



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination
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Summary record of the 2970th meeting

Held at the Palais Wilson, Geneva, on Thursday, 20 April 2023, at 10 a.m.

Chair: Ms. Shepherd

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The meeting was called to order at 10.05 a.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 (continued)
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1. *At the invitation of the Chair, the delegation of the Philippines joined the meeting.*
2. **Mr. Balcerzak** (Country Rapporteur) said that it would be useful to know whether the results of the 2020 census had been disaggregated by ethnicity and, if so, to have those data, preferably in writing. Information on the scale of the recruitment of Indigenous children into the armed forces would be welcome. He would like to know how many certificates of ancestral domain title had been issued since the adoption of the Indigenous Peoples Rights Act in 1997 and since the State party had last come before the Committee. He would be interested to hear the delegation's comments on allegations that obtaining those certificates was a complicated, expensive process that did not always guarantee security of land tenure and on the apparent freezing of the process and the restriction of the competences of the National Commission on Indigenous Peoples following the issuance of administrative orders by the Department of Environment and Natural Resources in 2012 and 2017. Given the reports that the process of obtaining free, prior and informed consent was sometimes used to divide Indigenous communities and was not effective, for example, among hunter-gatherer communities that did not recognize formal leadership, the delegation might comment on the alleged failure to obtain such consent from Indigenous Peoples affected by the Kaliwa Dam project and the OceanaGold and Tampakan mining projects; how did the State party ensure that consent was obtained in all circumstances?
3. He would be interested to know what remedies were available to Indigenous Peoples whose cultural or other rights had been violated, and he urged the State party to consider recognizing the Committee's competence to examine individual communications. It would be interesting to know more about the reported barriers to quality education facing Indigenous children and the Government's decision to close 54 schools in Mindanao in July 2019 after it had alleged that teachers had been involved in extremism. Information on how the State party prevented the harassment of Indigenous teachers and students would be welcome. He would also like to know how the issues facing the Subanon community were addressed.
4. The Committee would appreciate details of any recent, ongoing or planned training on the rights protected under the Convention for media professionals, law enforcement officials, persons in the private sector and representatives of local and central government, including how such training was evaluated. Information on any State funding that was allocated to training on the Convention led by civil society organizations and the Commission on Human Rights would also be welcome. It would be useful to hear whether the State party had implemented policies or action plans to combat racism, racial discrimination, xenophobia and related intolerance in line with the Convention and the Durban Declaration and Programme of Action and whether such policies and action plans had been the subject of dialogue with stakeholders, including civil society and groups most vulnerable to racial discrimination. Lastly, he would be interested to hear what action had been taken as part of the International Decade for People of African Descent and whether that action had been designed and implemented in conjunction with persons of African descent and their organizations.
5. **Ms. Tlakula** (Country Task Force), noting with concern that the State party had yet to identify durable solutions to internal displacement, said that she would like to hear what frameworks for rights-based and gender-sensitive programming were in place to respond to past, ongoing and future displacement and how the State party protected displaced persons from the effects of climate change, disasters and deforestation. It would be useful to know how the root cause of the conflict between the State party's armed forces and the New People's Army had been addressed to avoid the protracted displacement of Indigenous Peoples. The Committee would appreciate an update on the status of the reportedly modified bills concerning internally displaced persons that had been submitted during the sixteenth,

seventeenth and eighteenth Congress after initially being vetoed by the executive. It would be useful to know what measures had been adopted to ensure an inclusive, human rights-based approach, in both policy and practice, to programmes aimed at refugees, asylum-seekers and stateless persons.

6. **Mr. Diaby** said that he would welcome answers to the questions that he had posed during the previous meeting (CERD/C/SR.2969) regarding the investigations into the police officers involved in the murders of human rights defenders and other cases in which investigations had not been launched, and with regard to alleged pressure by the Government on the Commission on Human Rights. Additionally, he wished to know how the Aeta ethnic group was able to defend its ancestral heritage, territory and way of life, particularly regarding the threat of expulsion from its land.

