel of their choice, right to communication with and be visited by family or nearest relatives, and the

right to avail of the service of physician/s of their choice. As with the preceding paragraph, violation of a detainee's rights carries the penalty of ten (10) years imprisonment and dismissal from the service for the erring agent/officer.

23. Nothing in the ATA impairs a person from pursuing other valid legal remedies such as a Writ of Habeas Corpus and/or a Writ of Amparo.

Designation of the NPA and CPP as terrorist group

24. The New Peoples' Army and the Communist Party of the Philippines are designated as terrorist groups and its founder Jose Maria "Joma" Sison alias Armando Liwanag is designated as a terrorist under the United States Department of State Executive Order 13224. The European Union (EU) renewed the terror designation of the New Peoples' Army and the Communist Party of the Philippines through EU Council Implementing Regulation 138 dated 5 February 2021.

25. The UN Secretary General's Report on Children in Armed Conflict dated 20 June 2019 (A/73/907-S/2019/509) lists the New Peoples' Army together with ISIS, Daesh, al-Qaeda and Boko Haram as "parties that commit grave violations affecting children".

Violence against women, including domestic violence (arts. 2, 3, 6, 7 and 26)

Reply to paragraph 8 of the list of issues

26. Primary barriers in seeking help from stakeholders:

- Fear for personal safety and ruining family reputation.
- Economic dependence of the victim/s on the perpetrator.
- Cultural and social expectation to "suffer in silence" for the sake of the children and maintaining harmony in the family.
- Lack of confidence in assistance received from duty bearers or designated service providers.
- Lack of awareness on available services and protective mechanisms that the victims may avail of.

Initiatives to Increase Reporting of VAW Victim-Survivors and Strengthening of Local Mechanisms to Implement Anti-VAWC Act of 2004

27. The Inter-Agency Council on Violence Against Women and their Children (IACVAWC) created Regional Committees Against Trafficking and VAWC (RCAT-VAWC) to ensure proper cascading and implementation of the law in all regions by localizing anti-VAW laws, directives, programs, and mobilizing regional units and partner organizations.

28. To further devolve the responsibilities of implementing the Act, the Council members issued Joint Memorandum Circular No. 2010-1 formalizing the creation and operational standards of Local Committees on Anti-Trafficking and Violence Against Women and their Children (LCAT-VAWC). These committees are directed to collaboratively address trafficking and VAWC-related concerns in provincial, municipal, and city levels and provide assistance to TIP and VAW victim-survivors.

Local Committee on Anti-Trafficking and VAWC (LCAT-VAWC)

29. Majority of provinces, cities, and municipalities, have already established their respective VAW mechanisms to handle related concerns in their respective localities. However, there is a need to determine the level of functionality of these mechanisms to improve the quality of assistance provided to TIP and VAW victim-survivors.

30. Based on the 2019 report, out of the total 1,715 LGUs (Province, City, Municipality), 1,421 or 82% have established their LCAT-VAWC. In 81 Provincial LGUs, a total of 57 (50%) have established their PCAT-VAWC. 127 (87%) out of the 145 City Governments

have established CCAT-VAWC and 1,237 (83%) out of the 1,489 Municipalities have their MCAT-VAWC.

31. The DILG issued Memorandum Circular No. 2020-006 which provides for the Guidelines in monitoring the functionality of Local Committees Against Trafficking and Violence Against Women and their Children (LCAT-VAWC) at the provincial, city, and municipal levels. These LCAT-VAWCs will be assessed with indicators such as organization, meetings, policies, plan, and budget, and accomplishments. The tool developed by DILG provides the following levels of functionality:

1. Basic – LCAT-VAWC obtained a rating of 20% and below
2. Progressive – LCAT-VAWC obtained a rating of 21% to 50%
3. Mature – LCAT-VAWC obtained a rating of 51% to 80%
4. Ideal – LCAT-VAWC obtained a rating of 81% and above

32. DILG will start conducting the assessment of the functionality of LCAT-VAWCs in 2021. Originally, it was scheduled in 2020, but due to COVID-19 and the restrictions in convening workshops and similar activities with more than 10 participants, it was moved to 2021.

Barangay VAW Desks

33. The 2019 assessment report of DILG shows that 38,824 (92%) out of 42,045 barangays have established their Barangay VAW Desk, which is a big leap from 2018 wherein only 29,929 or 71% of barangays had a VAW desk.

34. For 2019, out of the 38,824 barangays assessed, 7,553 (19%) were categorized under Ideal level; 20,739 (53%) fall under Mature level; 8,677 or 22% of barangays are in the Progressive level while only 1,855 or 5% belong to the Basic category. While in 2018, out of the 29,929 barangays, only 5,197 (17%) are Ideal; 16,490 (55%) are considered mature; 6,708 (22%) are progressive; and 1,534 (5%) are in the basic category.

Capacity Building of Service Providers

35. Relevant VAW training modules have been developed by IACVAWC members. These include the Training Manual on Strengthening the Capacities of Direct Service Providers of LGUs in Handling Violence Against Women (VAW) Cases developed by DILG in 2016. For its part, DSWD developed a Trainer's Manual on the Gender Responsive Case Management and has incorporated a session on Avoiding Violence in the Home under the Module 2: Preparing and Nurturing the Filipino Family in the Guide to Filipino Family Development. PNP held a Specialized Course on the Investigation of Crime Involving Women and Children for PNP-WCPD Officers.

36. The Barangay Violence Against Women (VAW) Desk Handbook was developed as a resource material to guide barangay officials in responding to VAW cases and other related concerns. It provides detailed guidelines on setting up and maintaining the VAW Desk, designating a VAW Desk Officer, and ensuring the proper and timely delivery of services to victim-survivors.

Advocacy and Awareness

37. PCW, in coordination with IACVAWC, is tasked to lead, monitor, and evaluate the annual nationwide observance of the 18-Day Campaign to End VAW. Adopting the theme "VAW-free community starts with Me" for year 2016 to 2021, the campaign emphasizes everyone's commitment and contributions on ending VAW, and presents an ideal picture of a VAW-free community, thus inspiring the general public to make a personal commitment to end violence against women and children.

38. For 2019, the campaign continued to underscore the significant roles of individuals especially the youth in the fight to end violence against women and girls within various institutions. As part of the efforts in promoting primary prevention, the campaign highlighted

the empowerment of individuals to know and claim their rights and to educate them where to seek help.

39. Regional Committee Against Trafficking (RCAT)-VAWCs from different provinces held different kick-off ceremonies and activities to commemorate the campaign. Activities were conducted in 13 regions in the country (Regions I, II, III, IV-A, IV-B, V, VI, VII, IX, X, XI, XIII, CAR). Activities in the different regions include distribution of IEC materials on VAW, seminars/orientations/fora on R.A. 9262 and other relevant laws, fora on men's involvement in addressing VAW, motorcades, and hanging of tarpaulins/posters.

Youth Forum to End VAW 2019

40. The forum held on November 25, 2019 served as the kick-off event for the 18-Day Campaign. It was attended by 506 participants including junior and senior high school students, Sangguniang Kabataan Officers, boy and girl scouts, and other regional participants. This year's campaign focused on creating awareness on violence against women and their children among the youth and their specific roles in combating violence. Topics in the plenary and breakout sessions included the following:

- Mental health
- Digital literacy and responsibility
- Provisions of R.A. 9262
- Identifying signs of abuse and knowing what to do in case of violence
- Positive masculinity and the role of young boys in fighting VAW
- The youth's role in building a VAW-free community

Development and Launching of new IEC materials

41. A rapid review of existing information, education, and communication (IEC) materials produced by the IACVAWC member-agencies in the last five years validate the lack of customized materials for specific audience segments. Based on the NDHS 2017, only 34% of VAW victim-survivors report abuse because most are afraid of the repercussions that can affect them and their families. Many women are still not aware of the available services, programs, and institutions that can help them.

42. Given the lack of target-specific materials, the IACVAWC find it relevant to focus on the youth as the primary target audience of the IEC materials for 2019. As part of the campaign, the IEC materials intend to:

- (a) Build awareness of young boys and young girls about human rights, positive involvement, and the importance of seeking help;
- (b) Reinforce positive masculinity for boys and empowerment for girls through relevant, relatable, and engaging content; and
- (c) Inform the general public on the provision of R.A. 9262.

43. In order to effectively execute appropriate materials, IACVAWC engaged the services of Adrow Creatives to conceptualize, design, and produce relevant and effective IEC materials in various forms including videos, posters, stickers, brochures, tarpaulins, and social media materials.

44. The IEC materials were launched during the Youth Forum on VAW last November 25, 2019. The Council deemed it appropriate to launch during the event since its participants were the primary target of the new IEC materials.

Cine Juana Digital Shorts Competition

45. The competition recognizes the power of film in raising awareness on violence and inspiring actions to prevent it especially among high school and college students. The PCW received fifty-four (54) entries from different parts of the country in three categories: #JuanParaKayJuana (Juan For Juana), which highlights the role of men and boys in reducing

VAW; #LabanJuana (Fight Juana), which features empowering stories that encourage women to seek help and break free from the cycle of violence; and #LigtasJuana (Safe Juana), which focuses on the important provisions of the Safe Spaces Act (Republic Act 11313).

Anti-VAW Expo

46. One of the major activities of the 2019 campaign is the three-day Anti-VAW expo which was held on November 27–29, 2019 at the University of the Philippines Diliman. Attendees participated in five interactive booths aimed at raising awareness on VAW and anti-VAW laws and encouraged them to commit to promoting a VAW-free Philippines. A total of 309 participants from different national agencies, local government units, and organizations visited the Expo.

Solidarity Walk to End VAW

47. The Solidarity Walk served as the closing activity for the observance of the 2019 18-Day Campaign to End VAW that was hosted by DND and AFP in cooperation with PCW and MOVE (Men Opposed to Violence Everywhere) Philippines. A total of 919 individuals from 41 different national government agencies participated in the event and walked the 3-KM route.

48. Dubbed as “Kilos Lakad: Wakasan ang Karahasan sa Kababaihan” (Move Walk: End Violence Against Women), the solidarity walk highlighted the role of men in addressing the problem. The walk also aimed to raise public awareness on the anti-VAWC advocacy and showcase the solidarity of the country’s defense forces and other agencies in fighting all forms of VAWC.

National Mapping of Available VAW Services

49. The IACVAWC Secretariat has been conducting a national mapping of VAW services as a key component for the establishment of a well-coordinated VAW Referral System. A Directory of Services will be produced (provincial, city and municipality) which will reflect the available services and facilities for VAW victim-survivors both in government, private sector, faith-based organizations, and other non-government organizations. It will serve as the source document which concerned agencies can use in referring VAW victim-survivors to appropriate institutions for assistance.

50. The IACVAWC Secretariat has conducted coordination meetings with members of Local Committee on Trafficking and Violence Against Women and their Children (LCAT-VAWC) and representatives from provincial GAD Focal Points in 27 provinces and 14 highly urbanized cities (HUCs).⁹

Reproductive health (arts. 6, 7, 17 and 26)

Reply to paragraph 9 of the list of issues

51. The State, valuing the importance of accessible and safe reproductive health services, has adopted the following policies:

I. The enactment of the Universal Health Care Act of 2018 assures access of women and girls to health services, including sexual and reproductive health (SRH) as these are automatically covered under the National Health Insurance Program (NHIP).

II. The Magna Carta of Women of 2009 (RA 9710) and the Responsible Parenthood and Reproductive Health Law of 2012 (RPRH Law or RA 10354) provides that “there should be a timely, adequate and culturally appropriate provision of comprehensive health services, including the implementation of the Minimum Initial Service Package for Sexual and Reproductive Health or (MISP for SRH) at the early stage of the crises”. It is a set of priority SRH activities to be implemented at the onset of a crisis and defines which SRH services are most important in saving lives at the onset of an emergency with the

⁹ EU GEP+ Scorecard 2020, Item 5 (e) page 79–84/ 149.

following components: Safe Motherhood, Family Planning, STI and HIV, Sexual and Gender-based Violence and Adolescent Health.

III. Recognizing the importance of the full implementation of the RPRH Law in addressing reproductive health needs of women, the law is included in the 10-Point Socioeconomic Agenda of the State which requires the strengthened implementation of the law to enable couples, especially the poor, to make informed choices on financial and family planning. Moreover, the State Party displayed firm support of the law by issuing Executive Order (EO) No. 12 on Attaining and Sustaining “Zero Unmet Need for Modern Family Planning (FP)” through the Strict Implementation of the RPRH Act.

