



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2969th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 19 April 2023, at 3 p.m.

Chair: Ms. Shepherd

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The meeting was called to order at 3 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Combined twenty-first to twenty-fifth periodic reports of the Philippines (CERD/C/PHL/21-25; CERD/C/PHL/Q/21-25)

1. *At the invitation of the Chair, the delegation of the Philippines joined the meeting.*
2. **Mr. Capuyan** (Philippines), introducing his country's combined twenty-first to twenty-fifth periodic reports (CERD/C/PHL/21-25), said that the Constitution of 1987 guaranteed full respect for the human rights and dignity of all persons and the promotion of the rights of Indigenous cultural communities within the framework of national unity and development. To reinforce that guarantee, the Philippines had ratified the Convention in 1967 and had enacted the Indigenous Peoples' Rights Act in 1997. The Act was a landmark piece of legislation that had been adopted following nationwide consultations with Indigenous Peoples, communities and support groups and had served as a reference for United Nations Declaration on the Rights of Indigenous Peoples. The Act focused on addressing the plight of Philippine Indigenous Peoples as a marginalized and vulnerable group, while correcting historical injustice and discrimination. It protected Indigenous Peoples' rights in four areas: ancestral lands and domains; self-governance and empowerment; social justice and full enjoyment of human rights and freedoms; and cultural integrity.
3. The periodic report reaffirmed and underscored the Government's policy of preventing and addressing all forms of discrimination on the grounds race, colour, descent or national or ethnic origin. In accordance with that policy, during the period under review the Philippines had enacted 215 laws relevant to the promotion, protection and fulfilment of Indigenous Peoples' rights, including the right to security of person, women's and children's rights, and rights to basic services. Judicial processes had been enhanced to ensure that the law, properly interpreted, had a positive bearing on the rights of Indigenous Peoples. In that regard, 17 judicial education seminars had been organized for justice officials, which had been attended by 802 judges and 346 other officials.
4. The Government recognized that development must be pursued through inclusive and participatory processes with full respect for human rights. For that reason, the State enforced guidelines on a free, prior and informed consent process that sought to protect the environment and cultural and religious sites and to promote responsible mining, ensuring that no agreements were signed without the consent of affected Indigenous communities.
5. The Government attached great importance to Indigenous political structures as systems of Indigenous leadership and governance that played a key role in mitigating violations and conflicts. Such structures were essential for Indigenous Peoples to obtain certificates of ancestral domain and land title and they also contributed to the documenting and reporting of violent leftist extremism, which undermined Indigenous Peoples' free exercise of their rights. In the light of atrocities committed against Indigenous Peoples, the State continued to intervene to protect their rights and to address violent leftist extremism.
6. The Government had forged many partnerships in order to advance Indigenous Peoples' rights and build its capacity to fulfil its obligations under the Convention. It had signed cooperation agreements with about 70 organizations for the implementation of programmes, projects and activities for Indigenous Peoples. For example, the National Commission on Indigenous Peoples was currently working with the World Bank to conduct a household survey of Indigenous Peoples. The Government cooperated with foreign and international institutions and mechanisms, including the United Nations Resident Coordinator in the Philippines and special procedure mandate holders, and organizations such as Human Rights Watch and Amnesty International.
7. During the coronavirus disease (COVID-19) pandemic, the State had demonstrated its capacity to protect the country's Indigenous Peoples. In 2020, the National Commission on Indigenous Peoples had met with Indigenous representatives from 350 ancestral domains and lands. At the height of the pandemic in 2021, 17,867 members of Indigenous communities had been vaccinated.

8. In keeping with its long-standing humanitarian tradition, in 2022, the Philippines had rolled out the Complementary Pathways Programme in cooperation with the Office of the United Nations High Commissioner for Refugees. The initiative provided a safe, regulated avenue for refugees to enter and stay in the country for the purpose of education. In March 2022, the Philippines had acceded to the 1961 Convention on the Reduction of Statelessness. The Government had issued an administrative regulation to establish a fair, efficient and non-adversarial procedure for the protection and assistance of refugees and stateless persons. An inter-agency committee had been established to facilitate access to social and economic services by refugees and stateless persons.