7. **Ms. Stavrinaki** said that it would be interesting to hear whether the State party reflected mortality and morbidity rates among Indigenous Peoples, particularly those living close to large-scale projects, in its health-care services and how Indigenous Peoples' right to health was ensured in general.

The meeting was suspended at 10.30 a.m. and resumed at 10.50 a.m.

8. **A representative of the Philippines** said that the periodic report was based on contributions gathered between 2011 and 2018 from civil society organizations, including the Assisi Development Foundation, the Ayala Foundation, the Episcopal Commission on Indigenous Peoples, the Foundation for the Philippine Environment, the Non-Timber Forest Products Exchange Programme, the Philippine Association for Intercultural Development and the Save Sierra Madre Network Alliance. The report had been finalized in 2020 with the involvement of the Mindanao Indigenous Peoples Youth Organization, the Mindanao Indigenous Peoples Council of Elders, the Mindanao Indigenous Peoples Conference for Peace and Development and others.

9. **A representative of the Philippines** said that all presidential decrees and some executive orders, including the presidential decree that criminalized violations of the Convention issued between the early 1970s and 26 July 1987, had the force and effect of law because they had been issued in the absence of a law-making body. Since 1987, however, all proposed legislation must pass through Congress before being signed into law. Bills submitted prior to the current session of Congress, including the bill endorsed by former President Duterte, must be re-submitted so that they could be referred to the relevant legislative committees for public consultation and hearings. Bills submitted during the current session were thus referred automatically. The lengthy law-making process was intended to facilitate broad consultation with stakeholders, not to derail proposed legislation.

10. Although bills relating to the Convention remained pending, its principles were enforced by, and applicable to, all Government institutions. In 2021, the Supreme Court had found that a ship's captain had discriminated against crew members from Myanmar and, in its ruling, had drawn attention to the ratification of the Convention by the Philippines and cited its definition of racial discrimination. Such rulings were deemed part of the legal system, and the Government and citizens were required to abide by their principles.

11. On the question of legislation to promote equality and eradicate discrimination, the 2018 Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao demonstrated the Government's recognition of the cause of the Bangsamoro people and the aspirations of Muslim Filipinos and Indigenous communities in that region. The Philippine Identification System Act aimed to establish a single national identification system for all citizens and non-citizens, simplify public and private transactions and facilitate access to social services. Republic Act No. 11166, the Philippine HIV and AIDS Policy Act, declared discrimination on the basis of perceived or actual HIV status and other criteria, including ethnicity, to be contrary to the national interest. Administrative Order No. 35 addressed serious violations of the right to life, ensuring that cases involving extrajudicial execution, enforced disappearance and torture were referred to law enforcement agencies for immediate investigation. To date, no cases had been filed with the Department of Justice relating to violations of legislation to combat racial discrimination, including Presidential Decree No. 966, which had made infringements of the Convention a criminal offence.

12. **A representative of the Philippines** said that no comprehensive anti-discrimination legislation had yet been passed. However, lawmakers were making earnest efforts to change that, as demonstrated by the substantial number of bills pending before the House of Representatives and the Senate. The most recent public consultations and discussions on the subject had been conducted with the relevant government agencies in March 2023.

13. As part of Government efforts to protect Indigenous children in situations of armed conflict, the Inter-Agency Committee on Children in Situations of Armed Conflict had undertaken a national campaign to raise awareness of the 2019 Republic Act No. 11188, the Special Protection of Children in Situations of Armed Conflict Act. In addition, the police and armed forces had issued protocols on the procedures and guidelines that applied to children in situations of armed conflict and prohibited the recruitment of children into their ranks.