IV. In 2017, the Temporary Restraining Order (TRO) of the Supreme Court to the DOH and Food and Drug Administration (FDA), particularly the DOH from utilizing its progestin subdermal implant supplies – Implanon and Implanon NXT, and the FDA from issuing certificates of product registration of contraceptives. The TRO was lifted on Nov. 10, 2017 when the DOH promulgated the revised Implementing Rules and Regulations of the RPRH Law, and the FDA, through Resolution 2017-302, re-certified all 51 contraceptive products to be non-abortifacient, including the subdermal implants – Implanon and Implanon NXT.

V. On access to contraceptives, the RPRH Law mandates DOH to provide sexual and reproductive health services including contraception to all persons of reproductive age. The adolescents though need parental or guardian consent – There should not be any contradiction here as this is influenced by culture and value system and countries differ in this regard; something that even the UN must respect.

VI. Administrative order no. 2016-0005 or the National Policy on the Implementation of the Minimum Initial Service Package for Sexual and Reproductive Health (MISP for SRH) is being implemented since as part of the Medical Public Health sub-cluster under the Health Cluster of the NDRRMC structure.

A. Through its implementation, services and initiatives are being implemented in partnership with key agencies and stakeholders both government and non-government to achieve the following objectives:

1. Ensure the Health Sector/Cluster identifies an organization to lead the implementation of the MISP
2. Prevent sexual violence and respond to the needs of survivors
3. Prevent the transmission of and reduce morbidity and mortality due to HIV and other STIs
4. Prevent excess maternal and newborn morbidity and mortality
5. Prevent unintended pregnancies and;
6. Plan for comprehensive SRH services, integrated into primary health care as soon as possible. Work with the Health Sector/Cluster partners to address the six health system building blocks.

52. Paragraph 4, Article 11, of the Revised Penal Code (RPC) may justify abortion to protect the life and health of pregnant women. To date, there is no report of women having been prosecuted or taken to court because of commission of abortion. On the other hand, religious and social recriminations do not form part of routine reporting by any government or quasi-government agency.

53. The Supreme Court ruled in *Imbong vs. Ochoa* (G.R. No. 204819, April 8, 2014) that “In a conflict situation between the life of the mother and the life of a child, the doctor is morally obliged always to try to save both lives.” Hence, “where it is necessary to save the life of a mother, procedures which endanger the life of the child may be resorted to, even if it is against the religious sentiments of the medical practitioner.

54. Discussions on decriminalizing abortion under certain circumstances are on-going. And, while the State supports and participates in on-going Civil Society Organizations (CSO)-initiated consultations/ public discussions on the decriminalization of abortion, it must

be stressed however that advocates for the rights of persons with disabilities (PWDs) object thereto even in cases when the fetus is found to be seriously malformed as this goes against the principles of non-discrimination, respect for difference, and acceptance of PWDs as part of humanity/human diversity, in keeping with the United Nations Convention on the Rights of PWD.

55. But, even if there is still no law decriminalizing abortion, the State's Department of Health (DOH), over the years, issued guidelines and orders to protect Filipino women from the ill effects of abortion, specifically from unsafe abortion. In fact, the Responsible Parenthood and Reproductive Health Act of 2012, or simply Reproductive Health Law (RA 10354), directs the government to ensure that all women needing care for post-abortion complications are treated and counselled in a humane, non-judgmental and compassionate manner. It also recognizes that there are medical indications for abortion performed in extreme situations when the life of a woman is at risk.

56. Recently, DOH issued Administrative Order (AO) No. 2018-0003 which allows the initial management of abortion clients in primary care facilities where health care service providers are allowed to initially manage post-abortion cases, administer life-saving drugs, and are required to make prompt referral and arrange transportation mechanism to referral hospitals, among others. AO 2018-0003 likewise strengthens the provision of family planning services to help women prevent future unintended pregnancies.

57. On the other hand, coordination and facilitation are being conducted on the provision of Mental Health and Psychosocial Support (MHPSS) through the National Mental Health Program, Health Emergency Management Bureau (HEMB), and other members of the MHPSS Cluster (e.g. DSWD, NCMH, Red Cross, PPA, PAP, etc.) to help address such issues.¹⁰

Right to life (arts. 6 and 24)

Reply to paragraph 10 of the list of issues

(a) *Efforts investigations, prosecutions and convictions for extrajudicial killings*

58. Investigation and prosecution that resulted to convictions is the Ampatuan-Maguindanao Massacre verdict on 19 December 2019 in which the Court convicted 43 individuals.

59. Of the 43 individuals convicted 25 were government officials, and of the 25, 6 were high-ranking elected local government officials and 19 were police officers.

60. The lead agency on the disbandment and disarming of armed groups is the Philippine National Police (PNP) under Executive Order (EO) No. 546. The said EO clearly delegates to the PNP the authority to go after private armies and other criminal syndicates, as part of maintenance of peace and order. The AFP provides support to the Philippine National Police (PNP) in the campaign against private armies. A Joint Letter Directive was issued, delineating the respective functions of the PNP and the AFP in conducting joint operations against so-called private armies and to prevent the proliferation of vigilante groups.¹¹

(b) *Reports that law enforcement agencies have killed persons suspected of drug-related offences, and persons who have been "red-tagged" as radical political activists*

61. The Supreme Court of the Philippines already made a ruling dismissing allegations of "extrajudicial killings committed during the anti-drug operations, "red-tagging" as well as the reported acquiescence of the State party to such acts" on 28 June 2019 as a result of a Petition filed by non-government organizations (Karapatan, Rural Missionaries of the Philippines and Gabriela) for a Petition of Writ of Amparo or Habeas Data.

¹⁰ 4th UNCAT State Report, item No. 11 (b-c).

¹¹ EU GEP+ Scorecard 2020, Item 4 (a) page 64/ 149, item No. 4 (o).

62. The Court dismissed this Petition as petitioners failed to submit and comply with the minimum quantum of proof to support their allegation in the Petition. It may be noted that the Petitioners submitted mere newspaper clippings and/or articles as evidence to prove “extremely high number of cases of extrajudicial killings committed during the anti-drug operations as well as the reported acquiescence of the State party to such act”.

63. “First, the petitioners’ general statements that some incidents of extrajudicial killings and enforced disappearances of human rights workers happened during the present administration are empty averments. The case briefs attached to the petition are self-serving being entirely prepared by the petitioners and their organizations. Verily, the petitioners’ bare allegations are not facts and do not have probative value to justify the issuance of the extraordinary writs. The broad generalizations of the alleged threats and violations border on the contemptuous and do not deserve any judicial action.”

64. Philippine courts are under the Judiciary, an independent co-equal of Government with a long history of holding even high-ranking government officials accountable. An example of its independence is the Ampatuan-Maguindanao Massacre verdict which held 43 perpetrators, among them 25 high-ranking officials, guilty.

65. To this date, there has been no evidence beyond newspaper clippings/ articles to allow the Courts to conclude, as alleged, that there is an alleged “extremely high number of cases of extrajudicial killings committed during the anti-drug operations as well as the reported acquiescence of the State party to such acts”.

66. Said allegations have been the subject of numerous UN human rights dialogues to which the PH has actively participated and officially repudiated.¹²

(c) *Reports that children have been killed during anti-drug operations targeting their family members and/or have witnessed killings*

67. Contradictory information on alleged report of children killed during anti-drug operations.

68. 3,978 children were rescued during the anti-illegal drug campaign from 2016 to 2021 broken down as follows

- 2,346 illegal-drug pushers,
- 951 illegal-drug possessors,
- 429 illegal drug users
- 222 illegal-drug den visitors
- 16 illegal-drug den employees
- 9 illegal-drug maintainers
- 2 illegal-drug cultivator
- 2 illegal drug runners
- 1 illegal drug clan laboratory employee¹³

(d) *Publicly encouraged the extrajudicial killing of persons suspected of using or selling illegal drugs*

69. The Head of State consistently orders law enforcement bodies to stop illegal drugs by all means, acknowledges that such should be carried out within the bounds and due process of law.

¹² 4th UNCAT State Report, item No. 6.

¹³ <https://pdea.gov.ph/2-uncategorised/279-realnumbersph>.

70. The State party's arrest of 273,014 persons as a result of 188,603 drug law enforcement operations is a testimony to the respect for the rule of law repudiating alleged encouragement of killings.¹⁴

71. Existing mechanisms are in place which put premium on conducting investigations on human rights violations. Noteworthy to mention is the automatic process of investigation, or motu proprio investigation, within the law enforcement agencies.

72. To promote integrity of the anti-illegal drug operations, the Philippine Drug Enforcement Agency (PDEA) requires its operatives to wear body cameras during anti-drug operations. Further, PDEA immediately investigates reports on alleged human rights violations. As of 31 July 2020, all investigated cases were determined to have the absence of human rights violations.

73. For its part, the Philippine National Police (PNP) has publicly underscored that killing has never been and will never be a policy of the police organization. Its leadership is firm with its uncompromising stand to unequivocally condemn any form of unlawful killings. Worthy to emphasize here is that in the conduct of police operations, which include the serving of search or arrest warrant, buy bust operations, patrolling and checkpoints, the objective is not to kill anyone but only to arrest the suspect and prevent the commission of crimes.¹⁵

74. The Ampatuan Maguindanao Massacre Verdict on 19 December 2019 convicting 43 perpetrators together with their accomplices is a public statement unambiguously affirming that extrajudicial killings will not be encouraged by the State and any person committing or participating in such acts or acting as an accomplice will be held personally accountable before the law and liable to criminal penalties.¹⁶

(e) *Reports of obstacles in filing cases against perpetrators*

75. Actions of the Head of State visiting families of victims to support them in filing cases against the perpetrators are well documented and covered by independent media companies. These have led to dismissals and convictions of erring police officers.

76. No less than the President himself has publicly condemned the killing of minor Kian delos Santos and ordered a thorough investigation on the said killing on 21 August 2017 after personally meeting with the victim's parents on 28 August 2017. Said investigation and prosecution of the suspects resulted in the conviction of three police officers directly responsible for his killing.¹⁷

Reply to paragraph 11 of the list of issues

77. The PH is one of only two UN member States in the region of South-East Asia which has abolished the death penalty.

78. Inclusive legislative efforts to conduct stakeholder human rights dialogues with constituents within Parliament and/ or civic space regarding the death penalty is not prohibited under the Covenant and the Second Protocol.

79. State party respects the independence of the Parliament in legislating laws as a co-equal of branch government.

Reply to paragraph 12 of the list of issues

80. In 2019, the Climate Change Commission (CCC) deepened the synergies among the private and the public sector to promote the country's transition into a climate-resilient, sustainable, and 1.5C-compatible development pathway.

81. Intensifying its efforts to assist the government in addressing the impacts of climate change, the CCC continued to lead the development of policies that strengthen the enabling

¹⁴ 4th UNCAT State Report, item No. 6 (c).

¹⁵ 4th UNCAT State Report, item No. 7.

¹⁶ 4th UNCAT State Report, item No. 6 (a).

¹⁷ 4th UNCAT State Report, item No. 7.

platforms for climate risk and management, mainstreaming gender in climate policies, plans, programs and services of the government, and incorporating climate science into national and local planning processes.

Mainstreaming climate action in national development planning processes

82. On climate policy and governance, the CCC made significant strides in updating the National Climate Change Action Plan (NCCAP) 2011–2028 to align it with the latest climate science and national development priorities.

83. In line with its obligation as Party to the Paris Agreement, the CCC led the technical working group for the development of the country’s first Nationally Determined Contribution (NDC), which is envisioned to be the country’s investment blueprint for innovative and transformative low-carbon projects.

84. As part of its continuing efforts to link the national energy policy with climate action and study the implementation of the Renewable Energy Law and its policies supporting reduction in carbon emissions, the CCC embarked on a technical assessment of related data and policy regulations with the help of the UP National Engineering Center. Once finalized, the NPRE will provide technical guidance for designing a policy on coal-fired power plants and other fossil fuel-based energy in pursuit of a low-carbon development pathway for the Philippines.

