



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

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## Committee on the Elimination of Racial Discrimination

109th session

11–28 April 2023

Item 4 of the provisional agenda

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

### List of themes in relation to the combined twenty-first to twenty-fifth periodic reports of the Philippines

#### Note by the Country Rapporteur\*

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session<sup>1</sup> that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

#### Statistics

2. Statistics on the ethnic composition of the population and statistics on the enjoyment of economic, social and cultural rights, disaggregated by national and ethnic origin, and information on data collected in this context through the 2020 national population census.<sup>2</sup>

#### The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1–2, 4 and 6–7)

3. Examples of cases where the Convention has been applied by and invoked before domestic courts. Updated information on the measures taken to increase the visibility of the Convention both among the public and among judges, lawyers and other law enforcement officials, and on the impact of such measures.<sup>3</sup>

4. Information on the measures taken to adopt a comprehensive law eliminating and prohibiting direct and indirect racial discrimination on the grounds of race, colour, descent or national or ethnic origin, covering all rights and freedoms protected under the Convention, and updated information on the status of the anti-discrimination bills pending at various stages in the State party.<sup>4</sup>

5. Information on the measures taken and an update on the status of bills to provide the Commission on Human Rights with the broader mandate of promoting and protecting all

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\* Agreement was reached to publish the present document after the standard publication date owing to circumstances beyond the submitter's control.

<sup>1</sup> A/65/18, para. 85.

<sup>2</sup> CERD/C/PHL/CO/20, para. 17 and CERD/C/PHL/21-25, paras. 23–25.

<sup>3</sup> CERD/C/PHL/CO/20, para. 14 and CERD/C/PHL/21-25, paras. 8–13.

<sup>4</sup> CERD/C/PHL/CO/20, para. 15 and CERD/C/PHL/21-25, paras. 14–21.



rights and to ensure the full compliance of the Commission with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).<sup>5</sup>

6. Examples of cases where a racial motive was considered an aggravating circumstance under domestic penal legislation.

7. Measures taken to protect civic spaces effectively and to prevent the persecution, harassment, red-tagging, enforced disappearance and killing of human rights defenders and other violence against members of civil society organizations, Indigenous people and human rights defenders, including those working on eradicating racial discrimination and protecting the rights of Indigenous peoples. Information on measures taken to investigate and prosecute the perpetrators of such acts.

#### **Racist hate speech, incitement to racial hatred and hate crimes (arts. 2, 4 and 6)**

8. Detailed information on the measures for the criminalization of the dissemination of ideas based on racial superiority or hatred and incitement to racial hatred and discrimination, and for the prohibition of all organizations and activities which promote and incite racial discrimination, as required under article 4 of the Convention.<sup>6</sup>

9. Updated information on any cases or decisions taken by national courts on acts of racial discrimination, in particular those offences referred to in article 4 (a)–(b) of the Convention. Statistical data, disaggregated by sex, age and national and ethnic origin, on complaints submitted, including to the police, the Commission on Human Rights and the Ombudsman, as well as on prosecutions launched and sentences handed down for acts prohibited under article 4 of the Convention and on compensation provided to victims.<sup>7</sup>

10. Measures taken to reject and condemn any form of hate speech and incitement to hatred and violence made by high-level and local public officials, aimed at delegitimizing the work carried out by Indigenous peoples and human rights defenders.

#### **Situation of minority groups and Indigenous peoples (arts. 5–6)**

11. Measures to ensure that Indigenous peoples can fully exercise their rights under the Convention, including their right to access to remedies for violations of their cultural rights and the effective access by Indigenous children to quality education, in line with their cultural identity, language and values.

12. Information on the independent review of the legislative framework on Indigenous property, and the ways that Indigenous peoples have been consulted on the framework. Measures taken to fully and effectively implement the 1997 Indigenous Peoples' Rights Act to ensure the effective enjoyment by Indigenous peoples of their rights.<sup>8</sup>

13. Steps taken to ensure that, in line with their rights, the free, prior and informed consent of Indigenous peoples is obtained before adopting and implementing legislative or administrative measures that may affect them, in particular any measures in relation to their lands or territories or other natural resources.<sup>9</sup>

14. Information on specific measures taken to prevent and mitigate the adverse effects of economic activities carried out on Indigenous peoples' territories on the enjoyment of their rights, including their traditional ways of living. Measures taken to ensure their adequate access to the fair and equitable sharing of benefits obtained from economic activities carried out in their territories.<sup>10</sup>

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<sup>5</sup> CERD/C/PHL/CO/20, para. 21 and CERD/C/PHL/21-25, paras. 106–107.

<sup>6</sup> CERD/C/PHL/CO/20, para. 16 and CERD/C/PHL/21-25, para. 22.

<sup>7</sup> CERD/C/PHL/CO/20, para. 20 and CERD/C/PHL/21-25, paras. 100–104.

<sup>8</sup> CERD/C/PHL/CO/20, para. 22 and CERD/C/PHL/21-25, paras. 108–113.

<sup>9</sup> CERD/C/PHL/CO/20, para. 24 and CERD/C/PHL/21-25, paras. 116–120.

<sup>10</sup> CERD/C/PHL/CO/20, para. 22 and CERD/C/PHL/21-25, paras. 108–113.

15. Update on the measures taken to address the issues faced by the Subanon people of Mount Canatuan and to prevent recruitment of Indigenous children and children from other ethnic groups by armed forces and armed groups.<sup>11</sup>

16. Steps taken to prevent harassment of teachers and students from Indigenous communities, including by the Armed Forces of the Philippines, and to promote the culture, traditions and knowledge of the diverse Indigenous peoples in the Philippines.

**Situation of internally displaced persons (art. 5)**

17. Measures taken to ensure internally displaced persons enjoy their rights under article 5 of the Convention, in particular their right to security and their economic, social and cultural rights, and an update on the status of the reported modified bills concerning the rights of internally displaced persons.<sup>12</sup>

**Non-citizens, refugees, asylum-seekers and stateless persons (arts. 2 and 5)**

18. Information on the laws and enforcement mechanisms for providing basic human rights, including access without discrimination to education, the labour market, housing and health care, to asylum-seekers and refugees.

**Training courses on racial discrimination (art. 7)**

19. Information on educational initiatives to combat prejudice and increase tolerance and coexistence, including in schools, and on the training activities conducted specifically on racial discrimination and the rights enshrined in the Convention for media professionals, law enforcement officials, judges, lawyers, and representatives of State bodies, local government entities and relevant associations, and on the impact of such training programmes.<sup>13</sup>

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<sup>11</sup> CERD/C/PHL/CO/20, para. 18 and CERD/C/PHL/21-25, paras. 26–42.

<sup>12</sup> CERD/C/PHL/CO/20, para. 19 and CERD/C/PHL/21-25, paras. 92–99.

<sup>13</sup> CERD/C/PHL/21-25, paras. 75–81.