14. The Government had also recently passed legislation prohibiting child marriage. One of the main initiatives of the legislation addressed the practice among Indigenous cultural communities and Muslim Filipinos. In order to ensure the full implementation of the legislation, the corresponding implementing rules and regulations, which had been signed in December 2022, had been drawn up in close coordination with bodies including the Council for the Welfare of Children, the National Commission on Muslim Filipinos and the National Commission on Indigenous Peoples.

15. Three pending bills in the Senate and five in the House of Representatives sought to address the country's high rates of adolescent pregnancy and provide a framework for inter-agency and intersectoral collaboration on the issue. There were also plans to roll out comprehensive sex education to adolescents, parents, guardians, teachers, guidance counsellors and school supervisors, and give children access to existing reproductive health services. A major aspect of the pending legislation was social protection and the protection of children, including Indigenous children, because adult males were often responsible for adolescent pregnancies.

16. Republic Act No. 11862, the Expanded Anti-Trafficking in Persons Act of 2022, contained provisions designed specifically to protect children in situations of armed conflict both in the Philippines and abroad, and members of Indigenous communities and religious minorities.

17. **A representative of the Philippines** said that domestic court rulings in which the Convention had been cited included the *International School Alliance of Educators v. Quisumbing*, which concerned foreign staff receiving higher salaries than local staff. In the case of *The Province of North Cotabato, et al. v. The Government of the Republic of the Philippines Peace Panel on Ancestral Domain (GRP), et al.*, the Supreme Court had ruled that Indigenous Peoples had the right to self-determination, autonomy and self-government, and, in its ruling in the case of *Republic of the Philippines v. Pasig Rizal Co., Inc.*, the Court had recognized that native title to land was an exception to the regalian doctrine, which held that all lands belonged to the State. In other words, ancestral domains and lands were excluded from lands of the public domain.

18. **A representative of the Philippines** said that the Philippines had no legislation on hate speech, although libel, slander and unjust vexation were covered by the Revised Penal Code and there was a special law prohibiting cyberlibel. Republic Act No. 11313, The Safe Spaces Act, covered gender-based harassment in public places, on the Internet and in the workplace, and education and training.

19. The Supreme Court had issued a statement in 2021 condemning attacks on judges and prosecutors and describing them as an assault on the judiciary. It had called on the lower courts and law enforcement officials to provide information on threats and killings over the previous decade. The Office of the Judiciary Marshals had been created in 2021 to protect members of the judiciary, courts and legal proceedings.

20. In the 1990 case of *Deloso v. Domingo*, the Supreme Court had declared that the Ombudsman had the power to investigate allegations of illegal acts or omissions by public officials and direct the relevant government officer – in the case in question, the Special Prosecutor – to take appropriate action against those officials. In the light of that ruling, the

National Commission on Indigenous Peoples had filed a complaint with the Ombudsman against South Cotabato officials who had illegally removed representatives of the Indigenous community from the Municipal Council and had them replaced. Under national legislation, in particular the Indigenous Peoples Act, Indigenous communities were entitled to representation in local legislative bodies and were protected from interference by persons outside those communities, including public officials.

21. **A representative of the Philippines** said that, in 2021, the Government had supported the high-level meeting of the General Assembly to commemorate the twentieth anniversary of the Durban Declaration and Programme of Action and adopt a political declaration. It had also supported resolutions of the General Assembly under agenda item 66 on the elimination of racism, racial discrimination, xenophobia and related intolerance, as well as similar resolutions in the Human Rights Council.

22. Concerning the *Subanon Mt. Canatuan* case in Zamboanga del Norte Province, the National Commission on Indigenous Peoples had now conducted the free, prior and informed consent process and had signed a memorandum of agreement with Toronto Ventures Inc. The mining company had admitted fault and was currently completing its rehabilitation activities under the supervision of a multiparty monitoring team that included representatives from the affected communities.