9. The National Commission on Indigenous Peoples had issued 260 certificates of ancestral domain and 252 certificates of ancestral land title. Efforts to preserve cultural integrity included the Epanaw (Journey) project, which aimed to raise awareness of cultural practices and ancestral domains; the publication of three books, *Recognize, Respect* and *Promote*; and the organization of photography exhibitions in 13 regions.

10. The Government was strengthening its institutions in order to better respond to calls for action on Indigenous issues. It had established an information and communication technology command centre with a view to improving data collection on Indigenous peoples for policy and programme planning. Government agencies and the World Bank had recently agreed to establish a single digital data portal that would be accessible to all stakeholders. The National Commission on Indigenous Peoples had recently set up a Foreign-Assisted Programmes and International Relations Office to ensure the representation and participation of Indigenous Peoples in national and international activities, policy debates and conferences that affected their lives and well-being. The Commission ensured that Indigenous Peoples' issues were taken into account in the negotiation of international instruments such as the Philippines-Australia Strategic Partnership, the free trade agreement between Canada and the Association of Southeast Asian Nations, and the Indo-Pacific Economic Framework for Prosperity. The Philippines continued to advocate for the interests of Indigenous Peoples within the United Nations system and for the enhanced participation of Indigenous Peoples, through their political structures and traditional governance systems, in the United Nations.

11. Notwithstanding its achievements, the Government recognized that stronger action was needed for the elimination of racial discrimination. Vulnerability to external factors such as foreign ideologies, armed groups, land grabbers, abusive politicians and criminals continued to threaten Indigenous Peoples' right to self-determination. The Government would therefore be grateful for the Committee's support in ending the abuse of the United Nations system by interest groups that purported to defend Indigenous Peoples' rights but in fact were aligned with violent leftist extremists. Such bogus groups had previously benefited from the goodwill of the United Nations in order to gain access to foreign funds, which they had used to perpetuate terrorism.

12. The National Commission on Indigenous Peoples would continue to be guided by 11 "building blocks" that promoted the resilience, responsiveness and relevance of Indigenous Peoples in their ancestral domains, namely: the confirmation of Indigenous political structures; the registration and accreditation of Indigenous Peoples' organizations; the delineation and certification of ancestral domains and lands; the establishment of the Ancestral Domains Management Office; the preparation of ancestral domain sustainable development and protection plans; wealth management and the preparation of community resource management and development plans; the prerequisite for free, prior and informed consent and the exercise by Indigenous Peoples of priority rights; the mandatory representation of Indigenous Peoples in local legislative bodies; the establishment of effective partnerships and cooperation; socioeconomic activities with Indigenous Peoples' cooperatives; and the operation of an ancestral domain defence system.

13. The Government would not waver in its commitment to the promotion, protection and fulfilment of Convention rights. Through the Indigenous Peoples' Rights Act and the building blocks framework, it aimed to eliminate discrimination against Indigenous Peoples in the Philippines. The elimination of racial discrimination would not be achieved by any single stakeholder, but through a whole-of-nation and whole-of-government approach with the active participation of all sectors of society.

14. **Ms. Dumarpa** (Commission on Human Rights of the Philippines) said that the Government had achieved tangible progress in recent years and had made commendable efforts during the pandemic. Nevertheless, Indigenous Peoples continued to experience challenges in fully enjoying their civil, political, economic, social, and cultural rights. The Commission on Human Rights of the Philippines had identified specific concerns related to the fulfilment by State and non-State duty bearers of their obligations under the Convention.

15. Deficiencies in the collection and disaggregation of data on Indigenous women, children, youth and older persons, and on internally displaced Indigenous Peoples, limited the ability of the Government and other stakeholders to address their issues and concerns appropriately. The Commission therefore urged the authorities to strengthen the system for collecting data and generating statistics on Indigenous Peoples, in order to ensure that programmes were targeted and not fragmented.