85. In response to the growing threat and a decrease in water supply, the CCC embarked on a policy review of water policies and action plans of water-related government agencies amid the threats of climate change.

86. Pursuant to its mandate under the Philippine Green Jobs Act of 2016 and in line with its efforts to pave the way for a just transition into a sustainable and climate-friendly economy, the CCC has initiated several inter-agency consultation meetings for the finalization of the (1) approaches for assessment and certification for green jobs accounting; and (2) green thresholds for measuring the greenness of an industry or company.

87. With the help of relevant government agencies, the CCC also developed the guidance document for the manual pilot testing of the products and services approach of the draft green jobs assessment and certification system and guidelines, which is set for rollout this year.

Mainstreaming climate action in local development planning processes

88. On mainstreaming climate into planning and processes, the CCC delivered technical assistance to local government units (LGUs) to ensure that their local action planning is science-based and risk-informed. Through the Communities for Resilience (CORE) Program, submission of Local Climate Change Action Plans (LCCAPs) increased from 137 in 2015 to 1,267 in 2019.

89. Furthermore, the CCC embarked on the development of training courses that aim to increase the number of mentors that can transfer climate change knowledge to the local community. In partnership with various government agencies, the CCC laid the foundation for the ACT-Local Certification Course Program and the Upscaled Climate Resiliency Field School.

Addressing gaps in climate financing

90. As the National Designated Authority to the Green Climate Fund (GCF), the CCC helped secure a USD 10-million grant for the establishment of a multi-hazard impact-based forecasting and early warning system in the country, to be developed first in four selected pilot sites—a welcome innovation and development that will benefit initially at least 8.5 million Filipinos.

91. Pursuant to its mandate under the People’s Survival Fund (PSF) Law, the CCC completed the technical review and evaluation process of PSF project proposals, which led to the approval of project development grants worth PHP 6 million for three (3) projects.

92. Moreover, the CCC is also working to develop an online platform for PSF wherein LGUs can: (1) submit and track PSF project proposals; and (2) learn and access PSF information through an e-learning portal.

93. On the Climate Change Expenditure Tagging system, the CCC conducted quality assurance reviews on budget-tagged programs of 20 national government agencies. In 2019, PHP 205.1 billion was tagged for climate change adaptation and PHP 5.5 billion for climate change mitigation. In the same year, the CCC monitored the implementation of 32 climate change related special provisions being implemented by 25 national government agencies.

Linking science, policy, and action

94. On the dissemination of climate knowledge and information, the CCC continued to increase public awareness on climate change adaptation and mitigation actions through: (1) rollout of Climate Field Schools for farmers and fisherfolks; (2) conduct of National Youth Congress; (3) conduct of the 1st Provincial Summit on CCA-DRR; (4) conduct of three National Panel of Technical Experts (NPTE) Forums; and (5) forum on the Intergovernmental Panel on Climate Change (IPCC) Special Reports on a) Climate Change and Land, and b) Ocean and Cryosphere.

95. The CCC established climate information and data portals such as Climate News which contains the latest climate articles, opinion pieces, commentaries, and journals; and the National Integrated Climate Change Database Information and Exchange System (NICCDIES) which houses national climate data on greenhouse gas (GHG) inventory, climate change actions, climate finance, and climate reports.

Facilitating the convergence and synergy of government and nongovernment climate actions

96. Partnerships are vital in addressing the risks posed by climate change and in mainstreaming climate action at all levels. Hence, in 2019, the CCC forged thirteen (13) agreements with LGUs, academic institutions, private and business sectors, and development partners that will scale-up the delivery of climate actions.

Ensuring the gender responsiveness of climate actions

97. The role of equal and meaningful participation of women and men is pivotal in achieving an inclusive climate action. In 2019, the CCC, in collaboration with the Philippine Commission on Women (PCW) and other stakeholders, reviewed the government's implementation of the Environment and Climate Change component of the Beijing Declaration and Platform for Action.

98. Moving forward, the CCC will strive and remain a key player in nation building by mainstreaming people-centered climate change measures that are meant to ensure the welfare of both women and men, from training to practice, in pursuit of a climate-resilient and low-carbon Philippines.

Progress that has been made in implementing the 2011–2028 National Climate Change Action Plan

99. The NCCAP outlines the country's climate change adaptation and mitigation agenda. In 2019, the CCC reviewed and evaluated the implementation of the NCCAP from 2011 to 2016, toward providing baselines for sectoral climate actions on food security, water sufficiency, ecosystem and environmental stability, human security, climate-smart industries and services, sustainable energy, and knowledge and capacity development.

100. As the main climate instrument plan across the bureaucracy, the NCCAP is being updated to correspond with the latest trends in climate science. A series of high-level

consultations were conducted this year to level-off with government agencies and stakeholders concerned.¹⁸

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and treatment of persons deprived of their liberty (arts. 6, 7, 9 and 10)

Reply to paragraph 13 of the list of issues

(a) Alleged reports of widespread use of torture

101. The Bureau of Jail Management and Penology (BJMP) assesses the effectiveness of its trainings and educational programs on preventing torture and ill-treatment through the decrease in the number of incident reports of torture or ill-treatment that have been committed against the persons deprived of liberty (PDL) under its jurisdiction.

102. It is measured by the zero (0) number of reported incidents of torture and ill-treatment committed against the PDL under its jurisdiction from CY 2016–2020 per available record of the BJMP Human Rights Affairs Office (BJMP-HRAO).

103. The evaluation on the reaction of participants and as well as their learnings during the training are used as indicators by the AO35 secretariat as it does not have the resources to conduct a comprehensive evaluation on the matter. To improve on this, the Philippines – United Nations Joint Program on Human Rights, proposed that the case monitoring system of the AO35 Secretariat be upgraded to allow for real-time monitoring of cases and their status. With more accurate data as basis, the effectiveness of training and educational programs in reducing the number of cases of torture and ill-treatment can be better assessed.¹⁹

(b) Steps taken to prevent such practices

104. Any form of torture or other cruel, inhuman and degrading treatment or punishment, which includes blindfolding detainees, has been included in the implemented law enforcement policies of the State.

105. The PNP issued a Human Rights Advisory on Prohibition on the Blind-Folding and/or “Hooding” of Arrested Persons/Detainees and Media Presentation of Suspect/s dated May 13, 2016. Likewise, the BJMP issued Memorandum Circular No. 2011-02, which created the BJMP Human Rights Affairs Office (HRAO) and BJMP-DWD-SOP-002 or the BJMP Revised Policy on Mandatory Reporting of Torture Cases that provided uniform and comprehensive system of screening, documentation and reporting of torture cases in BJMP manned jails.

106. In addition, measures have been implemented to prevent the commission of any acts of torture by regularly subjecting jail personnel to appropriate skills training and development. Under the 2017 Comprehensive BJMP Administrative Disciplinary Machinery, jail personnel who may be accused of committing any form of torture shall be administratively charged without prejudice to the filing of criminal charges for violation of the law.²⁰

107. The Bureau of Jail Management and Penology (BJMP) regularly trains its personnel with the appropriate skills training on the rights of persons deprived of liberty (PDL), as well as prevailing relevant international and local laws that advocate respect for human rights. 13,993 out of 14,824 BJMP personnel or 94.39% of all personnel have completed the online training on Mandela Rules.

¹⁸ Climate Change Commission: 2019 Accomplishment Report.
<https://climate.gov.ph/public/ckfinder/userfiles/files/Knowledge/AR/2019%20Accomplishment%20Report.pdf>.

¹⁹ 4th UNCAT State Report, item No. 19 (a).

²⁰ 4th UNCAT State Report, item No. 28.

108. The Philippine National Police Human Rights Affairs Office has also been conducting its Human Rights Deepening Webinar regularly which includes topics such as the Anti-Torture Act.

109. The DOJ, through the AO35 Secretariat, established a partnership with GOJUST and the Ateneo Human Rights Center in conducting Regional Trainings for AO35 prosecutors, PNP, NBI, and other agencies. Additional capacity building activities were planned under the Philippines-United Nations Joint Program on Human Rights.²¹

(c) *Number of punishments meted out to perpetrators*

110. The Bureau of Jail Management and Penology reports that no case of torture, and other inhuman, degrading, or cruel treatment was reported.

111. From July 2016 to June 15, 2020 records show that a total of 4,208 and 7,376 police personnel have been dismissed and suspended for various offenses by the Chief of the Philippine National Police out of 14,523 case respondents (following the recommendations of the IAS).

112. Likewise, during the period under review, no incident of torture or ill-treatment was reported to the AO35 Secretariat²²

113. The Bureau of Corrections (BuCor) have not received any report regarding the use of strip searches, blindfolding, paddling and other physical punishment to extract confessions from PDL. The BuCor also recognizes that freedom from torture and other cruel, inhuman and degrading treatment or punishment is an absolute right of every person, including convicted individuals or PDLs.

114. Reports circulating about widespread torture and ill-treatment committed by the security sector are mere allegations intended to vilify the State before the UN and the international community. The Anti-Torture Law's (RA 9745) strict provisions empower victims to file cases against perpetrators coming from the government, and there are various mechanisms to ensure compliance with the law.

115. The Armed Forces of the Philippines have not received any report or complaint received against military personnel for committing torture.

116. If there are violations, cases have been filed against perpetrators through 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 through Administrative Order No. 35 series 2012 (AO35) mechanism led by the Department of Justice. Also, the Commission on Human Rights (CHR) monitors the same as the National Human Rights Institution (NHRI), and it conducts unannounced and unrestricted spot visits to detention facilities, aside from maintaining data on persons detained in custodial facilities.²³

Reply to paragraph 14 of the list of issues

117. As of 03 July 2020, twenty-two (22) jail buildings were already finished while eighty-two (82) are still on-going construction. Also, the Jail Bureau has its annual infrastructure appropriation intended to build, modify, and repair jails to cater more PDL to lessen congestion in jails.

118. To further address congestion, a Memorandum of Agreement between the Department of Interior and Local Government (DILG) and the Department of Environment and Natural Resources (DENR) to facilitate lot donation for the BJMP High-Risk Facility site in Luzon is being finalized.²⁴

²¹ 4th UNCAT State Report, item No. 19.

²² 4th UNCAT State Report, item No. 24.

²³ EU GEP+ Scorecard 2020, Item 6 (a) page 105–106/ 149.

²⁴ The Philippine Human Rights Situationer 2020.

119. Due to the speedy resolution of cases from different courts, the congestion rate at Bureau of Corrections (BuCor) facilities nationwide reached 136 percent.²⁵

120. The full implementation of the Expanded Good Conduct Time Allowance Law (GCTA) under Republic Act No. 10592 (RA 10592) and its implementing rules and regulations is expected to bring down congestion to about 76 percent after the prison population is reduced by some 11 thousand. With the goal of 34,000 prisoners, conditions inside the OPPFs would be more conducive to reform measures and improve the chances of released prisoners for renewed lives in mainstream society.²⁶

121. The DOJ and DILG jointly developed and adopted the 2017 Uniform Manual on Time Allowances and Service of Sentence to standardize procedures relative to the good conduct time allowances pursuant to the GCTA. This provided guidelines on incentivizing good behavior of PDL, participation in rehabilitation programs and documenting/applying time allowances with the intent of better preparing PDL for their return to society and facilitating their timely release.²⁷

122. Moreover, the passage of Republic Act No. 11362 (RA 11362) or the “Community Service Act” in 2019 aims to promote restorative justice and contribute to the decongestion of jails.²⁸

123. With regard to the detention facilities catering children in conflict with the law, the JJWC is working towards the decongestion of detention and rehabilitation facilities through coordination with family courts to expedite disposition of cases. Facilities needing improvement to meet international standards has been also identified during the 2019 BPA profiling across the country. The Regional Juvenile Justice and Welfare Committees, the JJWC’s subnational extension, are continuously providing technical assistance for the accreditation of these facilities to help them comply with the guidelines for their operation. These guidelines set standards along program, physical structure, security and safety, and budget for operations, and care and maintenance of children under the facilities’ care.²⁹

124. The Bureau of Jail Management and Penology (BJMP) addresses the problem of prison overcrowding through the improvement of its jail facilities and construction of new jail facilities, funded by the National Government, and with the help of Local Government Units and non-governmental organizations. Some examples include the construction of New Quezon District Jail in 2016 which can house 531 PDLs, the construction of Mandaluyong City Jail Male dorm in 2017 which can house 449 PDLs, Cebu City Jail Male Dorm in 2018 with an ideal 540 PDL capacity, Cabanatuan City District Jail in 2019 with an ideal 470 PDL capacity, and Bataan District Jail in 2020 with 480 PDL capacity.