23. **A representative of the Philippines** said that the Commission on Human Rights of the Philippines had been preparing for the legislature to pass legislation to introduce amendments to its charter that would expand its functions and terms of reference to include economic, social and cultural rights. In fact, it had established a child rights centre and a centre on economic, social and cultural rights had long been in operation. However, several issues concerning the proposed amendments remained contentious, such as granting the national human rights institution prosecutorial powers. As it currently stood, the charter ensured that the Commission fulfilled its mandate to monitor the Government's compliance with its international human rights obligations, including those relating to Indigenous Peoples. The Government respected the Commission's full and free exercise of its mandate. The issues delaying the enactment of the bills relating to the charter would need to be resolved by talks between the Commission, Congress and all stakeholders. The delegation would welcome a recommendation by the Committee for the Government to work with the Commission on Human Rights of the Philippines towards implementing the December 2020 recommendations of the Global Alliance of National Human Rights Institutions and pledged the assistance of the Presidential Human Rights Committee Secretariat on the issue.

24. **A representative of the Philippines** said that Executive Order No. 100, signed in 2019, institutionalized the Government's Diversity and Inclusion Programme, which was designed to consolidate efforts and implement existing legislation aimed at combating discrimination at the national level. Its provisions helped foster equal opportunities and diversity in education and employment, outlined accountability mechanisms and included a process for seeking redress for discrimination-related complaints and a forum for related concerns. An inter-agency committee on diversity and inclusion had been created to help steer and implement the Programme, run capacity-building programmes and information campaigns and encourage local governments to promote diversity and inclusion within their jurisdictions.

25. In order to help ensure the timely submission of an interim report, the Government had institutionalized a national mechanism for implementation, reporting and follow-up through the Presidential Human Rights Committee Secretariat, with the National Recommendations Tracking Database at its core.

26. Under the most recent Human Rights Action Plan, the country had endeavoured to implement the Convention by securing and developing ancestral lands, institutionalizing mechanisms to protect and promote the rights of Indigenous Peoples and communities, strengthening good governance in institutions and raising awareness about the rights and cultures of Indigenous Peoples. The Plan had contained a chapter on the Convention.

27. **Mr. Capuyan** (Philippines) said that there was evidence of groups of Indigenous families receiving international funding without the knowledge of their Indigenous political leaders, bypassing the free, prior and informed consent process.

28. **A representative of the Philippines** said that the Philippine Statistics Authority was in the process of disaggregating the data relating to Indigenous Peoples collected in the 2020 census and hoped to complete that work in 2023.

29. **Mr. Capuyan** (Philippines) said that the Department of Justice was conducting investigations into the 30 police officers that had been charged with murder in the Calabarzon Region.

30. **A representative of the Philippines** said that regular training sessions were conducted for police human rights officers and the armed forces. Desks dealing with Indigenous affairs had been established in the national police and the armed forces. In 2019, the Secretary of the National Commission on Indigenous Peoples had met with representatives of the Supreme Court to discuss knowledge-sharing and the incorporation of material on Indigenous Peoples' traditions into training programmes for judges. The recommendations arising from the discussion concerned the establishment of special Indigenous courts, the application of Indigenous Peoples' customary laws to alternative and judicial dispute resolution proceedings, the identification and the establishment of a specialized court managed by Indigenous Peoples. The Supreme Court had a committee responsible for engaging with vulnerable groups, including the Indigenous Peoples.

31. **A representative of the Philippines** said that the Government had taken steps to tackle hate speech, including in online settings. The Cybercrime Prevention Act of 2012 established offences in that area and provided for corresponding penalties. The proposed anti-discrimination law before Congress was aimed at prohibiting discrimination based on ethnicity, religion and sexual orientation and established penalties for persons committing acts of discrimination. The Department of Education and the Commission on Higher Education had participated in efforts to prevent and combat racist and xenophobic political discourse and the spread of racist hate speech by educating students about the traditions and institutions of the Indigenous Peoples.

