



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### List of issues in relation to the fifth periodic report of the Philippines\*

#### General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide information on any significant developments in the legal and institutional framework within which human rights are promoted and protected at the national level that have taken place since the previous periodic report.

#### 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)

2. In light of the Committee's previous recommendation (CCPR/C/PHL/CO/4, para. 5), please clarify the precise status of the Covenant within the national legal order and detail any steps that have been taken to strengthen this within the reporting period. Please also provide additional information on awareness-raising about the provisions of the Covenant among judges, lawyers, prosecutors, parliamentarians and government officials.

3. Please provide an update on measures adopted to strengthen the independence and effectiveness of the Commission on Human Rights, including on the status of the Charter Bill. Please provide information about the amount of funding provided to the Commission over the past four years.

##### Anti-corruption measures (arts. 2 and 25)

4. Please provide information about the measures taken by the State party to address corruption. Please provide information about the work of the Office of the Ombudsman and the Presidential Anti-Graft Commission and detail the number of investigations, prosecutions and convictions for corruption, as well as any preventative measures.

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

5. Please provide information about the steps that the State party has taken to guarantee remedies for past human rights violations and address impunity in order to fulfil its obligations under the Covenant. Please discuss, in particular: (a) the status of the

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\* Adopted by the Committee at its 128th session (2–27 March 2020).



implementation of Executive Order No. 709 establishing the Subcommittee on Access to Justice and Anti-Discrimination; and (b) steps taken to provide remedies for violations that have taken place during internal conflicts, including the implementation of the recommendations of the Transitional Justice and Reconciliation Commission.

**Non-discrimination (arts. 2 and 25)**

6. Please indicate legislative and other measures taken during the current reporting period to combat discriminatory laws and social practices based on sex, sexual orientation, gender identity, religion, ethnicity, disability, indigenous status, socioeconomic status, HIV/AIDS status, and political affiliation. Please include information about steps taken to develop comprehensive anti-discrimination legislation, including provisions that prohibit discrimination on the basis of sexual orientation and gender identity in line with the Committee's previous recommendation (CCPR/C/PHL/CO/4, para. 10).

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

7. Please respond to reports that the Human Security Act of 2007 will be amended to, inter alia, remove references to human rights in section 2, broaden the definition of terrorism under article 3 and expand the period during which individuals can be detained without a warrant. Please include information about the current legal status of such proposed amendments, and comment on their compatibility with the Covenant. Please also comment on reports about the development of lists of individuals suspected of terror activities in the State party, including information about the current status and purpose of such records and the degree of judicial and administrative oversight. Finally, please provide information about the process whereby organizations, including the New People's Army and the Communist Party of the Philippines, were classified as terrorist organizations.

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

8. Please provide information on measures taken by the State party to address all forms of violence against women, including rape and domestic violence. Please include information about steps taken by the State party to address barriers to reporting such violence, and to investigate, prosecute and convict perpetrators under the Anti-Violence Against Women and Their Children Act of 2004 and other relevant legislation, and about remedies provided to victims. Please also clarify the legality of the dissolution of marriage within the State party, bearing in mind the Committee's previous recommendation (CCPR/C/PHL/CO/4, para. 12).

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

9. Please provide information on measures taken in view of the Committee's previous recommendations (CCPR/C/PHL/CO/4, para. 13), and the Supreme Court's 2014 judgment in the case of *Imbong v. Ochoa*, to improve access to reproductive health services, including to safe abortion and contraceptives, as well as to curb the spread of sexually transmitted diseases.

**Right to life (arts. 6 and 24)**

10. Please provide additional information about the prevalence of extrajudicial killings in the State party, in light both of the Committee's previous recommendation (CCPR/C/PHL/CO/4, para. 14) and of reports of an exponential growth in such violations since 2016. Please include details about: (a) efforts to implement the previous recommendation of the Committee, including providing the precise numbers of investigations, prosecutions and convictions for all extrajudicial killings that have taken place in the current reporting period and information about efforts to disband and disarm all private armies, vigilante groups and "force multipliers"; (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; (c) reports that children have been killed during anti-drug operations targeting their family members and/or have witnessed killings; (d) reports that senior government officials have publicly encouraged the extrajudicial killing of persons suspected of using or selling illegal drugs; and (e) reports that families of

victims face obstacles in filing cases against perpetrators, that include reprisals against them for seeking redress.