125. Moreover, through its paralegal program, an eligible or qualified person deprived of liberty (PDL) may avail of early modes of paralegal release such as bail, release on recognizance, and provisional/ permanent dismissal, among others, thereby shortening their length of stay in jail.³⁰

126. The BJMP adheres to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Through its Directorate for Health Service, the Jail Bureau has been preserving the right to health of the PDL and has been advocating that they should equally and equitably receive whatever health services provided in the community.

127. The Jail Bureau adopts the National TB Program as well as the HIV/AIDS program of the Department of Health (DOH) formed as part of its health programs for PDLs. Programs on communicable and non-communicable diseases are also being implemented with strong linkages to the DOH, respective local health units, and various non-government organizations. The BJMP is continuously enhancing its health documentation, which forms part of its health

²⁵ Supra.

²⁶ Supra.

²⁷ Supra.

²⁸ Supra.

²⁹ Supra.

³⁰ 4th UNCAT State Report, item No. 23.

information system. Currently, the BJMP has 13 uniformed physicians and 1 civilian medical officer, 3 psychiatrists, 30 dentists, 1,123 jail nurses, and 45 allied health professionals.

128. As to the mortality or number of reported deaths among the PDL, majority of the causes of death were acquired even prior to their commitment in BJMP and majority of the causes of death are non-communicable disease.

129. With the enhancement of its health services, timely referral of medical officers and strong partnership with health institutions, medical care services are provided efficiently and effectively to the PDL.

130. As of May 31, 2021, the BJMP has 1,145 nurses (1:102 PDL Ratio), 14 medical officers (1: 8,379 PDL Ratio), 28 Dentists (1: 4,189 PDL Ratio), 3 psychiatrists (1: 39,100 PDL Ratio), 5 psychologists (1: 23,460 PDL Ratio), 20 psychometricians (1: 5,865 PDL Ratio), and 26 allied health professionals. The Jail Bureau continues to increase the number of its medical forces with the regular recruitment of various health professionals to the rank of Jail Officer 1 and medical doctors or psychiatrists to the rank of Jail Senior Inspector through lateral entry.

131. On the other hand, the BJMP recorded a total of 444 PDL deaths from January–May 2021. The three highest causes of death are cardiovascular diseases at 115, Septic shock at 76, and cardiorespiratory arrest at 38. As to the mortality or number of reported deaths among the PDL, majority of the causes of death were acquired even prior to their commitment in BJMP and majority of the causes of death are non-communicable diseases. With the enhancement of its health services, timely referral to our medical officers and strong partnership with health institutions, medical care services are provided efficiently and effectively to the PDL.

132. From July 2020–May 2021, the BJMP conducted 237,163 medical services, benefiting 108,924 PDL, 20,534 dental services, benefiting 16,929 PDL. The telemedicine services of the BJMP also benefited 11,960 PDL; the psychoeducation services benefited 95,652 PDL; the individual and group counseling psychosocial processing services benefited 302,836 PDL; and the telepsychology services benefited 39,029 PDL in the said period.³¹

Deprivation of liberty (arts. 9, 10 and 14)

Reply to paragraph 15 of the list of issues

133. The current anti-illegal drug campaign is complimented by wellness and recovery efforts through the holistic-approach of a Community-Based Rehabilitation Program (CBRP) facilitated by a network of volunteer experts within the community called Community Rehabilitation Network (CRN). The CRN is composed of volunteers who are experts in the medical and psycho-social fields; namely doctors, psychologists, psychiatrists, teachers, guidance counselors, members of faith-based organizations or anyone who shall be willing and able to facilitate the CBRP.

134. The wellness and recovery through the CBRP adheres to the 12 principles prescribed by the United Nations Office on Drugs and Crime (UNODC) and the Department of Health (DOH) which assures the following:

- 1) Continuum of care from outreach, basic support and reducing the harm of drug use to social reintegration, with any door policy for entry into the system
- 2) Delivery of services in the community – as close as possible to where the drug users live
- 3) Minimal disruption of social links and employment
- 4) Integration into existing health and social services;
- 5) Involve communities, and build on community resources, including families;

³¹ 4th UNCAT State Report, item No. 23 (c).

- 6) Participation of people who are affected by drug use and dependence, families and the wider community in service planning and delivery;
- 7) Comprehensive approach, taking into account different needs (health, family, education, employment and housing);
- 8) Close collaboration among civil society, law enforcement and the health sector;
- 9) Provision of evidence-based interventions;
- 10) Informed and voluntary participation and treatment;
- 11) Respect for human rights and dignity, including confidentiality;
- 12) Acceptance that relapse is part of the treatment process and will not stop an individual from re-accessing the treatment process.³²

Reply to paragraph 16 of the list of issues

135. On the issue of pretrial detention, the BJMP through its paralegal services, facilitates the availment of the persons deprived of liberty (PDL) of the early modes of release, such as bail, release on recognizance, and provisional/permanent dismissal, among others.

136. The Bureau of Jail Management and Penology (BJMP) through its paralegal services, facilitates the availment of the PDL of the early modes of release, such as bail, release on recognizance, and provisional/permanent dismissal, among others.

137. The BJMP strictly implements the prevention of PDL overstay in jails with the application of Republic Act (RA) No. 10592 which provides that whenever an accused has undergone preventive imprisonment for a period equal to the possible maximum imprisonment of the offense charged to which he may be sentenced and his case is not yet terminated, he shall be released immediately without prejudice to the continuation of the trial thereof or the proceeding on appeal, if the same is under review.

138. Pursuant to this provision of law, and through the efforts of paralegal officers nationwide, who closely monitor the period of detention of all PDL to ensure that they are not detained longer than the period allowed by law, there is no PDL detained longer than the period allowed by law under the jurisdiction of the BJMP.³³

Reply to paragraph 17 of the list of issues

139. Republic Act No. 8493 otherwise known as the ‘Speedy Trial Act of 1998’ provides:

- Section 12. Public Attorney’s Duties Where Accused is imprisoned. – If the public attorney knows that a person charged of a crime is preventively detained, either because he/she is charged of a bailable crime and has no means to post bail, or is charged of a non-bailable crime, or is serving a term of imprisonment in any penal institution, the public attorney shall promptly:

(a) Undertake to obtain the presence of the prisoner for trial, or cause a notice to be served on the person having custody of the prisoner mandating such person to so advise the prisoner of his/her right to demand trial.

(b) Upon receipt of a notice, the person having custody of the prisoner shall promptly advise the prisoner of the charge and of his/her right to demand trial. If at any time thereafter the prisoner informs the person having custody that he/she demands trial, such person shall cause notice to that effect to be sent promptly to the public attorney.

(c) Upon receipt of such notice, the public attorney shall promptly seek to obtain the presence of the prisoner for trial.

³² Dangerous Drugs Board (DDB) Resolution No. 7 s. 2019.

³³ 4th UNCAT State Report, item No. 22 (a).

(d) When the person having custody of the prisoner receives from the public attorney a properly supported request for temporary custody of the prisoner for trial, the prisoner shall be made available to that public attorney.

140. Section 13. Remedy Where Accused is Not Brought to Trial Within the Time Limit. – If an accused is not brought to trial within the time limit required by Section 7 of this Act as extended by Section 9, the information shall be dismissed on motion of the accused. The accused shall have the burden of proof of supporting such motion but the prosecution shall have the burden of going forward with the evidence in connection with the exclusion of time under Section 10 of this Act.

141. In determining whether to dismiss the case with or without prejudice, the court shall consider, among other factors, the seriousness of the offense, the facts and circumstances of the case which led to the dismissal, and the impact of a re prosecution on the implementation of this Act and on the administration of justice. Failure of the accused to move for dismissal prior to trial or entry of a plea of guilty shall constitute a waiver of the right to dismissal under this section.³⁴

142. Standard Operating Procedures (SOP) of the Bureau of Jail Management and Penology (BJMP), upon the commitment of a person deprived of liberty (PDL), he/she is oriented on the basic jail rules and regulations, introduced to the different development programs that would best promote his/her personal growth, and undergoes counseling to develop better coping skills, thereby preventing psychological imbalance in the early phase of incarceration.

143. The PDL are also apprised of their rights and privileges during incarceration such as:

- Receiving or sending correspondences subject to censorship, except confidential mail due to lawyer-client privilege;
- Receiving authorized books and other reading materials in jails;
- Availing of Time Allowances in accordance with the law; and
- Participating in religious and recreational activities, among others.

144. The rights of PDL include the following:

- To be protected against any acts of torture and subjection to corporal punishment;
- To be informed of the rules and regulations of the jail facility;
- To receive regular meals at least three (3) times a day;
- To exercise religious worship; to avail of medical, dental, and other health services; and
- To have contact with or be visited by immediate family members, lawyers, doctors, priest, religious mister or Imam, among others^[1].

145. The Philippine National Police (PNP) likewise strictly adheres to Memorandum Circular 2018-027 dated 28 June 2018 which sets the guidelines and procedures in the management and supervision of police custodial facilities and Persons Under PNP Custody (PUPC).

146. The PNP implements “Online Bisita (Visitor)” System for PUPCs virtual visiting system made operational in response to the CHR’s request to provide the PUPCs the chance to engage with their families through technology. The PNP enables the PUPCs to safely exercise their constitutional rights and interact with families or relatives through online means³⁵

³⁴ 4th UNCAT State Report, item No. 22 (c).

³⁵ 4th UNCAT State Report, item No. 3.

Elimination of slavery, servitude and trafficking in persons (arts. 2, 7, 8 and 26)

Reply to paragraph 18 of the list of issues

(a) *Efficacy of measures implemented*

147. From 2016 until 2021, the Philippines has achieved the highest attainable ranking, a Tier 1 classification, from the US State Department in addressing the occurrence of trafficking (including those involving Filipina female domestic workers). The Philippines is one of 33 States that has attained the highest possible status resulting from effective efforts to combat trafficking in persons.³⁶

(b) *Efforts made to address the root causes of vulnerability to exploitation, including poverty and family breakdown*

148. The DSWD implements the Recovery and Reintegration Program for Trafficked Persons (RRPTP) offers a comprehensive package of services that ensures adequate recovery and reintegration of victims of trafficking. Services under the RRPTP include the following:

- Case Management, which involves analyzing problems and needs, implementing interventions and evaluating the progress of trafficked persons;
- Direct Service Assistance, which includes provision of basic hygiene kit and food, financial assistance while awaiting employment or undergoing training, capital assistance, educational assistance, medical assistance and referral to potential employers or business partners;
- Training, which covers basic computer literacy course for interested trafficked persons to enhance knowledge and skills and facilitate employment;
- Support for Victims and Witnesses of Trafficking, which includes auxiliary services for trafficked persons with ongoing cases (i.e., board and lodging, documentation and other incidental expenses); and,
- Shelter for Victims of Trafficking, which is provided through existing centers for victims in search of temporary shelter in order to cope with traumatic experience and for those with ongoing court cases.

149. The cases of trafficking in persons include forced labor, sexual exploitation, prostitution, slavery, adoption, pornography, removal/sale of organs, illegal recruitment, child trafficking, repatriation, involuntary servitude, drug trafficking, intercepted and others. In 2019, 2,041 trafficked persons were assisted through the RRPTP or 102.10% of the 1,999 target clients.

150. The Summary of Accomplishments of the Local Committees on Anti-Trafficking (LCAT) as of December 2019 shows the initiatives and interventions of the local government units in addressing issues on trafficking in persons (TIP), which are categorized into four (4) strategies:

- 1) prevention
- 2) protection
- 3) recovery/rehabilitation; and
- 4) reintegration.

151. The monitoring of LCAT Accomplishments, which is conducted every January and July, is based on Republic Act (RA) No. 9208 or the Anti-Trafficking in Persons as amended by RA 10364 or the Expanded Anti-Trafficking in Persons; and DILG-DOJ-DSWD Joint Memorandum Circular (JMC) No. 2010-1 [Creation of Local Committees on Anti-Trafficking and Violence Against Women and their Children (LCAT-VAWC)].