32. In April 2019, the Commission on Higher Education had instructed colleges and universities to include peace studies and Indigenous Peoples studies in school curricula, starting in the 2019/20 academic year. The Government wished to highlight its concern about acts of racial hatred and violence directed at Philippine nationals who were visiting or working in certain countries, including acts motivated by an imagined connection between people of Asian descent and the coronavirus disease (COVID-19) pandemic.

33. **A representative of the Philippines** said that section 59 of the Indigenous Peoples Rights Act required departments and government agencies to obtain the free, prior and informed consent of Indigenous communities before awarding a concession for work that might affect them. Section 59 of the Act provided Indigenous Peoples and cultural communities with sufficient protection against mining operations and all public and private projects that might have an impact on ancestral domains and lands. The guidelines on free, prior and informed consent issued by the National Commission on Indigenous Peoples had undergone several revisions. The latest amendment, which addressed the challenges currently facing Indigenous cultural communities, was in the process of being finalized. Remedies were available for communities that had suffered harm because of a violation of the guidelines.

34. The National Commission on Indigenous Peoples had recently issued a resolution establishing its legislative liaison system, which was intended to promote the development of bills addressing the interests, needs and welfare of Indigenous Peoples and cultural communities and the development of networks with the legislative branch. Other objectives of the system were to promote collaboration with the Presidential Legislative Liaison Office, to establish focal points within the Commission responsible for consulting with Indigenous Peoples and cultural communities and to prevent any conflict between new laws and the Indigenous Peoples Rights Act.

35. **A representative of the Philippines** said that the Indigenous Peoples Rights Act provided for the protection of the rights of indigenous cultural communities in armed conflicts.

36. Following the siege in Marawi, the Department of Social Welfare and Development, in collaboration with other government departments and agencies, had provided cash transfers and food to internally displaced persons, including members of Indigenous cultural communities.

37. **Mr. Capuyan** (Philippines) said that the Bangsamoro Autonomous Region in Muslim Mindanao had been established in early 2019 as part of a peace agreement to end nearly five decades of conflict between the Government and Moro secessionists in Mindanao. The region had been established pursuant to the Republic Act No. 11054, the Act Providing for the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao. In its first year, the Autonomous Region had established a transitional government that had adopted a regional budget and overseen the decommissioning of thousands of fighters.

38. **A representative of the Philippines** said that the Special Protection of Children in Situations of Armed Conflict Act of 2019 had been adopted to protect the great many children in the Philippines who were, or had been, at risk of being affected by armed conflict, including those living in the Bangsamoro Autonomous Region in Muslim Mindanao. The Act had provided for the establishment of the Inter-Agency Committee on Children in Situations of Armed Conflict, which was chaired by the Council for the Welfare of Children. The Council was implementing a monitoring, reporting and response system to protect children in situations of armed conflict.

39. Between 2019 and 2021, the Council for the Welfare of Children had received 70 reports of incidents involving alleged violations of the rights of children in situations of armed conflict. The incidents in question had involved the recruitment, killing and maiming of children; attacks on school; and abduction. The authorities had investigated 33 of those incidents and provided support to the victims. The majority of the incidents had taken place in Mindanao while sporadic incidents had also occurred in other parts of the country.

40. On 7 October 2017, around 1,900 children had been released from the Moro Islamic Liberation Front as part of a United Nations action plan to end the recruitment and use of children by armed groups. The children in question had been referred to government agencies and development partners so that they could receive the appropriate support.

41. As noted in the report of the Secretary-General on children and armed conflict in the Philippines (S/2022/569), the number of children recruited into armed groups had fallen significantly since the publication of the previous report. That fall had resulted from the implementation of the Special Protection of Children in Situations of Armed Conflict Act. Relevant government departments, particularly the Department of Social Welfare and Development, provided legal assistance, maintenance assistance, educational assistance, burial assistance and repatriation services to the parents and guardians of children whose rights had been violated. Residential facilities provided rehabilitation, psychosocial support and educational support to children affected by armed conflict. Over 47,000 such children had received psychosocial support to address possible trauma caused by their involvement in armed conflict.