11. Please respond to reports of legislative efforts to reinstate the death penalty, and comment on the compatibility of such steps and of the contents of the bills considered with provisions in the Covenant, and in the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty which the Philippines ratified on 20 November 2007.

12. Please provide information about efforts to prevent and mitigate the effects of climate change and environmental degradation in the Philippines, including on the right to life. In this regard, please include information about progress that has been made in implementing the 2011–2028 National Climate Change Action Plan.

**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)**

13. In light of the Committee’s previous recommendation (CCPR/C/PHL/CO/4, para. 17), please discuss the State party’s efforts to uphold the prohibition of torture and other cruel, inhuman or degrading treatment or punishment. Please provide information about: (a) alleged reports of widespread use of torture and inhuman or degrading treatment, including the use of strip searches, blindfolding, paddling and other physical punishment to extract confessions from detainees; (b) any steps taken to prevent such practices; and (c) the number of investigations, prosecutions and convictions under the Anti-Torture Act and other relevant legislation, including the punishments meted out to perpetrators and the compensation made available to victims.

14. Bearing in mind the previous recommendation of the Committee (CCPR/C/PHL/CO/4, para. 19), please provide further information about efforts to reduce overcrowding and poor conditions within the prison system. Please include details about: (a) the efficacy of current efforts, including investment in prison infrastructure, prisoner transfers and releases and measures to control infectious diseases, in addressing overcrowding and poor detention conditions; (b) reports that the State party’s anti-drug initiatives have increased pressure on the prison system, resulting in severe overcrowding, and about any measures taken to alleviate the situation; and (c) reports of multiple deaths among prisoners in police custody and about any measures taken by the State party to reverse this trend.

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

15. Bearing in mind the Committee’s general comment No. 35 (2014) on liberty and security of person, please discuss whether individuals who are caught using drugs for the first time, or who surrender under *Oplan Tokhang*, have been subjected to mandatory drug treatment and deprivation of their liberty without their free, informed and prior consent. Please also discuss whether those who start such programmes are free to leave when they choose, and if not, what the legal basis is for the deprivation of their liberty. Finally, please provide an overview of how due process is exercised in relation to persons who are subjected to State-mandated drug treatment, including the degree of judicial oversight.

16. Please respond to reports that a large proportion of the prison population is being held in pretrial detention, that pretrial detention is mandatory for drug offences, that pretrial detention is used for extended periods of time and that the numbers of persons held under such conditions of detention has grown exponentially in the past five years.

17. Please respond to reports that fundamental procedural safeguards, including the rights of individuals detained to be informed of the charges against them, to have prompt access to a lawyer, to have access to a medical assessment and to be brought before a judge in a prescribed time frame are not consistently upheld in the State party.

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

18. Please provide information about steps taken to address child labour, including the worst forms such as child sexual exploitation, online exploitation, and trafficking, including

of women and children, within the State party. In this regard, bearing in mind the previous recommendations of the Committee (CCPR/C/PHL/CO/4, paras. 18 and 23, please include: (a) information about the efficacy of legislative and policy measures implemented during the current reporting period in regard to all such forms of exploitation; (b) efforts made to address the root causes of vulnerability to exploitation, including poverty and family breakdown; (c) information on any planned steps to increase the investigations, prosecutions and convictions under the Expanded Anti-Trafficking in Persons Act and other relevant legislation.

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

19. Please provide an update on the efforts of the Government to address the situation of all internally displaced persons within the State party. Please include information about the provision of protections and durable solutions to such persons, including indigenous persons, and persons displaced by internal conflict, natural disasters, and large-scale development and extractive projects. Please also discuss efforts to provide access to remedy for all those displaced, including compensation, and include therein an update on the status of the Marawi Compensation Bill.