16. The creation of the National Task Force to End Local Communist Armed Conflict, pursuant to Executive Order No. 70, had coincided with an increase in red-tagging and the spread of disinformation about activists, human rights defenders and civil society organizations, including members of Indigenous communities. The Commission encouraged the Government to revisit the mandate of the National Task Force and to take steps to ensure that it was not improperly used to harass, threaten or attack civil society organizations, human rights defenders, journalists, minority groups, labour activists, Indigenous Peoples, dissenters and members of the political opposition.

17. The Commission had been informed that State and non-State duty bearers were still failing to seek the free, prior and informed consent of Indigenous communities in the context of natural resource extraction, power generation and tourism projects. It urged the Government to uphold the rights of Indigenous Peoples to be informed and consulted before any development projects or activities were carried out in their ancestral domains.

18. Finally, the Commission reiterated its appeal for the Government to support and intensify its legislative advocacy for the passage of a bill amending the Commission's charter, which would strengthen its mandate and enhance its organizational, functional and fiscal structures.

19. **Mr. Balcerzak** (Country Rapporteur) said that he strongly encouraged the State party to update its common core document ([HRI/CORE/1/Add.37](#)), which dated from 1993. He would be interested to know which specific organizations had participated in the consultations and workshops held during the preparation of the periodic report.

20. The Committee welcomed the State party's legislative efforts, notably the enactment of 215 laws relating to a range of human rights and freedoms. As the Committee was particularly interested in laws that concerned direct or indirect racial discrimination on the grounds of race, colour, descent or national or ethnic origin, he wondered whether the legislative proposals submitted in 2011, namely House Bill No. 4807 and Senate Bill No. 2814, had been rejected. He would be interested to know the status of the five comprehensive anti-discrimination bills mentioned in paragraph 19 of the report. It would also be useful to know whether the legislative process included consultations with civil society and Indigenous Peoples.

21. One promising piece of draft legislation, which had been introduced in 2021 after the submission of the periodic report, was Bill No. 8243, An Act Protecting and Promoting the Rights to Equality and Non-Discrimination on the Basis of Race, Ethnicity and Religion. That bill provided for the creation of a Non-Discrimination and Equal Opportunity Committee and included a definition of the racial discrimination that mirrored the definition contained in article 1 of the Convention. It also set forth the duties of the Commission on Human Rights and included sections on common penal provisions, administrative proceedings and sanctions and reparation to victims. He wondered whether Bill No. 8243 had priority over other bills, whether it was likely to be enacted, and whether it had been amended during the legislative process.

22. Further details of the domestic court rulings referred to in the report of the State party that protected and promoted the rights of Indigenous People would be welcome. Other examples of judicial or non-judicial measures in which the Convention had been invoked

would also be helpful. He wished to know how Presidential Decree No. 966, which prohibited and penalized violations of the Convention, had been implemented, whether any judgments regarding the dissemination and advocacy of ideas based on racial superiority or hatred had been made and whether any convictions for membership in organizations that promoted or incited racial discrimination had been secured. He also wondered how many cases of racially motivated hate crimes had resulted in convictions. The Committee would welcome statistical data, disaggregated by sex, age and national or ethnic origin, on the complaints submitted to the police, the Commission on Human Rights and the Ombudsman for acts prohibited under article 4 of the Convention, the steps taken in response to the complaints and their outcome, including prosecutions, sentences and compensation.

23. Further information on any investigations into incidents of harassment, assault, killings and enforced disappearances of human rights defenders, lawyers, journalists and other persons working to combat racial discrimination, including the number of investigations carried out and the percentage of those that had led to prosecutions, would be useful. In particular, he would welcome information on investigations into the deaths of Rex Fernandez and Juan Macababba, two human rights lawyers who had provided legal services to Indigenous communities, Zara Alvarez, a human rights defender, and Randall Echanis, a peasant leader and activist. Lastly, given that the Government had committed to enacting into law the bill currently before the legislature to recognize and protect human rights defenders by 2024, the Committee would appreciate details of the status of the draft legislation.