³⁶ 4th UNCAT State Report, item No. 13.

152. While the monitoring of said accomplishments is temporarily suspended due to COVID-19 pandemic, the DILG in partnership with the Inter-Agency Council on Anti-Trafficking (IACAT³⁷) and DOJ continue the conduct of the “LGU Roadshows on Anti-Trafficking in Persons and Capacity Building for LGUs on the Development of Local Ordinance to Combat Trafficking in Persons” via online platform. The activity aims to raise public awareness on how to prevent and address TIP in the community, especially during the public health crisis.

153. DILG has recently issued Memorandum Circular No. 2020-103 [(Observance of the 2020 World Day Against Trafficking in Persons (WDAT)], encouraging LGUs to conduct relevant activities in the observance of the 2020 WDAT. Print and digital-copy of information, education and communication materials on anti-TIP developed by partner agencies and NGOs were also shared to LGUs for information and references.

154. To intensify its campaign against TIP, DILG collaborated with the Association of South East Asian Nations-Australia Counter Trafficking (ASEAN-ACT) for the development of the following advocacy and capacity building materials:

- Participant’s Manual for the LGU Anti-Trafficking Roadshow;
- Trainer’s Handbook for the LGU Anti-Trafficking Roadshow;
- Guidebook for LGUs on “How to Develop and Implement a Local Counter Trafficking Ordinance; and
- Localised information, education and communications materials.

155. The above materials which are expected to be completed by end of 2020, will be distributed to LGUs and used for anti-TIP roadshows and capacity building activities to be conducted by DILG and ASEAN-ACT in 2021.³⁸

(c) *Planned steps to increase the investigations, prosecutions and convictions*

156. The Inter-Agency Committee Against Trafficking has been actively monitoring cases of trafficking to ensure that all persons that may be involved in trafficking, including public officials, are promptly investigated, charged and prosecuted if the evidence warrants. This is proven by the Tier 1 classification given to the Philippines by the United States State Department.

Internally displaced persons (arts. 12, 17, 24 and 27)

Reply to paragraph 19 of the list of issues

157. The following are the developments to address issues on displacement of indigenous cultural communities and/ or indigenous peoples (ICCs/IPs):

1. Memorandum Circular No. 05, Series of 2019 – Guidelines in the implementation of the restore normalcy of life for Internally Displaced Persons from the Most Affected Areas, Barangay of Marawi City. Following the armed struggle between Government of the Philippines (GPH) security forces and terrorists associated with the Islamic State of Iraq and the Levant (ISIL) including the Maute and Abu Sayyaf Salafi extremist groups in 2017, Task Force Bangon Marawi was created to restore normalcy of life for the affected 77,170 families, rebuild and restore the City of Marawi and affected localities.

- Transitory Family Support Packages (TFSP) are provided as an integral part of holistic psychosocial aid for the Marawi City IDPs. TFSP is a one-time cash assistance intervention designated to address the continuing need for food and basic necessities, bridging the transition from response to recovery and rehabilitation. This intervention institutes unconditional service intervention providing the Internally Displaced Persons (IDPs) with the flexibility to choose from among their priority needs of

³⁷ For data on TIP cases, please refer to the Labour Scorecard.

³⁸ EU GEP+ Scorecard 2020, Item 5 (g) page 91–93/ 149.

shelter, food and non-food items (NFI) with consideration for their socio-cultural background.

2. Memorandum Circular No. 2 Series of 2018 – Revised Mainstreaming Guidelines of the Modified Conditional Cash Transfer (RCCT) Program. A sub-component of Pantawid Pamilyang Pilipino Program which uses modified approach in implementing the CCT Program for poor families including Homeless Street Families in Need of Special Protection, RCCT is a modified approach to reach marginalized, disadvantaged families not registered in the regular Conditional Cash Transfer (CCT) program due to their situation such as lack of physical structures or indigenous peoples mobility which excluded them during the conduct of registration, resulting in non-inclusion in the regular CCT.

3. Memorandum Circular No. 7, Series of 2016 – Guidelines on Strengthening Support Services and Interventions (SSI) implementation for Modified Conditional Cash Transfer (MCCT) Beneficiaries. The Pantawid-MCCT Program SSI is designated to uplift the socio-economic status of the MCCT beneficiaries. The services included are cash-for-work (CFW) micro-enterprise/livelihood assistance, income-generating projects (IGPs) MCCT feeding program family camp and other SSI. The SSI covers a menu of protective services for the marginalized and disadvantaged families of the MCCT program particularly the Homeless Street Families Street, Indigenous Peoples, and the Families in Need of Special Protection beneficiaries to improve their situations along health, sanitation, education livelihood, capability building and other interventions that may complement to improve their quality of life.

4. Bills concerning the rights of internally displaced persons have been consistently introduced and taken up in the House of Representatives. During the 15th Congress, Senate Bill No. 3317 and House Bill No. 5627 or the “Rights of Internally Displaced Persons Act” mandating the establishment of a mechanism preventing the occurrence of internal displacement, protect internally displaced persons, provide their continuing needs and provide assistance during resettlement, among others, was passed by both Houses. However, then President Aquino, vetoed said bill objecting to a provision allowing IDPs to claim financial assistance and compensation from the government as it will open the door to a slew of claims or cases against the government and goes against the ‘non-suability’ character of the State” and that the bill’s provision on damages “unlawfully differentiates between displacements caused by security agents of the State and other entities.” Then President Aquino also raised concerns over the constitutionality of additional powers the bill provided to the Commission on Human Rights (CHR), saying the power granted to the CHR to determine damages incurred against IDPs impinges on the judiciary’s exclusive power to facilitate the award of such claims.

5. Modified bills were filed during the 16th and 17th Congress and refiled in the present 18th Congress.

158. Another program is the Kapit-Bisig Laban sa Kahirapan (Linking-Arms Against Poverty) – Comprehensive and Integrated Delivery of Social Services program (KALAHI-CIDSS). This is a community driven development program seeking to empower communities through enhanced participation in local governance and community projects. It is aimed at reducing poverty by empowering the poor through meaningful involvement in development process to make development initiatives responsive to their needs. The KALAHI-CIDSS targets the poor municipalities in the identified poorest provinces that constitute the poorest 25% municipalities of the 42 poorest provinces.

159. Aligned to the KALAHI-CIDSS is the KALAHI-Comprehensive and Integrated Delivery of Social Services PAYapa and MASaganang PamayaNAn (Peaceful and Flourishing Society) or KC PAMANA. The latter is the component of KALAHI-CIDSS that aims to improve access of conflict-affected barangays (CABs) with IP residents to quality basic services, and responsive, transparent and accountable government. This program has run for three years. As a result, from 2011–2013, the KC PAMANA has implemented 487 sub-projects which are 99%, 93% and 26% percentage of accomplishment across these years. Corollary, a total of Php179,332,894.98 sub-project funds has been utilized throughout the 3 years.

160. Construction of shelters have also been initiated. Four hundred seventy-five (475) core shelters were also constructed for IDPs. The shelters were constructed in thirteen (13) barangays at Mindanao.

161. Measures are also in place to address natural or human-induced disaster or emergency. The Cash/Food-For-Work Project for Internally Displaced Person is a component of PAMANA program. It is a short-term intervention program aimed at providing temporary employment to distressed/ displaced individuals, both women and men, in times of disaster. The wage they receive from work rendered augments their needs such as food and other basic necessities. The program activities include livelihood and productivity support projects such as construction or repair of small infrastructure facilities, reconstruction and rehabilitation projects and activities, disaster preparedness, mitigation activities and environment related projects, and hunger mitigation and food security projects. To date more than 216,321 IDPs were served by the program.

162. Added to emergency and public assistance services, the State also provides support and relief services to victims of disaster such as typhoon, flooding, armed conflict, fire and displacement. These services include food, psychosocial services and resource augmentation that include support for transportation, hospitalization, medicines and shelter assistance for totally and partially damaged houses. **From January to September 2013**, there was a total of 2,930,532 individual victims of calamities such as 9 typhoons (2013 typhoon local names: Auring, Crising, Emong, Fabian, Gorio, Labuyo, Maring, Nando, Odette), armed conflict, fire and displacement from Sabah. The victims were from different regions in the country who were provided assistance with a total cost of Php198,987,993.00.

163. In addition, the State implements a Supplementary Feeding Program (SFP) through its center-based and community-based services. It seeks to enhance the food intake of children aged 3–12. Supplementary food is being provided to children attending day care sessions and supervised neighborhood play in addition to regular meals they received from home. The supplemental hot meals are served during snack/meal time to children beneficiaries five days a week for 120 days. The SFP provide augmentation support for feeding program of children in Local Government Unit (LGU)-managed areas and communities. It focuses on using indigenous foods and/ or locally processed foods equivalent to 1/3 of Recommended Energy and Nutrient Intake (RENI); improve knowledge, attitude and practices of children, parents and caregivers through intensified nutrition and health education; and improve and sustain the nutritional program target for children. As of 30 September 2013, a total of 1,000,911 children or 56% of the 1,778,274 target were served by the program.

164. A comprehensive program for street children, street families and IPs especially the Badjao indigenous cultural community provides a package of services and interventions to respond to the needs and provide opportunities for street children, street families and Badjaos to live productively and in a safe environment. A Core Shelter assistance has also been implemented meant to assist family victims of disaster to acquire decent shelters. From 2013–2018, more than 8478 shelter units for homeless families were funded amounting to more than Php605.6 million.

165. As far as protection of children and women in evacuation centers, the creation of Child Friendly Spaces (CFS) and resumption of Early Childhood Development (ECD) and Women friendly space have been established. The CFS is an immediate response to children's needs serving as entry point for working with affected communities and provisional support contributing to the care and protection of children in emergencies. It is aimed at supporting the resilience and well-being of children and young people through community organized, structured activities conducted in a safe, child-friendly and stimulating environment.

166. The Women Friendly Space (WFS)¹² is a facility/structure established in the evacuation camps to address the practical and strategic gender needs of women during crisis situation brought by natural or manmade calamities. It serves as a venue for a more systematic, organized and gender-responsive way of delivering services to internally displaced women. The setting-up of WFS has five components: social preparation and advocacy; information dissemination; service delivery; monitoring and evaluation and; partnership and networking.

All these components involve close coordination and partnership with the Gender-Based Violence Sub-Cluster and Local Government Unit.

167. Consultations with IP stakeholders, elders and leaders have revealed the following updates:

168. Displacement is caused by the intrusion of terrorist group/entity into the ancestral domain of IP communities. Terrorist group and its front organization's introduction of invasive extremist ideology inciting hate and violence causes intertribal conflict.

169. The Communist Party of the Philippines – New Peoples Army (CPP-NPA) is a terrorist group/ entity designated by the EU, USA³⁹, UK, Canada, Australia and New Zealand. The UN Security Council formally declared the CPP-NPA terror group/ entity as responsible for committing grave violations affecting children in situations of armed conflict through numerous Resolutions.

170. IP communities, their elders, civil society organizations (CSOs) and local government units have issued numerous resolutions to prevent intrusions of the CPP-NPA terror/ group in their ancestral domains and to protect their youth and children from the introduction of invasive extremist ideology inciting hate and violence.⁴⁰

171. The issuance of Executive Order No. 70 s. 2018 creating a National Task Force to End Local Communist Armed Conflict as well as the Congresses passing of the Anti-Terrorism Act of 2020 seeks to redress these problems through a whole-of-nation approach particularly focusing to include IP communities in the process.

Update on Status of Marawi Compensation Bill

172. The following bills were filed in the House of Representatives (HoR):

1. House Bill (HB) No. 03418⁴¹ or the Marawi Siege Compensation Act by Rep. Ansaruddin Abdul Malik Adiong;

2. HB 03543⁴² or the Marawi Siege Victims Compensation Act of 2019 by Reps. Mujiv Hataman and Amihilda Sangcopan; and

3. HB 07503⁴³ or the Marawi Siege Compensation Act by Rep. Mohamad Khalid Dimaporo.

173. The HB Nos. 03418 and 03543 is been pending with the Committee on Mindanao Affairs since 01 September 2021. Both HBs have been substituted by HB No. 09925⁴⁴ otherwise known as the Marawi Compensation Act, authored by various officials representing multi-sectoral groups. The same was received by the Senate on 07 September 2021.

