



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

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Committee on the Elimination of Racial Discrimination

**Combined twenty-first to twenty-fifth periodic
reports submitted by the Philippines under article
9 of the Convention, due in 2012***

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* The present document is being issued without formal editing.



Abbreviations

AFP	Armed Forces of the Philippines
AFPHRO	Armed Forces of the Philippines Human Rights Office
AIDS	Acquired Immunodeficiency Syndrome
ARC	Autonomous Region of the Cordillera
ARMM	Autonomous Region in Muslim Mindanao
BARMM	Bangsamoro Autonomous Region in Muslim Mindanao
BOL	Bangsamoro Organic Law
BTA	Bangsamoro Transition Authority
BUS	Beneficiary Update System
CAB	Comprehensive Agreement on the Bangsamoro
CALT	Certificate of Ancestral Land Title
CAR	Cordillera Administrative Region
CBA-CPLA	Cordillera Bodong Administration – Cordillera People’s Liberation Army
CCD	Common Core Document
CCT	Conditional Cash Transfer
CFS	Child-Friendly Spaces
CHED	Commission on Higher Education
CHR	Commission on Human Rights
CIAC	Children Involved in Armed Conflict
CID	Clarificatory Implementing Document
CORDS	Cabinet Officers for Regional Development and Security
CPP	Communist Party of the Philippines
CSO	Civil Society Organization/s
CTG	Communist Terrorist Groups
CVS	Compliance Verification System
CWC	Council for the Welfare of Children
DA	Department of Agriculture
DAP	Development Academy of the Philippines
DAR	Department of Agrarian Reform
DBM	Department of Budget and Management
DENR	Department of Environment and Natural Resources
DepEd	Department of Education
DILG	Department of the Interior and Local Government
DOJ	Department of Justice
DSSP	Development Support and Security Plan
DSWD	Department of Social Welfare and Development
FDS	Family Development Sessions

EAP	Educational Assistance Program
FPIC	Free Prior and Informed Consent
GAD	Gender and Development
GIDA	Geographically Isolated and Disadvantage Areas
GRS	Grievance Redress System
HB	House Bills
HIV	Human Immunodeficiency Virus
IAC	Inter-Agency Committee
IAC-CSAC	Inter-Agency Committee on Children in Situations of Armed Conflict
ICC	Indigenous Cultural Communities
ICCMN	Inter-Cabinet Cluster Mechanism on Normalization
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
IDB	Independent Decommissioning Body
IDP	Internally Displaced Persons
IHL	International Humanitarian Law
ILO	International Labour Organization
IP	Indigenous Peoples
IPLA-CAR	Indigenous Peoples Legislative Assembly in the Cordillera Administrative Region
IPPP	Indigenous Peoples Peace Panel
IPRA	Indigenous Peoples Rights Act
IPRV	Indigenous Peoples' Rights Violation
IRR	Implementing Rules and Regulations
ISIL	Islamic State of Iraq and the Levant
JTFCT	Joint Task Forces on Camps Transformation
KALAHI-CIDSS	<i>Kapit-Bisig Laban sa Kahirapan</i> – Comprehensive and Integrated Delivery of Social Services
LGU	Local Government Unit
LOE	Line Of Efforts
MCCT	Modified Conditional Cash Transfer
MCW	Magna Carta of Women
MILF	Moro Islamic Liberation Front
MIPCEL	Mindanao IP Council of Elders and Leaders
MIPLA	Mindanao IP Legislative Assembly
MIPYA	Mindanao IP Youth Peace Assembly
MIPYO	Mindanao IP Youth Organization
MOA	Memorandum of Agreement
NCIP	National Commission on Indigenous Peoples
NDF	National Democratic Front

NGO	Non-Government Organizations
NMIP	Non-Moro Indigenous Peoples
NPA	New People's Army
NTF-ELCAC	National Task Force to End Local Communist Armed Conflict
OPAPP	Office of the Presidential Adviser on the Peace Process
PAMANA	<i>Payapa at Masaganang Pamayanan</i>
PDAO	Persons with Disability Affairs Offices
PHRCS	Presidential Human Rights Committee Secretariat
PME	Professional Military Education
PNAC	Philippine National AIDS Council
PNP	Philippine National Police
PNP HRAO	Philippine National Police Human Rights Affairs Office
PUF	Public Use File
QRT	Quick Response Team
QRU	Quick Response Units
RCCT	Regular Conditional Cash Transfer
RENI	Recommended Energy and Nutrient Intake
RHO	Regional Hearing Offices
RLA	Regional Legislative Assembly
SFP	Supplementary Feeding Program
SSI	Strengthening Support Services and Interventions
STI	Sexually Transmitted Infection
STIFRMSP	Sustainable Traditional and Indigenous Forest Resources Management Systems and Practices
TESDA	Technical Education and Skills Development Authority
TFDCC	Task Force for Decommissioned Combatants and their Communities
TFSP	Transitory Family Support Packages
TJR	Transitional Justice and Reconciliation
TJRC	Transitional Justice and Reconciliation Commission
TVI	Toronto Ventures Inc.
TWG	Technical Working Group
UDHR	Universal Declaration of Human Rights
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
WFS	Women-Friendly Spaces