24. **Ms. Tlakula** (Country Task Force) said that the emphasis placed on the situation of Indigenous Peoples in the Philippines was important because of the special role that they had in the country. Nevertheless, the Committee would also appreciate information regarding all other issues covered by the Convention.

25. She wished to learn more about the impact of the training provided to judges and other officers of the court on the rights of Indigenous Peoples. It would be useful to have an account of the steps taken to fulfil the State party's obligation to protect lawyers and to guarantee access to justice for victims whose rights had been violated and any policies or practices that aimed to facilitate access to justice in cases invoking the Convention. Information on the measures taken to increase awareness of the Convention among the public and law enforcement agencies would also be helpful.

26. The Committee would appreciate an update on the resolution of the issues, referred to in paragraph 107 of the State party's report, that were currently preventing the adoption of bills regarding the mandate of the Commission on Human Rights. She wondered whether there were plans to consolidate the two pending bills on the Commission's mandate into a single bill and, if so, when it was likely to be passed. She wished to know when reported vacancies for Commissioners would be filled and what measures were in place to guarantee the appointment of competent, independent and impartial candidates. It would be useful to know whether the delegation was aware of reports of harassment and intimidation of members of the Commission and, if so, what measures had been taken to investigate such reports. The Committee would also welcome an update on the implementation of recommendations made by Subcommittee on Accreditation of the Global Alliance of National Human Rights Institution regarding the Commission. Had the State party considered seeking the advice of the Office of the United Nations High Commissioner for Human Rights (OHCHR)?

27. Lastly, information on the complaints investigated by the Ombudsman involving racial discrimination, including the outcome of those investigations, would be useful.

28. **Mr. Kut** (Follow-up Coordinator) said that, in paragraph 33 of its previous concluding observations, issued in August 2009, the Committee had requested the State party to provide information, within one year, on its follow-up to the recommendations contained in paragraphs 18, 23 and 25. However, no interim report had been received. The Committee attached great importance to the follow-up procedure and the State party would again be requested to submit an interim report during the current reporting cycle.

29. In the State party's current periodic report, some information had been submitted relative to the recommendation contained in paragraph 18 of the previous concluding observations, regarding Indigenous Peoples who had been disproportionately affected by

armed conflict. Further information on the situation would be welcome. The periodic report also contained some information relative to the recommendation contained in paragraph 23 of the previous concluding observations regarding the streamlining of the formal process for claiming collective land titles. The Committee would appreciate further information on the revised omnibus rules on ancestral domains and lands mentioned in the report aimed at simplifying that process. Lastly, the periodic report had contained information relative to the recommendation contained in paragraph 25 of the previous concluding observations regarding the mining operations undertaken without the prior consent of the Subanon people. However, the meaning of the recommendation that the Committee should respect and recognize the Philippine law on the rights of Indigenous Peoples needed clarification. It was for the Committee to make recommendations to the State party and not the other way around.

30. **Ms. Esseneme** said that she wished to hear about State party's strategy to protect older persons and persons living with HIV/AIDS from stigmatization and discrimination. Disaggregated statistics on the population of older persons, particularly those in Indigenous communities, would also be useful.

31. **Ms. Tebie** said that she would welcome detailed information on the results of the 2020 national population census regarding the ethnic composition of the Philippines.

32. **Mr. Diaby** said that he would appreciate more information regarding the investigations carried out into accusations of murder committed by police officers during drug raids in the region of Calabarzon in 2021 and into the arrest of Natividad Castro, a doctor who had provided care to Indigenous Peoples in the region of Mindanao and had been accused of crimes, including terrorism. He would also like to know the number of civil society organizations working to protect the rights of Indigenous Peoples and any other minority groups whose rights were protected by the Convention.

33. **Mr. Amir** said that it would be interesting to hear about the legacy of the terrible war waged by the United States of America against the Philippines during the previous century, which had witnessed the killing of thousands of Indigenous people and the burning and bombardment of settlements. The delegation might also comment on the situation of people, often Indigenous Peoples, living in conditions of severe economic underdevelopment in the country.