**Right to privacy (arts. 17 and 24)**

20. Please comment on the compatibility of the State party's anti-drug initiatives with the right to privacy, under article 17 of the Covenant. Please include information about: (a) the keeping of lists among law enforcement officials of persons suspected of drugs offences, including the criteria for inclusion on such lists and the degree of judicial and administrative oversight; (b) the installation of public boxes to allow members of the public to anonymously report individuals for drug offences; (c) the use of individuals associated with local governments to collect information about drugs offences within communities; (d) reports that in the context of *Oplan Tokhang*, police officers knock on the doors of persons suspected of being involved with drugs and encourage their surrender to the authorities, often leading to State-sponsored drug treatments; (e) the collecting of photographs, fingerprints and medical samples of persons who enter State-sponsored drug treatments, including about the legal basis for the collection of such information, and how such information is used and for how long it is retained, as well as about the overall degree of judicial oversight; and (f) plans by the Philippine Drug Enforcement Agency to introduce mandatory drug testing for teachers and students, starting in the fourth grade.

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

21. In light of the previous recommendation of the Committee (CCPR/C/PHL/CO/4, para. 15), please provide information about steps taken to provide protections for human rights defenders. Please include an update on the status of the Human Rights Defenders Protection Bill. Please also respond to reports that human rights defenders, including politicians, indigenous persons, journalists, civil society representatives, union leaders, women human rights defenders, religious leaders, and lawyers and members of the judiciary have been subjected to various forms of reprisals and surveillance. Please provide information about the number of investigations, prosecutions and convictions relating to such reprisals, which reportedly include unlawful detention, threats of violence, harassment, surveillance, intimidation, and physical violence, including extrajudicial killings.

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

22. Please provide information about efforts within the State party to protect and promote the right to freedom of expression. Please provide information about: (a) the contents of the Anti-False Content Bill and its compatibility with provisions in the Covenant; (b) reports of attempts to shut down independent media outlets, and of cyberattacks against alternative media websites.

23. Bearing in mind the Committee's previous recommendation (CCPR/C/PHL/CO/4, para. 21), please provide an update on the status of proposed legislative amendments that would decriminalize defamation. Please provide details about any cases during the reporting period involving criminal charges of defamation.

24. Please provide information about efforts within the State party to protect and promote the right to freedom of assembly. Please provide information about: (a) Securities and Exchange Commission Memorandum Circular No. 15, published in 2018, and respond to reports that it requires not-for-profit organizations to disclose information about donors, sources of funds and beneficiaries; (b) reports that a permit is required for rallies and that security forces have used excessive force to disperse peaceful assemblies; (c) overall respect for the rights of workers to exercise freedom of association and assembly, including additional detail about implementation of the Committee's previous recommendation (CCPR/C/PHL/CO/4, para. 22) in relation to foreign workers, and whether force has been used during protests by any types of workers.

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

25. Please report on the compatibility with the Covenant of the measures, including deprivation of liberty and legal proceedings, taken against opposition figures, including Senator Leila de Lima and former Senator Antonio Trillanes, and the Vice-President, Leni Robredo.

**Judicial independence (art. 14)**

26. Please provide information on the circumstances leading to the ousting of the Chief Justice, Maria Lourdes Sereno, from office, and on the compatibility of the measures taken with the Covenant. Please respond to concerns that judicial independence is threatened due to the low wages of judges, intimidation of judges through publicly issued threats, and the prevalence of corruption.

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

27. Please discuss whether the State party intends to lower the minimum age of criminal responsibility from 15 to 12 and provide information about the status of any related legislation. Please comment on the compatibility of any such measures with provisions in the Covenant.

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

28. Please discuss the protections in place to ensure the rights of indigenous persons in the Philippines. In this regard, please provide information about: (a) the implementation of the Indigenous Peoples' Rights Act of 1997; (b) steps that have been taken by the State party to overcome barriers to the participation of indigenous peoples in public affairs, including voting during the 2016 elections; (c) reports of attacks against indigenous persons by military and paramilitary groups, including the numbers of investigations, prosecutions and convictions; and (d) legal and policy provisions to ensure the land rights of indigenous persons.

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