I. Introduction

1. The Philippines, with the National Commission on Indigenous Peoples (NCIP) as lead agency in coordinating State compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), submits its combined 21st to 25th periodic reports.
2. The Philippines signed and ratified the ICERD on 07 March 1966 and 15 September 1967, respectively. The State-Party submitted its combined 15th to 20th periodic reports on 27 August 2009.
3. This submission is a product of a series of consultations and workshops participated in by government agencies, CSOs/ NGOs, indigenous peoples leaders, and organizations which were conducted in 2011, 2014, 2015, 2016, and 2018.

II. Response to the Committee's Concluding Observations of 23 September 2009

Concluding Observation (CR 13): While the denial of the existence of formal racial discrimination might be acceptable, the Committee wishes to note that even well-intentioned or neutral policies may directly or indirectly have negative or undesired effects on race relations and lead to de facto discrimination. The Committee reiterates its observations that no country can claim that racial discrimination is non-existent in its territory, and that an acknowledgment of the existence of the phenomenon is a necessary precondition for the fight against discrimination.

4. The State clarifies that the statement on the non-existence of discrimination refers to the absence of a formal, legalized definition of racial discrimination in the Philippines. Instances of *de facto* discrimination, arising in consequence of well-intentioned or neutral policies, are guarded against by specific domestic laws addressing discrimination.
5. The State notes perceived instances of racial discrimination. This has been brought about by a long history of colonialism which has led to disparity in development, including in access to land, resources, and social services, i.e., education, health, and employment of a great majority of Filipino-Muslims and indigenous cultural communities/indigenous peoples.
6. The foregoing concern has been dealt with by the Indigenous Peoples Rights Act (IPRA) of 1997, which is recognized as a social law that addresses discrimination and “provides for special treatment for cultural communities owing to their condition of poverty, illiteracy, and underdevelopment brought about in the main by government neglect, foreign colonization, and discrimination”¹.
7. Such disparity has been further addressed by the State through the promulgation of Executive issuances and enactment of laws that address discrimination, e.g., Presidential Decree No. 966 (s. 1976), IPRA, and the Magna Carta of Women among others.

Concluding Observation (CR 14): The Committee urges the State party to ensure that the Convention becomes fully applicable in the national legal system, including through adoption of the necessary legislation.

8. The 1987 Philippine Constitution, in Section 2, Article II, provides for the State's adoption of the generally accepted principles of international law as part of the law of the land. This assures the applicability of the ICERD in its national legal system.

¹ Sponsorship Speech of then proposed Senate Bill 1728.

9. Violations of the ICERD are criminalized under Presidential Decree No. 966 (s. 1976).² Said law declares organizations, as well as organized propaganda activities, that promote and incite racial discrimination as illegal and deemed prohibited.³

10. The IPRA reinforces the rights and freedoms of indigenous peoples and indigenous cultural communities (IP/ICC), particularly on their economic, social, civil, political, and cultural rights as enshrined in the ICERD.

11. From 2009 to 2018, a total of 215 laws were enacted, covering a range of rights enshrined in the ICERD, such as equal treatment, right to security of person and protection from bodily harm, rights of women and children, and right to basic services. Some of these laws are as follows:

- The Philippines Magna Carta of Women of 2009 seeks to eliminate discrimination by recognizing, protecting, fulfilling, and promoting the rights of Filipino women, especially in the marginalized sector. Paragraph 4, Section 3 of the law underscores that “all individuals are equal as human beings by virtue of the inherent dignity of each human person. No one, therefore, should suffer discrimination on the basis of ethnicity, gender, age, language, sexual orientation, race, color, religion, political, or other opinion, national, social, or geographical origin, disability, property, birth, or other status as established by human rights standards”;
- The Anti-Torture Act of 2009 declares that it is the policy of the State to “ensure that the human rights of all persons, including suspects, detainees and prisoners are respected at all times; and that no person placed under investigation or held in custody of any person in authority or agent of a person in authority shall be subjected to physical, psychological, or mental harm, force, violence, threat, or intimidation or any act that impairs his/ her free will or in any manner demeans or degrades human dignity”;
- The Crimes against International Humanitarian Law, Genocide, and Other Crimes Against Humanity Act of 2009 provides that “the State values the dignity of every human person and guarantees full respect for human rights, including the rights of indigenous cultural communities and other vulnerable groups, such as women and children”;
- The amended Migrant Workers and Overseas Filipinos Act of 2010 places emphasis on skills⁴ and makes no distinction of gender. This highlights the State’s recognition of both men and women as fundamentally equal before the law, respectful of the principle of gender-sensitivity, and of non-discrimination of a worker’s residence or ethnicity, choosing instead to recognize the Filipino worker simply as being Filipino.⁵ As such, any Filipino migrant worker, including Filipinos of indigenous descent, benefits from the same training, protection,⁶ and assistance⁷ afforded to them by the law;