34. **Mr. Yeung Sik Yuen** said that he would be grateful for details on the State party's legislative structure and processes and the function and status of presidential decrees.

The meeting was suspended at 4.20 and resumed at 4.40 p.m.

35. **A representative of the Philippines** said that the House bill on protecting and promoting the rights to equality and non-discrimination on the basis of race, ethnicity and religion had been approved by the House of Representatives in 2021 but had not passed by the Senate. It had been refiled in August 2022 and had been pending since. The Senate bill on the same subject, which had been filed in August 2022, was pending before the Committee on Social Justice, Welfare and Rural Development. A total of 28 anti-discrimination bills were currently pending before the House of Representatives and 17 before the Senate.

36. **Mr. Capuyan** (Philippines) said that bills brought before the House of Representatives, if approved in third reading, were transferred to the Senate, where they underwent the same legislative process. If approved, a joint bill was prepared for submission to the President. Institutions like the National Commission on Indigenous Peoples and civil society organizations monitored and participated in the process. It was a free market of ideas where the views of all stakeholders were considered.

37. **A representative of the Philippines** said that the principles and provisions of the Convention had become part of domestic law upon ratification. Hence, pending the adoption of domestic provisions defining racial discrimination, the courts applied the definition set forth in article 1.

38. A good example where the principles of the Convention had been applied by a domestic court was Supreme Court ruling No. 224469 of 5 January 2021 in the case of *Diosdado Sama and Bandy Masanglay v. People of the Philippines*. It concerned two members of the Iraya-Mangyan tribe of Mindoro who been charged for cutting timber

without a permit. The Court had acquitted the two defendants on the grounds that the trees in question had been located within the ancestral domain of the Iraya-Mangyan Indigenous Peoples and that they had acted in the belief that all plants and animals within their ancestral domain could be used freely without State permission, highlighting the cultural identity of the defendants.

39. **Mr. Capuyan** (Philippines) said that the Supreme Court had ruled on four cases of racial discrimination; one case of ethnic discrimination; six cases of discrimination based on gender; one case of discrimination based on workplace discrimination; one case of discrimination based on disability; six cases of discrimination based on religion; four based of discrimination on ethnicity; and one case of discrimination in education. A mayor and a regional director of a government commission had been suspended from office for discrimination-related offences.

40. All 17 regions of the Philippines had multi-agency peace and order councils and regional development councils, grouped together under the oversight of a Cabinet Officer for Regional Development. All matters relating to the rights of indigenous peoples and other rights holders were discussed in that forum. Human security and well-being were a primary concern of the country's 25-year long-term vision, entitled "*Ambisyon Natin 2040*", which served as a guide for development.

41. Turning to the question about harassment, disappearance and killing of human rights defenders, he said that two of the four persons in question were members of the Communist Party of the Philippines and the New People's Army. Many so-called human rights defenders employed dual revolutionary tactics and were heads or members of front organizations of the Communist Party and its armed wing. Most of the members of those organizations were nevertheless genuine advocates; the challenge was to distinguish between the two.

42. **A representative of the Philippines** said that treaty body recommendations were implemented by the respective executive agencies under the oversight of the Presidential Human Rights Committee Secretariat. The Secretariat served as the main coordinating body for the Government's engagement with treaty bodies and collaborated with the relevant executive agencies, civil society organizations and other stakeholders on the preparation of periodic reports. In early 2023, an online human rights tracking database had been established to monitor compliance with human rights obligations and raise awareness of treaty body recommendations.

43. Two bills aimed at strengthening and expanding the mandate of the National Commission on Human Rights had been submitted in 2020. Following several rounds of consultations with internal and external stakeholders, they were currently pending before the House Committee on Human Rights. The Commission had been granted category A status by the Global Alliance of National Human Rights Institutions and was fully compliant with the Paris Principles. It was a key partner of the State and participated in all human rights-related interagency working groups and mechanisms.