42. **Mr. Capuyan** (Philippines) said that the decision to close around 50 schools in Mindanao had not been taken by a single agency but by governors, mayors, political leaders and the Department of Education. The decision had been taken because the schools concerned had no longer held a valid permit to operate and because the children attending the schools had been radicalized. The majority of the students had been the children of people belonging to the New People's Army.

43. One residential college in the region had housed around 300 students who had been training to become teachers. When they had graduated, they had been deployed in the mountains under the control of an organization attached to the New People's Army. Around 50 of those students were now working as teachers in mainstream schools. The authorities had closed the schools to prevent them from being used to recruit people into the New People's Army. At a government education centre established in the region, he had witnessed former students of the closed schools singing the Philippine national anthem for the first time in their lives, which demonstrated the degree to which they had become integrated into mainstream society. Previously, they had sung only a local version of the Internationale.

44. The process of approving the Kaliwa dam project had taken three years. All infrastructure projects for which the free, prior and informed consent of a community was required were discussed in advance by the proponent of the project, the National Commission on Indigenous Peoples and representatives of the community concerned. It was therefore impossible for such projects to proceed without the consent of the community. When families were displaced because of a project, there was always a great deal of discussion about the impact of the displacement on their livelihoods and the payments to which they were entitled.

45. In the case of the Kaliwa dam project, the leaders of the community concerned had approved the project but a small group of community members had rejected their decision and protested against it. Under customary law, however, the leaders were authorized to take the decision. Subsequently, the proponent of the project had been informed that it would not be granted final approval unless the benefits to be shared with the community were increased.

46. For the OceanaGold mining project, it had not been necessary for the project proponent to obtain free, prior and informed consent because the project had been granted a certificate of non-overlap, which meant that it did not impinge on the ancestral domain of any community. A member of the Bugkalot community had applied to have the certificate of ancestral domain title amended to include the land where the OceanaGold project was taking place but that application had been rejected because he had not been the owner of the land.

47. The National Commission on Indigenous Peoples had invited the Bugkalot to present a title of ownership of the land where the project would be taking place but they had failed to do so. If any community could prove that it owned the land in question, the proponent of the OceanaGold project would be required to obtain the consent of that community. The discussions surrounding the Tampakan mining project, which had been ongoing for a long time, were taking place with the full and active participation of the affected community.

48. Over the previous 25 years, over 260 certificates of ancestral domain titles had been approved, covering a total area of almost 6 million ha, or around a quarter of the surface area of the Philippines. A total of 252 certificates of ancestral domain titles had been approved for certain clans and families, covering an area of 18,000 ha. The process of certifying ancestral domain titles was neither complicated nor expensive. One month previously, following a round of discussions involving various agencies, the Department of Justice had assumed a greater role in land titling and management processes.

49. Domains and lands that were granted ancestral titles ceased to be public land and could not be used by the Government without the approval of the community concerned. However, the natural resources on the land remained the property of the State. In order to manage that situation, the National Commission on Indigenous Peoples and a number of different agencies were classifying and demarcating areas within ancestral domains in accordance with their use.

50. The National Commission on Indigenous Peoples operated in a transparent manner and invited observers to scrutinize its processes. If conflicts arose during the course of procedures to obtain the free, prior and informed consent of a community, it was because the community itself was divided or was subject to the influence of external groups, some of which were violent extremists who made the provision of their assistance dependent on acquiescence with their demands.

51. Agreements on the free, prior and informed consent of a community were always set down in a memorandum of understanding signed by the proponent of the project, representatives of the community and the National Commission on Indigenous Peoples. Such memorandums contained clear provisions that protected the rights of Indigenous Peoples. A number of projects had been under way before it had become mandatory for project proponents to obtain the consent of affected communities. In those cases, the companies concerned would be required to obtain such consent when the licence for their projects expired. The National Commission on Indigenous Peoples issued cease and desist orders to companies that violated the regulations. Conflict resolution processes based on customary laws were followed when disputes arose within or between communities. Conflicts between a community and stakeholders who did not belong to an Indigenous community could be brought before a court.