174. Similar bills were filed in the Senate as follows:

1. Senate Bill (SB) No. 1395⁴⁵ or the Marawi Compensation Act of 2020 by Senators Juan Miguel “Migz” Zubiri; Ronald “Bato” Dela Rosa; Francis “Tol” Tolentino; Christopher Lawrence Go; Imee Marcos; and Francis “Kiko” Pangilinan; and

2. SB 2394⁴⁶ or the Marawi Compensation Act by Sen. Risa Hontiveros;

175. The above-mentioned Senate Bills with consideration of HB 09925, were substituted and consolidated into SB No. 2420⁴⁷ otherwise known as the Marawi Siege Victims

³⁹ Individuals and Entities Designated by the State Department under Executive Order 13224 Page 17/ 19, list specifically identifies its founder Jose Maria Sison.

⁴⁰ Mindanao Indigenous Peoples Council of Elders (MIPCEL) and the Mindanao Indigenous Peoples Youth Organization (MIPYO).

⁴¹ https://www.congress.gov.ph/legisdocs/basic_18/HB03418.pdf.

⁴² https://www.congress.gov.ph/legisdocs/basic_18/HB03543.pdf.

⁴³ https://www.congress.gov.ph/legisdocs/basic_18/HB07503.pdf.

⁴⁴ https://www.congress.gov.ph/legisdocs/third_18/HBT9925.pdf.

⁴⁵ <https://legacy.senate.gov.ph/lisdata/3248429337!.pdf>.

⁴⁶ <https://legacy.senate.gov.ph/lisdata/3619732607!.pdf>.

⁴⁷ <https://legacy.senate.gov.ph/lisdata/3646232883!.pdf>.

Compensation Act of 2021 through Committee Report No. 324 by the Committee on Finance and the Special Committee on Marawi City Rehabilitation as of 29 September 2019.

Right to privacy (arts. 17 and 24)

Reply to paragraph 20 (a–d) of the list of issues

176. Accomplishments of the anti-illegal drug campaign may be attributable to the community-driven initiatives which encourages the involvement multi-sectoral and mass-based approach of the MASA MASID or Mamayanan Ayaw sa Anomalya, Mamayanan Ayaw sa Illegal na Droga (Citizens Against Anomalies, Citizens Against Illegal Drugs).

Reply to paragraph 20 (e) of the list of issues

177. Information such as names, address, contact numbers, religious affiliation and gender shall be obtained for purposes of monitoring compliance to the prescribed program, this activity may be covered by video recording in conformity with those availing of the program. Such information shall be placed in a record book in compliance with the Data Privacy Act of 2012 (Section 12 of Republic Act No. 10173) and treated with the utmost confidentiality.

Reply to paragraph 20 (f) of the list of issues

178. No information on plans to reintroduce drug testing for teachers and students.

Human rights defenders (arts. 6, 17, 19, 20, 21, 22 and 26)

Reply to paragraph 21 of the list of issues

Reports of reprisals and surveillance

179. Contrary to allegations of shrinking civic space, Philippine civic space has been expanding with the Government's steadfast advocacy for the empowerment and greater participation of a multiplicity of civil society actors especially the less-resourced grassroots community-based organizations, rights holders, and human rights defenders to include indigenous peoples, Communist Party of the Philippines-New Peoples Army-National Democratic Front (CPP-NPA-NDF) returnees reintegrated into society, parents of child combatants, rescued child combatants, and victims of CPP-NPA-NDF atrocities and their families. The Philippine Government has been consistent in its advocacy for the democratization of the civic space to ensure that UN discourse on human rights including on reprisals is not only shaped by the agenda of the loudest and most resourced but by grassroots voices.

Legal and judicial remedies

180. The Senate Committee Report on the so-called issue of "red-tagging" has determined that sufficient legal remedies are already in place for the supposed aggrieved parties to avail themselves. The victims could file criminal cases or complaints for the following:

- libel, slander, or cyber-libel;
- acts defined and punished under the Revised Penal Code such as grave threats, arbitrary detention, delay in the delivery of detained persons to the proper judicial authorities, among others;
- the Philippine Act on Crimes Against International Humanitarian Law, Genocide and Other Crimes Against Humanity or R.A. 9851;
- violation of the Anti-Graft and Corrupt Practices Act under RA 3019. The law considers as corrupt practice any act that causes undue injury in the discharge of official functions, to any person or entity through manifest partiality, evident bad faith, or gross inexcusable negligence;

- administrative charges under the Code of Conduct and Ethical Standards for Public Officials and Employees under RA 6713 and the Revised Rules on Administrative Cases on Civil Service (RRACCS) as alleged red-tagging by government officials and/or employees constitutes grave misconduct, administrative charges under the Code of Conduct and Ethical Standards for Public Officials and Employees under RA 6713 and the Revised Rules on Administrative Cases on Civil Service (RRACCS);
- Civil actions, particularly indemnification for the damages caused, under Articles 19, 21, and 32 of the Civil Code.

181. In addition, there are judicial remedies to persons whose constitutional rights, particularly the right to liberty, have been violated by state agents. These are the following:

- **The writ of habeas corpus** safeguards the right against arbitrary state action. It covers all cases of illegal detention by which any person is deprived of his liberty.
- **The writ of amparo** was promulgated to protect other fundamental human rights that are beyond the scope of the writ of habeas corpus. In fact, following the Rules, upon the filing of the petition for the Writ of Amparo or at any time before final judgment is rendered, the court, justice, or judge may grant any of the following interim reliefs: (1) temporary protection order; (2) inspection order; (3) production order; and (4) witness protection order.
- **writ of habeas data** is a remedy available to any person whose right to privacy in life, liberty or security is violated or threatened by an unlawful act or omission of a public official or employee or of a private individual or entity engaged in gathering data or information regarding the aggrieved party.

Robust and functioning legal and judicial remedies

182. The Senate Committee Report⁴⁸ cited some of the instances when parties have availed themselves of the above-cited legal and judicial remedies, as follows:

- On 4 December 2020, Karapatan filed criminal and administrative charges against the high ranking officials of the NTF-ELCAC for alleged violation of Sec. 6(h) of R.A. 9851. In their complaints, they alleged “persistent, relentless and malicious red-tagging and vilification as the basis of the case”.
- Bayan Muna Representative Carlos Zarate filed a complaint against Lt. Gen. Parlade for alleged violation of R.A. 3019 for allegedly causing his person and Bayan Muna undue injury during the campaign and election period.
- On 16 July 2020, Kabataan Representative Sarah Elago, together with other leaders from allied youth groups filed an administrative complaint for violation of R.A. 6713 against ex-officio members of the NTF-ELCAC for the alleged grave misconduct over claims of her being a communist rebel and that Kabataan is a CPP front organization.
- The Court, in several instances, has granted petitions for the issuance of the *writ of amparo*. The first person to benefit from the writ of amparo is Rowil Munasque, organizer of Bayan Muna in Mindanao. He was allegedly abducted by soldiers on the same day the writ of amparo was first promulgated. He walked out a free man from the Pagadian City Regional Trial Court on 7 November 2007 after his family’s petition was granted.
- In *Bautista vs. Dannug-Salucon*⁴⁹, the Supreme Court affirmed the decision of the Court of Appeals that Atty. Dannug-Salucon of the National Union of Peoples Lawyers presented substantial evidence sufficient to justify the issuance of the *writ of amparo* and *writ of habeas data*.

⁴⁸ <https://legacy.senate.gov.ph/lisdata/3455831378!.pdf>.

⁴⁹ G.R. No. 221862, 23 January 2018.

- In the case of *Bayan Muna Party-List vs. Aquino*⁵⁰ wherein petitions for the issuance of the *writ of amparo* and *habeas data* were filed based on assertions that the petitioners⁵¹ were wrongly tagged by the military and the police as “communist front organizations,” it was concluded that their inclusion in the “lists” are threats to life, liberty and property warranting the protection of the *writ of amparo*.
- The Supreme Court denied the Petition⁵² of Bayan Muna for its failure to provide substantial evidence⁵³ to prove its claims of actual threats resulting from the alleged wrongful tagging. The Court said: “*The writ of amparo is an extraordinary remedy as it is available not only for violations of life, liberty, and security, but also against threatened violations. However, not all threats are protected by the Amparo Rule. Only actual threats, as may be established from all the facts and circumstances of the case, can qualify as a violation that may be addressed under the Rule on the Writ of Amparo.*”

183. Above-cited cases demonstrate the robustly functioning legal and judicial remedies.

184. Many reprisal allegations have been found to be rehashed and unsubstantiated. These issues are the very same allegations filed by the groups *National Union of Peoples Lawyers (NUPL)*, *Karapatan, Rural Missionaries of the Philippines (RMP)* and *Gabriela* with the Supreme Court for the Petition for a Writ of Amparo and Habeas Data, where the Court ruled on July 2019 that the Petitioners NUPL, Karapatan, RMP and Gabriela failed to present evidence on the existence of extrajudicial killings and/or any form of intimidation, reprisal or surveillance:

“First, the petitioners’ general statements that some incidents of extrajudicial killings and enforced disappearances of human rights workers happened during the present administration are empty averments. The case briefs attached to the petition are self-serving being entirely prepared by the petitioners and their organizations. Verily, the petitioners’ bare allegations are not facts and do not have probative value to justify the issuance of the extraordinary writs. The broad generalizations of the alleged threats and violations border on the contemptuous and do not deserve any judicial action.

Second, the petitioners merely lumped together the purported violations and threats against individual officers and members absent any proof they were committed because of their humanitarian works. Mere membership in these organizations or sectors cannot equate to an actual threat to justify the issuance of a writ of amparo. The lumping of previous and present experiences of petitioners is misleading and may give the impression that their life, liberty and security are threatened to be violated.

The petitioners anchored their fear on trump up charges against them to justify their detention. The petitioners submitted online news articles with their statements accusing the government of illegal arrests. However, the filing of cases cannot be characterized as an unlawful act or omission. The fact remains that the charges against the petitioners are duly filed and ruled upon.

On a final note, we reiterate that the rights to life, liberty, security and privacy are fundamental rights enshrined in the constitution. They are inviolable under the bill of rights and must be protected by the State. These rights fall within the protective mantle of the writs of amparo and habeas data which are designed to enforce the constitution. These remedies ensure that no offender can go scot-free by merely denying his involvement in the breach of these rights. However, the writs cannot be issued on amorphous and uncertain grounds lest their purpose be undermined by the

⁵⁰ G.R. No. 220028, 10 November 2015.

⁵¹ The Petition for a Writ of Amparo and for a Writ of Habeas Data were filed by the petitioners which include Bayan Muna Party-List Rep. Carlos Zarate, Gabriela Women’s Party Rep. Emerenciana de Jesus, and former Anakpawis Party-List Rep. Rafael Mariano, among many others.

⁵² Bayan Muna Party-List et al vs. Aquino, G.R. No. 220028, dated 10 November 2015.

⁵³ Sec. 17 Burden of Proof and Standard of Diligence Required – The parties shall establish their claims by substantial evidence. xxx.

indiscriminate filing of petitions on the basis of unsubstantiated allegations. More importantly, the government involvement in the violations or threats against these rights remains an indispensable element before the grant of privilege of the writs.”

185. There are currently three draft versions of the Human Rights Defenders Bill introduced by different members of Congress in the House of Representatives, they are the following:

1. House Bill No. 0015 introduced by Rep. Edcel C. Lagman⁵⁴
2. House Bill No. 0161 introduced by Rep. Jose Christopher Y. Belmonte⁵⁵
3. House Bill No. 0240 introduced by Rep. Carlos T. Zarate⁵⁶

Freedom of expression, association and assembly (arts. 19, 20, 21 and 22)

Reply to paragraph 22 of the list of issues

186. There are several versions of the Anti-False Content Bill, in the House of Representatives that are the following:

1. House Bill (HB) No. 01324⁵⁷ or the Social Network Regulation Act of 2018 by Rep. Jose Antonio Sy-Alvarado, pending with the Committee on Public Information since July 24 2019;
2. HB 02143⁵⁸ or an Act Penalizing All Forms of Fake/ False News, and for Other Purposes by Rep. Michael Romero, pending with the Committee on Public Information since July 29 2019; and
3. HB 04390⁵⁹ or the Fake News Criminalization Act of 2019 by Rep. Ed Christopher Go, pending with the Committee on Justice since 10 September 2019.