44. **A representative of the Philippines** said that all but one of the five Commissioners of Human Rights had been appointed. Nominations were informed by recommendations from human rights stakeholders; a shortlist of candidates was submitted to the President. The Commission was composed of experts who possessed the essential competencies; the selection process was fully compliant with the Paris Principles.

45. **Mr. Capuyan** (Philippines) said that the National Commission on Human Rights had a close working relationship with the Armed Forces of the Philippines and the Philippine National Police. On several occasions, the Commission had reviewed material prepared by the National Task Force to End Local Communist Armed Conflict and where inconsistencies with the country's human rights obligations had been identified, corrections had been made. Regular in-service human rights training and human rights clearance had been prerequisites for promotion in the armed forces and the police for nearly 30 years.

46. The National Commission on Indigenous Peoples was also a strong partner of the Government. On the occasion of extensive visits to ancestral domains conducted in his capacity as Chair of the Commission in the period 2019–2022, he had briefed indigenous communities about the Commission's role and the possibility of bringing any matter of

concern to its attention. The Commission worked closely with the Armed Forces and the National Police in the implementation of international humanitarian law in conflict situations.

47. **A representative of the Philippines** recalling the powers and responsibilities of the Office of the Ombudsman, said that the Office was competent to investigate and prosecute acts of racial discrimination committed by State actors.

48. **A representative of the Philippines** said that the Inter-Agency Committee on Children in Situations of Armed Conflict, established pursuant to Act No. 11188 on the Special Protection of Children in Situations of Armed Conflict Act and chaired by the Council for the Welfare of Children, was made up of representatives of the Armed Forces and the National Police, the national commissions on human rights and on indigenous peoples, and relevant government departments. The Committee developed guidelines and programmes, monitored cases of children in situation of armed conflict and trained local government units in monitoring, reporting and responding to child rights violations. It had signed and implemented a protocol on the handling and treatment of children in situations of armed conflict and published a compendium on Act No. 11188, its regulations and its protocols.

49. One of the Inter-Agency Committee's objectives was to build the capacity of members to formulate their own policies and protocols. In 2021, the National Police had formulated a child protection policy; both the National Police and the Armed Forces had since developed and rolled out protocols for the protection of children in situations of armed conflict.

50. In the period 2019–2021, the Council for the Welfare of Children had received 74 reports of grave child rights violations in situations of armed conflict; 33 cases had been validated and investigated. It had also established the Makabata helpline for child victims of violence, sexual abuse and children in situations of armed conflict. Under Act No. 11188, children were entitled to be rescued, to be treated as victims and to be provided with appropriate services.

51. **A representative of the Philippines** said that there were often narratives about children being detained through law enforcement operations and removed from school on the pretext that they required rehabilitation. The Government demobilized anyone under the age of 18 years conscripted or used in hostilities, provided them with physical and psychological care and supported their social reintegration. Armed groups other than the national armed forces should not, under any circumstances, recruit children aged under 18 years or use them in hostilities.

52. **Mr. Capuyan** (Philippines) said that the National Commission on Indigenous Peoples had significantly streamlined the process of conferring land titles. Indigenous Peoples played a key role throughout that process, including in efforts to obtain free, prior and informed consent. The Commission had issued national guidance on the 11 building blocks provided for under the Indigenous People's Rights Act to support its work to uphold the rights of Indigenous Peoples, which was used by communities as a basis for the development and implementation of local guidance in line with their customary laws.

53. Wireless Internet access was being installed for all Indigenous communities to enable them to communicate and discuss their concerns with anyone they wished. In 2023, the Department for Information and Communication Technology would install 150 wireless Internet connections in ancestral domains, and the National Commission on Indigenous Peoples would establish a further 60 connections to support the management offices governing ancestral domains and to promote self-governance among Indigenous Peoples.