52. **A representative of the Philippines** said that the Government noted the Committee's request for it to recognize the Committee's competence to receive communications from individuals. The Government would give the request its careful consideration although he wished to point that the Philippines was a very free and open democracy in which any individual could use the available domestic remedies to bring a claim against the State. The Government wished to study the Committee's jurisprudence in an effort to determine whether the communications procedure was vulnerable to being politicized by particular interest groups.

53. **Mr. Capuyan** (Philippines) said that, between 2012 and 2020, a total of 85 New People's Army fronts had been active around the country. Currently, only five such fronts were active. In the areas where the Manabo and Mamanwa tribes lived, the New People's Army followed a practice whereby, during military operations, they forced the local population to leave their homes and gather in the town hall, where they were subjected to propaganda. In an attempt to weaken the influence of the New People's Army on local government bodies, the Government had implemented development plans and established new infrastructure, including schools and roads, in those areas.

54. **Mr. Balcerzak** said that the Committee would welcome a response to its questions regarding statistics, particularly the results of the 2020 census in terms of the ethnic composition of the population. He appreciated the fact that the State party, unlike many other countries, had incorporated the term "Indigenous Peoples" into its legislation. It was important to keep the Committee informed of procedures for the implementation of the Indigenous Peoples Rights Act.

55. **Mr. Capuyan** (Philippines) said that the census had been conducted by the Philippine Statistics Authority with the support of the World Bank. It lacked certain components, primarily because it had been conducted during the COVID-19 pandemic. Agreement on necessary improvements had been reached with the World Bank. It was necessary to establish a common data management portal, which was accessible to the National Commission on Indigenous Peoples and any other legitimate organizations or groups.

56. **Ms. Tlakula** said that she appreciated the response to her question regarding the harassment of lawyers and judges. However, she wished to know whether action had been taken against anyone for such harassment or intimidation. The Committee assumed that the State party had consulted the Commission on Human Rights on issues that might be raised during the interactive dialogue with the Committee.

57. **A representative of the Philippines** said that the Commission on Human Rights was highly respected as an independent State monitoring mechanism. It usually provided a separate report to the United Nations treaty bodies and encouraged civil society organizations to submit parallel reports.

58. **A representative of the Philippines**, referring to the question concerning inclusive and human rights-based policies for refugees and stateless persons, said that the State party had a long-standing humanitarian tradition of accepting and taking care of persons requiring international protection. It had acceded to the 1954 Convention relating to the Status of Stateless Persons and had acceded in March 2022 to the 1961 Convention on the Reduction of Statelessness. The Office of the United Nations High Commissioner for Refugees (UNHCR) had commended the Philippines for serving as a safe haven for refugees and other vulnerable groups. As of December 2022, the Refugees and Stateless Persons Protection Unit of the Department of Justice had recognized 15 persons as stateless.

59. The State had adopted a legal framework in 2022 composed of: Presidential Executive Order No. 163 of 28 February 2022 to facilitate access to protection services for refugees, stateless persons and asylum-seekers, Department Circular No. 24 strengthening the Refugees and Stateless Persons Protection Unit and a Supreme Court ruling on a simplified procedure for the filing of petitions for naturalization by refugees and stateless persons recognized by the State.

60. The Supreme Court had underscored in 2022 the shared and collaborative responsibility of asylum applicants and the State in the case of *Rehman Sabir v. Department*

of Justice, Refugees and Stateless Persons Protection Unit. It had ruled that the State should actively assist applicants and clarify their claims and allegations in support of the application.