187. While in the Senate are the following:

1. Senate Bill (SB) SB 1479⁶⁰ or the Anti-Fake News in Public Service Act by Sen. Grace Poe, pending in the Committee on Civil Service, Government Reorganization and Professional Regulation since 05 May 2020; and
2. SB 09⁶¹ or the Anti-False Content Act introduced by Senate President Vicente Sotto III has been pending with the Committee on Public Information and Mass Media since 23 July 2019.

188. State party respects the independence of Parliamentarians in their mandate in legislating of laws within Congress.

189. The Covenant does not in any way advocate and promote false content and does not prohibit inclusive legislative efforts to conduct stakeholder human rights dialogues with constituents within Parliament and/ or civic space regarding false content.

190. No media outlet that has been shut down since 2016. As of date, all media outlets are freely airing their content and opinions.

191. State party respects the independence of the Parliament in legislating laws awarding privileges such as franchises for radio frequencies or bandwidths to media conglomerates. The Covenant is a human rights treaty and not a protection mechanism media conglomerates representing themselves as independent media.

⁵⁴ https://www.congress.gov.ph/legisdocs/basic_18/HB00015.pdf.

⁵⁵ https://www.congress.gov.ph/legisdocs/basic_18/HB00161.pdf.

⁵⁶ https://www.congress.gov.ph/legisdocs/basic_18/HB00240.pdf.

⁵⁷ https://www.congress.gov.ph/legisdocs/basic_18/HB01324.pdf.

⁵⁸ https://www.congress.gov.ph/legisdocs/basic_18/HB02143.pdf.

⁵⁹ https://www.congress.gov.ph/legisdocs/basic_18/HB04390.pdf.

⁶⁰ <https://legacy.senate.gov.ph/lisdata/3266929538!.pdf>.

⁶¹ <https://legacy.senate.gov.ph/lisdata/3022527054!.pdf>.

Reply to paragraph 23 of the list of issues

192. The following are updates on proposed legislative amendments that would decriminalize defamation in the House of Representatives:

1. House Bill (HB) No. HB 00494⁶² or an Act Providing for the Venue of the Criminal and Civil Action in Libel Cases against Community or Local Journalist, Publication or Broadcast Stations by Rep. Raul Del Mar, is pending with the Committee on Justice since 23 July 2019;

2. HB 00860⁶³ or an Act Providing for the Venue of the Criminal and Civil Action in Libel Cases against Community or Local Journalist, Publication or Broadcast Station by Rep. Ferdinand Hernandez, is pending with the Committee on Justice since 23 July 2019;

3. HB 01835⁶⁴ or an Act to Abolish the Penalty of Imprisonment in Libel Cases, Amending for the Purpose Articles 355, 357, and 360 of Act No. 3815, as Amended, Otherwise Known as the Revised Penal Code and for Other Purposes by Rep. Rufus Rodriguez, is pending with the Committee on Revision of Laws since 24 July 2019; and

4. HB 3455⁶⁵ or the Act Decriminalizing Libel, Repealing for the Purpose Articles 353, 354, 355, 356, 357, 360, 361, and 362 of Act No. 3815 as Amended, Otherwise known as the Revised Penal Code filed by Reps. Ferdinand Gaité is been pending with the Committee on Revision of Laws since 07 August 2019.

193. Defamation laws in the Philippines is a human rights protection mechanism to counter impunity of media conglomerates in publishing derogatory articles against private citizens.

194. As of date, there is no record of any person detained involving criminal charges of defamation.

Reply to paragraph 24 of the list of issues

- (a) Securities and Exchange Commission Memorandum Circular No. 15, published in 2018⁶⁶

195. SEC Memorandum Circular (MC) No. 25, s. 2019,⁶⁷ amending SEC MC No. 15, s. 2018 (Guidelines for the Protection of SEC-Registered Non-Profit Organizations from Money Laundering/ Terrorism Financing Abuse), does not constrict civic space. Rather, it was issued to promote accountability, integrity, and public confidence in the NPO Sector.

196. The Non-Profit Organizations (NPO) Guidelines was issued in compliance with Financial Action Task Force (FATF) Recommendation 8, to protect the NPO sector from abuse and use for terrorism financing purposes. The purpose of the NPO Guidelines is to identify NPOs vulnerable to terrorism financing (TF), conduct sustained outreach to those vulnerable NPOs, and implement targeted risk-based supervision of NPOs. It emphasizes the necessity of establishing a regulatory framework for the protection of SEC registered Non-Profit organizations from ML/TF abuse and the Commission's mandate to uphold the State policy of ensuring that corporate entities are not organized or misused for purposes which are contrary to law and to assist the Anti-Money Laundering Council (AMLC) in the implementation of the Anti-Money Laundering Act (AMLA), as amended.

197. As noted in the Philippine Mutual Evaluation Report (MER),⁶⁸ 52% of registered NPOs in the Philippines has no clear classification and this presents knowledge in the composition of the sector, such that risk based supervision becomes a challenge. To cure this

⁶² https://www.congress.gov.ph/legisdocs/basic_18/HB00494.pdf.

⁶³ https://www.congress.gov.ph/legisdocs/basic_18/HB00860.pdf.

⁶⁴ https://www.congress.gov.ph/legisdocs/basic_18/HB01835.pdf.

⁶⁵ https://www.congress.gov.ph/legisdocs/basic_18/HB03455.pdf.

⁶⁶ EU GEP+ Scorecard 2020, Item 3 (d) page 44–46/ 149.

⁶⁷ <https://www.sec.gov.ph/mc-2019/mc-no-25-s-2019-2019-guidelines-for-the-protection-of-sec-registered-non-profit-organizations-from-money-laundering-and-terrorist-financing-abuse-2019-npo-guidelines/>.

⁶⁸ Adopted by the Asia Pacific Group on Money Laundering (APG) on 22 August 2019 and published on 24 October 2019. <http://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/APG-Mutual-Evaluation-Report-Philippines.pdf>.

knowledge gap, the NPO Guidelines mandates the filing of a one-time mandatory disclosure form (MDF) to enable the SEC to properly classify NPOs and determine their risk rating. This will enable the SEC to apply risk based supervision and monitoring on NPOs at risk.

198. The NPO Guidelines provide for a checklist-type MDF, based on requirements of the FATF. This includes: a) purpose and objectives of their stated activities; b) identity of the person(s) who own, control or direct the NPO's activities, including senior officers, board members and trustees. It adopts best practices identified by the FATF in protecting the NPO sector, such as filing of annual financial statement with detailed breakdowns of incomes and expenditures; have appropriate controls in place to ensure that all funds are fully accounted for, and are spent in a manner that is consistent with the purpose and objectives of the NPO's stated activities; and take reasonable measures to confirm the identity, credentials and good standing of beneficiaries and associate NPOs.

199. The NPO Guidelines further adopts policies of good governance, such as organizational integrity, partner relationships, financial accountability and transparency, record keeping, and program planning and monitoring. It also provides for preventive measures that NPO themselves should implement in order to protect the NPOs from ML/TF abuse. It provides for the conduct of sustained outreach programs and seminars on ML/TF issues, vulnerabilities, and risks, as well as practical and effective mitigation measures.

200. SEC Memorandum Circular No. 15 s. 2019 protects the integrity of civic space against the ever-present threat of fraud and embezzlement brought about by the subversion of terrorism as mentioned by UN Security Council Resolutions; the last of which was Resolution 2462 (2019), relating to terror financing and front organizations.

201. The MC is a mere amendment to an original Memorandum Circular No. 17 issued a year earlier, 2018 on the Revision of the General Information Sheet (GIS) to include beneficial ownership information. There is no provision in all eight pages of the MC that constricts civic space.

202. Further, the claims by "many CSOs" must be assessed in the context of the thousands of CSOs in the Philippines, including community-based groups, whose roles in the Philippine public life are established, unhindered, constructive, peaceful, well-recognized and highly-valued. There are over 101,000 registered non-profit organizations⁶⁹, and majority of them are valued partners of the government and the Filipino people in nation-building.

⁶⁹ The Philippine Human Rights Situationer – May 2020, Executive Summary, page iii.

- (b) Article 21 of the Covenant emphasizes the rights to “peaceful” assembly. The Department of the Interior and Local Government (DILG) issued guidelines for local government units in their issuance of permits for rallies to comply with the Supreme Court ruling⁷⁰ and to ensure safety, peace and order during such activities like prohibiting the possession of bombs, firearms and deadly weapons during rallies, acts of burning or arson and other violent actions not covered as rights by the Covenant. The Guidelines apply both to participants of rallies as well as security and law enforcement officers alike⁷¹
- (c) On the specialized labor concern of foreign workers, the Philippines is a compliant member State to all 8 UN International Labor Organizations’ and has ratified 38 relevant conventions⁷². The State adopts the widely accepted international Principle of Reciprocity in relation to foreign workers.

Right to take part in public life (art. 25)

Reply to paragraph 25 of the list of issues

203. Senator Leila de Lima, Senator Antonio Trillanes and Vice-President Leni Robredo are high ranking State officials who are in the process of exercising their rights to suffrage according the Covenant through the filing of their certificates of candidacy for the position of Senator (de Lima and Trillanes) and while Vice-President Robredo has filed her certificate of candidacy for the position of President.

204. Victims/parties have initiated legal proceedings against both Senator De Lima and Trillanes, According to the Covenant, self-serving declarations that one is an “opposition figure” does not absolve and exempt from human rights and/ or criminal accountability. Especially if cases to hold them accountable in their capacity as high-ranking State actors are filed by victims accessing human rights and justice mechanisms to hold them accountable for their acts.

205. There are no known legal proceedings against Vice-President Robredo.

Judicial independence (art. 14)

Reply to paragraph 26 of the list of issues

206. Atty. Maria Lourdes Sereno was ousted through the majority ruling of 14 Supreme Court Justices on 19 June 2018 in a Petition for *Quo Warranto* determining that she was disqualified and unlawfully holding and exercising the functions of Chief Justice. Her removal was exclusively determined by the Justices of the Supreme Court independent from the two other co-equal independent branches of Government such as the Parliament or the Executive branch.⁷³

207. Atty. Sereno was given the opportunity by her peers in the Supreme Court to defend her position both through written submissions and oral arguments where she was represented by counsel of her own choosing, pursuant to the dictates of the fundamental right of due process. Private citizens including leaders of civil society groups were also allowed to file motions for intervention echoing Atty. Sereno’s own position. Ruling, among others, that the matter was of paramount importance to the public in the sense that the qualification, eligibility and appointment of an incumbent Chief Justice, the highest official of the Judiciary, was being scrutinized by an action for quo warranto, the Supreme Court ruled that Ms. Sereno failed to, on multiple occasions, file her Statements of Assets, Liabilities and Networth (SALNs) which are critical requirements for appointment to position of public officials. This,

⁷⁰ Primicias vs. Fuguso G.R. No. L-1800.

⁷¹ Department of the Interior and Local Government (DILG) Memorandum Circular 2019-35.

⁷²

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102970.

⁷³ <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64003>.

along with other instances of deliberate acts and omissions caused her own peers to believe that she did not have the critical qualification of proven integrity which is an essential criterion even as early as during the nomination stage for a seat in the Supreme Court. Voting 8-6 after exhaustive deliberations painstakingly borne by the records, the Supreme Court granted on 11 May 2018 the quo warranto petition. The facts, evidence and arguments painstakingly laid out in the full text of the decision and Justices' opinions demonstrate that this was an exercise of judicial independence.

208. Since her disqualification from office in 2018, the following three Supreme Court Chief Justices have served and completed their tenures:

1. Teresita Leonardo-de Castro
2. Lucas Bersamin
3. Diosdado Peralta

Rights of the child (arts. 23, 24 and 26)

Reply to paragraph 27 of the list of issues

209. There is no indication that the State intends to lower the minimum age of criminal responsibility by legislating the following proposed drafts:

210. House Bill No. 00270⁷⁴ or the Act Lowering the Minimum Age of Criminal Responsibility for Heinous Crimes, Amending for the Purpose Republic Act No. 9344, Otherwise Known as the 'Juvenile Justice and Welfare Act of 2006' authored by Rep. Michael Edgar Aglipay, Said bill is pending with the Committee on Justice since 23 July 2019.