54. Some ancestral domains had already been issued with land titles and registered with the Land Registration Authority. While land titles could be issued by bodies including the National Commission on Indigenous Peoples, the Department of Environment and Natural Resources and the Department of Agrarian Reform, it was the Land Registration Authority that registered those titles and publicized the relevant information. Land titles had been issued for nearly 250 ancestral domains and lands in the Philippines and over 60 had been registered with the Land Registration Authority. Ancestral domains and lands that had not been issued with land titles continued to be overseen by the Government. The 1997 Indigenous Peoples Rights Act had been enacted to protect the rights of Indigenous Peoples and to correct

historical injustices. However, the ownership of lands prior to 1997 must also be respected, and people not belonging to Indigenous Peoples must not be put at a disadvantage. To ensure that Indigenous Peoples had proof of their claim to an ancestral domain, the Commission issued certificates in the event that the respective land titles had not yet been registered with the Land Registration Authority but the land was understood by the Commission to be an ancestral domain.

55. **A representative of the Philippines** said that the free, informed and prior consent process was conducted in a rigorous manner in the country. The National Commission on Indigenous Peoples would first conduct field research in the area and would then engage communities in consultations, negotiations and consensus-building activities before obtaining the community's consent and engaging in further negotiations. The Commission would then work at the community level to evaluate the process. In the event of concerns or irregularities, the aggrieved party had the option of filing an appeal before the Court of Appeals, which could then be taken to the Supreme Court. In many cases, the Supreme Court had ruled in favour of Indigenous Peoples, such as in the recent case of the *National Commission on Indigenous Peoples (NCIP) v. Lepanto Consolidated Mining Company and Far Southeast Gold Resources Inc.*). The Supreme Court had upheld the applicability of the principle of free, prior and informed consent to permits issued before 1997, and holders of such permits must once again obtain consent at the time of renewal.

56. **Mr. Capuyan** (Philippines) said that the approval process for mining activities was so rigorous that, although 400 mining applications had been filed, only four had been granted and many had been pending for a decade or more. Companies that wished to take out loans to carry out activities in ancestral domains could not obtain that funding without a certification precondition document, referring to the certification issued by the National Commission on Indigenous Peoples following achievement of the community's consent. The Commission had received favourable decisions in several court cases filed by companies wishing to circumvent that requirement. As at April 2023, certification precondition documents had been issued for 188 mining projects, 117 energy projects, 18 agribusiness projects, 10 renewable energy projects and 128 other projects, including forest management and animal grazing projects. Hundreds more mining projects had not been granted certification and could therefore not proceed, although many that had received approval prior to the adoption of the Indigenous Peoples Rights Act had been initiated. Since it was 25 years since the entry into force of the Act, and most agreements signed with Indigenous communities were valid for 25 years, the Commission expected that many mining companies that had signed such agreements before 1997 would have to go through the process of obtaining free, prior and informed consent in 2023 or 2024. In the past four years, the Commission had sent cease-and-desist orders to companies and had also partnered with organizations such as Amnesty International to protect the rights of Indigenous Peoples.

57. Indigenous Peoples in the Philippines had stood up for their rights on many occasions in recent years. For example, communities of Indigenous Peoples, supported by the Commission, had recently filed a case against a conservation organization that had failed to respect their wishes in the implementation of one such project. Other communities of Indigenous Peoples had successfully obstructed the development of two dam-building projects in the Cordillera Administrative Region. In another case, a community had interrupted the maintenance of a dam-building project for which free, prior and informed consent had expired and had received support from the Government while the process to obtain consent was ongoing. Indeed, Indigenous Peoples had such power in the country that communities would often file complaints if the Commission failed to respond promptly to their queries. More than 70 government bodies had signed memorandums of cooperation with Indigenous Peoples to operationalize the 11 building blocks under the Act. The first National Indigenous Peoples Summit, held in 2022, had been attended by more than 30 civil society organizations and international organizations, including the World Bank.