61. **Ms. Stavrinaki** said that more concrete information on measures to monitor the health of Indigenous peoples, in particular Indigenous women, would be welcome. The project aimed at improving the census provided an opportunity for the State party to develop health indicators based on World Health Organization guidelines.

62. **A representative of the Philippines** said that the National Disaster Risk Reduction and Management Plan stated that local and Indigenous knowledge must be mainstreamed in preparedness, prevention, response and recovery initiatives. It encouraged the meaningful participation of various sectors, including Indigenous Peoples, who had different needs and fared worse than other communities.

63. The National Action Plan to End Statelessness identified Indigenous Peoples as targets of advocacy campaigns on birth registration in order to prevent statelessness. There was an ongoing campaign, in partnership with local authorities, UNHCR and the United Nations Children's Fund (UNICEF), to register the Badjaos, a seafaring Indigenous people in the southern part of the country.

64. **A representative of the Philippines** said that the Department of Health implemented tribal health programmes that were designed to guarantee access for Indigenous communities to basic health-care services. The Indigenous Peoples Health Implementation Programme focused on providing preventive health-care services and promoting healthy lifestyles. The National Commission on Indigenous Peoples implemented a programme that provided for scholarships and other educational opportunities for students from Indigenous communities. The Ancestral Domains Sustainable Development and Protection Plan was implemented through partnerships with Indigenous communities, local government units and other stakeholders. The Department of Education implemented a programme that aimed to provide culturally appropriate education for Indigenous children, including through the inclusion in the curriculum of Indigenous languages and culture. The alternative learning system also provided non-formal education for young people, including Indigenous children, who did not attend school.

65. The National Commission on Indigenous Peoples promoted the involvement of Indigenous women in the planning, implementation and monitoring of programmes. In addition, it had launched the Sectoral Unification, Capacity-Building, Empowerment and Mobilization programme in 2021.

66. **Mr. Capuyan** (Philippines) said that the National Commission on Indigenous Peoples had established 109 community centre services with nurses, midwives and doctors throughout the country. The Indigenous Peoples had customary childbirth practices. However, as the Government did not permit home-based deliveries, Indigenous women must now be conveyed to the local hospital. It was naturally important to secure the lives of newborn babies, but customary practices should also be protected.

67. **Mr. Diaby** said that he would be interested in hearing about progress made in the State party in implementing the Sustainable Development Goals on behalf of Indigenous Peoples and people of African descent. He asked whether disaggregated data were available on people of African descent and Indigenous Peoples in the country's prisons and on the offences with which they were charged. Lastly, he wished to know whether the State party's housing policy accorded special attention to Indigenous Peoples and people of African descent.

68. **Mr. Balcerzak** encouraged the State party to continue considering the possibility of recognizing the Committee's competence to consider communications under article 14 of the Convention. The principle of exhaustion of domestic remedies was enshrined in the Convention, and the Committee was intent on ensuring that the procedure was not politicized. He wished to know whether the State party had adopted policies and implemented activities based on the Durban Declaration and Programme of Action and the International Decade for People of African Descent.

69. **Mr. Capuyan** (Philippines) said that the Government had taken vigorous action for decades against all forms of racial discrimination and had promoted the concept of a single

nation composed of diverse ethnic groups, cultures and religions. His Government's whole-of-nation approach was reflected in plans, programmes and projects that responded to the needs of Indigenous Peoples and other communities. The State party faced challenges to national security and the sovereignty of the country and its people. The Communist Party of the Philippines was a violent extremist organization that sought to undermine the legal system, to overthrow the legally constituted Government and to eliminate Indigenous Peoples by killing thousands of their leaders and by opposing customary laws and traditions.

70. His presence before the Committee, as an Indigenous person, provided clear evidence of the achievement of equality and non-discrimination in the Philippines. The laws in force and the bills aimed at eliminating racial discrimination had unified the people and empowered them to achieve a better future for all.

The meeting rose at 12.55 p.m.