211. Similarly, Senate Bill No. 0575 or the Act Lowering the Minimum Age of Criminal Responsibility Amending for the Purpose Sections 6, 20, 20-A, 20-B and 22 of Republic Act No. 9344, as Amended, otherwise known as the Juvenile Justice and Welfare Act of 2006, and for Other Purposes introduced by Senate President Vicente Sotto III is pending with the Committees on Justice and Human Rights; Women, Children, Family Relations and Gender Equality; and Finance since 23 July 2019.

212. Inclusive legislative efforts to conduct stakeholder human rights dialogues with constituents within Parliament and/ or civic space regarding the lowering of the minimum age of criminal responsibility is not prohibited under the Covenant.

213. State party respects the independence of the Parliament in legislating laws as a co-equal of branch government.

Indigenous peoples (arts. 2, 25, 26 and 27)

Reply to paragraph 28 of the list of issues

(a) *Indigenous Peoples' Rights Act of 1997 (IPRA) Implementation*⁷⁶

214. The Philippines is the first country in Asia and is one of the few countries in the world to legally recognize the rights of indigenous peoples. The country's Indigenous Peoples Right Act (IPRA) of 1997, an exemplary law focused on social justice, became the model for what ten years later was to become the UN Declaration on Indigenous Peoples. With the award of a Certificate of Ancestral Domain Title in 1998 to the Tagbanua indigenous cultural community of Coron Island, covering more than 22,000 hectares of land and sea, the Philippines was the first country to recognize the indigenous people's right not only to ancestral land but also to ancestral waters.

⁷⁴ https://www.congress.gov.ph/legisdocs/basic_18/HB00270.pdf.

⁷⁵ <https://legacy.senate.gov.ph/lisdata/3022127049!.pdf>.

⁷⁶ EU GEP+ Scorecard 2020, Item 2 (b) page 6–10/ 149.

215. IPRA caters to the protection of the rights of over 14 million indigenous peoples, comprising around 13 percent of the country's total population.

216. The NCIP, the primary government agency responsible for policies and programs on the rights of IPs. On the protection of the traditional knowledge and practices of IPs, the NCIP and the Intellectual Property Office of the Philippines (IPOPHL) issued in 2016 a Joint Administrative Order No. 01-2016 (Rules and Regulations on Intellectual Property Rights Application and Registration Protecting the Indigenous Knowledge Systems and Practices of Indigenous Peoples (IPs) and Indigenous Cultural Communities (ICCs)).

217. The NCIP also has been consistent in ensuring the recognition of IPs ancestral domains, and it has been steadfast in advancing said mandate.

218. To date, more than 5.7 million hectares, or about one-sixth of the country have been duly titled in the name of indigenous peoples, and the government is processing the further titling of about the same number of land area.

219. The NCIP, in the exercise of its quasi-judicial powers and acting through the Commission En Banc, have attended to and acted upon at least 192 cases for the year 2019 alone. At present, there are 111 cases in the active docket of the Commission En Banc, of which 52 cases are already ripe for resolution while the remaining 59 cases are still undergoing the requisite proceedings under the NCIP Rules of Procedure.

220. The NCIP continues to ensure the full implementation of the Free and Prior Informed Consent (FPIC) process as a means to protect IP interests and give them a voice in all business activities and matters affecting them, from the conduct of a humble academic research to the operation of large scale projects including extractive industries.⁷⁷

221. Launching of the 2020–2024 IP Master Plan (IPMP) in November 2019 with participants from national government agencies, international funding partners, civil society organizations, legislators, diplomatic corps, academe, and IP representatives. The implementation of the IPMP will be supported by a Php1 billion (USD 19.8 million) funding allocation.⁷⁸

222. Under the IPRA law, CADTs are issued to formally recognize the rights of possession and ownership of the ICCs/IPs over their ancestral domains as identified and delineated in accordance with the law, while the Certificate of Ancestral Land Titles (CALTs) formally recognize their rights over their ancestral lands.

223. As of December 2019, NCIP's Ancestral Domains Office has issued 247 CADTs with an equivalent area of 5.74 million hectares (land and water) covering over 1.3 million IP rights holders, and 249 CALTs equivalent to 16,000 hectares covering 7,156 IP rights holders.⁷⁹

224. The Government has several measures taken to address limited capacity and funding. Some of these primarily include 1) setting IP issues as a priority policy agenda of President Rodrigo Duterte; 2) institutionalizing a whole-of-nation approach in agency programming, planning, budgeting and implementation; 3) lobbying and collaborating with major departments for additional fund allocation and staff complement.

225. Promulgation of Executive Order (EO) 70. This policy has designated the NCIP as one of the members of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC)/Task Force with President Duterte as the Chairperson of the Task Force. The EO is geared towards attaining inclusive and sustainable peace.

226. Noted is the situation of our ICCs/ IPs whereby their ancestral domains are conducive to CPP-NPA terrorist group operations. Ancestral domains are very remote areas, away from the center, hard to reach, very vast and very much suited for the terrorist activities, offering space for terrorist activities such as recruitment and training while taking advantage of the geographical vulnerabilities of ICCs/ IPs living in these areas. IPs are forcibly recruited and

⁷⁷ The Philippines Human Rights Situationer – May 2020, pages 70–71.

⁷⁸ The Philippines Human Rights Situationer – May 2020, page 73.

⁷⁹ The Philippines Human Rights Situationer – May 2020, page 71.

become victims of the terror group's violent activities. ICCs/ IPs are given the added burden of having a terror group and its fronts operate in its ancestral domains, which results in obstructing the implementation of the IPRA.

227. Political will coupled with concrete direction is central to the implementation of IPRA. President Duterte's responsive measures that supports IPRA implementation shall directly address more than 50 years of invasive violent extremism that left out ICCs/ IPs from development.

228. The participation of ICCs/IPs and NCIP in each of the 13 Regional Task Forces as active partners of the inter-agency task force have been a central measure that catalyzed a direct and inclusive mechanism where grave impediments of ICCs/ IPs development are better addressed.

229. Another measure is ensuring whole-of-nation approach in Government programming, planning, budgeting and implementation. In the National Plan to End Local Armed Conflict (NP-ELCAC), the ICCs/IPs issues has taken a lead concern in each of the twelve (12) lines of efforts (LOEs) for the implementation of EO 70. As such, the NCIP has geared up itself towards the institutionalization of the whole of nation and good governance approach in agency programming, planning and implementation in support to NP-ELCAC. Such was towards enhancing the capacity of the Agency to perform its mandate through the following strategies in addressing issues affecting the rights of the ICCs/IPs, to wit:

1. Enhanced the Capacity of the ICCs/IPs as advocates of their rights by directly participating in the planning and implementation activities of the EO 70 Lines of Efforts (LOE) framework;
2. Level with other agencies to establish an inter-agency mechanism that can be used as part of the NCIP Action Plan in supporting he EO 70 LOE framework;
3. Provide a framework for NCIP personnel and ICCs/IPs that will define its role and participation within the EO 70 framework of the LOEs;
4. Mainstream the EO 70 LOEs framework from the perspective of the ICCs/IPs and NCIP at the National, Regional, Provincial, City/Municipal/ Barangay and Ancestral Domain Joint Convergences; and
5. Increased the visibility of the Agency in the local and international arena.

230. Further, given the first-hand support of President Duterte, proposing and lobbying for additional funding with the Department of Budget and Management (DBM) was also a key measure to support IPRA implementation. In the 3rd Quarter of Fiscal Year FY 2019, the NCIP was able to receive Php23 million special allotment to support the institutionalization of the whole-of-nation approach and NP-ELCAC framework of attaining inclusive and sustained peace into the NCIP program activities projects (PAPs) with the participation of ICCs/IPs.

231. Together with the participation of at least 5,000 beneficiaries that included more than 3,000 indigenous peoples from all regions, NCIP and other national and field government agencies, 13 regional action planning workshops were conducted to develop the agency's IP framework focusing on the twelve strategies of the NP-ELCAC as instruments towards ICCs/IPs security. During these activities, there were 13 Regional Action Plan outputs developed in each region.

232. Corollary, the Department of Budget and Management (DBM) has also approved the creation of new offices and positions in the field and central offices to enhance the meager human resource of the NCIP. In FY 2019, DBM approved the creation of Regional Office No. 4B to share responsibilities to ICCs/IPs with the current NCIP Regional Office 4A for a better delivery of services to the entire region's ICCs/IPs. Then in April 2020, the DBM, pursuant to Notice of Staffing and Compensation Action (NOSCA) approved on April 24, 2020 the creation of three (3) divisions in the Central Office, two (2) of which will compose the proposed Foreign Assisted Programs International Relations Office (FAPIRO) which is currently favorably endorsed to the Office of the President for approval. This move has also approved twenty (20) various positions that include ten (10) initial staff positions to the two (2) newly created Central Office divisions. It should be noted that the current NCIP personnel

complement of 1,500 positions is nil to address the concerns of the nation's 16 million ICCs/IPs. While these are milestone measures done, continuing this and sustaining the political will of the Government in the years to come will remain central to sustain these good experiences.

(b) *IP participation in public affairs, mandatory IP representative in all LGUs, including voting in 2016 elections*

233. Participation of indigenous peoples are realized through Section 16 of the Republic Act No. 8371 or Indigenous Peoples Right Act (IPRA) which requires an indigenous peoples' representative, chosen by the indigenous peoples themselves, in every local legislative council, from the smallest political unit, the barangay, to the municipal, provincial, and city legislative councils. Such representation is also mandatory in policy-making bodies.

"Sec. 16. Right to Participate in Decision-Making. – ICCs/IPs have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through procedures determined by them as well as to maintain and develop their own indigenous political structures. Consequently, the State shall ensure that the ICCs/IPs shall be given mandatory representation in policy-making bodies and other local legislative councils."

234. This policy is further strengthened through NCIP Administrative Order No. 03, issued on 14 February 2019 for the Mandatory Representation of indigenous peoples in local legislative councils and policy making-bodies.

235. As of 2020, there are around 4,294 Indigenous Peoples Mandatory Representatives in political structures nationwide.

(c) *Attacks of terror groups (CPP-NPA) against IPs*

236. The Armed Forces of the Philippines submitted to the Inter-Agency Committee created under Administrative Order No. 35 (AO35) a list of 1,506 probable violations of R.A. 9851 ("Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity"). 289 of these incidents involve willful killing of civilians that allegedly include members of indigenous groups. The AO35 Technical Working Group, with the active participation of the Commission on Human Rights, is presently reviewing the incidents for the purpose of filing the appropriate charges if the evidence warrants.

(d) *Legal and policy provisions to ensure the land rights*

237. NCIP's Ancestral Domains Office identifies, delineates, and recognizes ancestral lands and domains. It assists ICCs/IPs in protecting the integrity of all ancestral domains through the issuance, upon the FPIC of the ICCs/IPs, of certification prior to the grant of any license, lease or permit for the projects involving natural resources.

238. Under the IPRA law, CADTs are issued to formally recognize the rights of possession and ownership of the ICCs/IPs over their ancestral domains as identified and delineated in accordance with the law, while the Certificate of Ancestral Land Titles (CALTs) formally recognize their rights over their ancestral lands.

239. As of December 2019, NCIP's Ancestral Domains Office has issued 247 CADTs with an equivalent area of 5.74 million hectares (land and water) covering over 1.3 million IP rights holders, and 249 CALTs equivalent to 16,000 hectares covering 7,156 IP rights holders.⁸⁰

240. As mentioned earlier, the Government through NCIP recognizes the ownership of their Ancestral Domains/Ancestral Lands (ADs/ALs) by the issuance of CADTs/CALTs to the exclusion of others.

- As of 2020 there are 247 approved CADTs with 5,741,388.7468 has. including ancestral waters with 1,319,176 rights holder. 240 ADs more or less on-process AD

⁸⁰ The Philippines Human Rights Situationer, May 2020, page 69.

areas with 4,622,829.51 has. 466 ADs more or less identified AD areas with 4,095,361.17.

- For FY 2019 the NCIP Commission-En-Banc approved 9 CADTs containing an area of 174,649.9509 has. with 42,130 individual rights holders.

241. Legal assistance is also extended in instances where it is needed.⁸¹

⁸¹ EU GEP+ Scorecard 2020, Item 2 (g) page 22–23/ 149