58. **A representative of the Philippines** said that the Government had adopted several strategies to protect the rights of people living with HIV/AIDS and ensure that they could receive the support they needed without discrimination or stigmatization. Under the Philippine HIV and AIDS Policy Act of 2018, HIV testing was voluntary and confidential. The Act also protected the privacy and confidentiality of people living with HIV/AIDS and

provided for legal remedies for people experiencing discrimination on the basis of their HIV status. The Department of Health conducted awareness-raising campaigns on the subject, including through social media, and trained health workers in the provision of non-discriminatory and inclusive care for people living with HIV/AIDS. The involvement of people living with HIV/AIDS in the development and implementation of relevant policies and programmes had been actively encouraged, and representatives of that group were involved in the work of the Philippine National AIDS Council. The Government had also been working to strengthen support systems for people living with HIV/AIDS.

59. In 2020, an estimated 83,000 people were living with HIV in the Philippines, of whom 1,300 were Indigenous Peoples. It was hoped that the forthcoming government data portal in development with funding from the World Bank would provide accurate data on the number of Indigenous Peoples living with HIV/AIDS for use by government bodies, civil society organizations and international organizations. Such data could be used to support the development of appropriate, culturally sensitive policies and programmes to protect Indigenous Peoples from multiple discrimination based on their ethnicity and HIV status.

60. **A representative of the Philippines** said that, according to the 2020 Census of Population and Housing, there were 222 groups of Indigenous Peoples in the country, a figure based on self-identification, or 240 groups including Muslim Indigenous Peoples. A total of 9,861,869 people had identified as Indigenous Peoples and 1,631,500 had identified as Muslim Indigenous Peoples.

61. **Mr. Balcerzak** said that he wished to know whether the State party considered race-related hate speech to be a problem in the country. In the light of disturbing reports of assassinations and disappearances of human rights defenders, he would be interested in hearing details of any legislation adopted or proposed to protect them.

62. **Mr. Capuyan** (Philippines) said that the National Commission on Indigenous Peoples supported the adoption of a bill on human rights defenders, but not in its current form, which was discriminatory and did not respect the governance structure of communities of Indigenous Peoples. The self-governing authorities of Indigenous Peoples should designate human rights defenders to represent them; outsiders should not appoint themselves as defenders of such communities.

63. **A representative of the Philippines** said that his Government would support a bill on human rights defenders provided that it complied with United Nations guidance and standards on opening civic space to human rights defenders. The Government was committed to the domestic implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (the Declaration on Human Rights Defenders). However, it was important to take heed of guidance provided by OHCHR regarding the provisions of laws on human rights defenders.

64. A law on human rights defenders must ensure that anyone could be a human rights defender and have their voice heard and that no one organization could exercise a monopoly over that label, a problem currently observed in the country. The law should also make it clear that anyone claiming to be a human rights defender must respect the universal applicability of rights; respect and recognize fellow human rights defenders, regardless of their political inclination; and peacefully engage in advocacy in compliance with the Declaration on Human Rights Defenders. Any group supporting calls for the violent overthrow of a Government could therefore not be considered human rights defenders.

65. Many people in the Philippines had become advocates for causes close to their hearts and had asked the Government for help in addressing those causes. Several had also forwarded communications to OHCHR on human rights abuses. The Government was willing to submit a list of organizations of non-State actors for the Committee's information.

66. **Ms. Tlakula**, noting that an anti-discrimination bill had been passed in 2019, said that she would like to know whether other bills currently before Congress were intended to replace that bill. The delegation might furnish the Committee with more specific details on any training on the Convention provided to law enforcement personnel and the public. She would be interested in hearing whether the bills currently before Congress on the amendment

of the charter of the Commission on Human Rights would enhance its mandate, as had been recommended by the Global Alliance of National Human Rights Institutions. She would appreciate a response to her question on allegations of harassment and intimidation of police and judges. A more detailed response to her question on investigations by the Office of the Ombudsman of complaints involving elements of racial discrimination and their outcomes would allow the Committee to determine whether the ruling on the case of *Governor Amor D. Deloso v. Manuel C. Domingo* had in fact been implemented.

The meeting rose at 5.55 p.m.