² Presidential Decree No. 966, (s. 1976), “Declaring violations of the International Convention of the Elimination of All Forms of Racial Discrimination to be criminal offenses and providing penalties therefor”.

³ Sections 1 and 2, Presidential Decree 966.

⁴ RA No. 8402 Chapter III. Section 17 gives government agencies, such as the Technical Education and Skills Development Authority, the task to prioritize Filipino migrant workers in training and livelihood development.

⁵ RA No. 8042 Section 3 and RA No. 8042 Implementing Rules and Regulations (IRR), Chapter II. Section 2.

⁶ RA No. 8042 Chapter VI. Section 9 defining Anti-Illegal Recruitment; IRR Chapter VIII. Section 14-18 on the Philippine Overseas Employment Agency’s Anti-Illegal Recruitment Programs; and IRR Chapter XIV. Sections 48-57 on Repatriation of Filipino Migrant Workers.

⁷ RA No. 8042 IRR Chapter X., Section 30 indicates the different loans available to Filipino migrant workers which also cover their families/ dependents via the Migrant Workers Loan Guarantee Fund; IRR Chapter XI., Section 36 describes the Congressional Migrant Workers Scholarship Program for the benefit of migrant workers and/ or their dependents who intend to pursue courses or trainings primarily in the field of science and technology, as defined by the Department of Science and

- The Anti-Enforced or Involuntary Disappearance Act of 2012 reiterates the policy of the State that it “values the dignity of every human person and guarantees full respect for human rights for which the highest priority shall be given to the enactment of measures for the enhancement of the right of all people to human dignity, the prohibition against secret detention places, solitary confinement, *incommunicado*, or other similar forms of detention, the provision of penal and civil sanctions for such violations, and compensation and rehabilitation for the victims and their families, particularly with respect to the use of torture, force, violence, threat, intimidation or any other means which vitiate the free will of persons abducted, arrested, detained, disappeared or otherwise removed from the effective protection of the law”;
- The People’s Television Network Act of 2012 reiterates the policy of the State to “fully develop communication structures suitable to the needs and aspirations of the nation and in accordance with a policy that respects the freedom of speech and of the press”;⁸
- The Human Rights Victims Reparations and Recognition Act of 2013 reaffirms the policy of the State to value the dignity of every human person and to guarantee full respect of human rights;
- The Open High School System Act of 2015 seeks to provide more access to secondary education through the open learning modality. More importantly, the law provides equal opportunity for adults and individuals of secondary school age to avail themselves of free open high school education;
- The Universal Access to Quality Tertiary Education Act of 2017 institutionalizes free tuition and exemption from other fees in State universities and colleges, local universities, and colleges in the Philippines. Further, under this law’s implementing rules and regulations, the State “shall not discriminate among its beneficiaries and may not be used as justification for the removal of the right of a student to avail of other government support to education”;
- The Strengthened Anti-Hospital Deposit Act of 2017 underscores the right to health, medical care, and social services as reflected in the ICERD. The law makes health care accessible to every Filipino as it prohibits the demand or acceptance of deposits as a pre-requisite for administering emergency patient care and medical treatment;
- The Bangsamoro Autonomous Region in Muslim Mindanao Act of 2018 was designed to bring peace and address the grievances of Muslims in the region. Under Section 10, Article IV of the law, the freedom of choice of all peoples within the said region is ensured. The law guarantees further that indigenous peoples shall have the freedom to retain their distinct indigenous and ethnic identity in addition to their Bangsamoro political identity. Moreover, the law warrants that there shall be no discrimination on the basis of identity, religion, and ethnicity;
- The Special Protection of Children in Situations of Armed Conflict Act of 2019 is geared towards providing protection to all children from all forms of abuse, violence, cruelty, and discrimination during armed conflict.

12. Domestic court rulings implementing laws that protect and promote the rights of indigenous peoples and eliminate discrimination against them affirm that persons or things similarly situated should be treated alike, both as to rights conferred and responsibilities imposed.⁹

13. In relation to the foregoing, the State conducts continuing judicial education for judges and other officers of the court, i.e., court personnel and lawyers, specific on the rights of

Technology; and IRR Chapter XII. Section 41 establishes the Filipinos Resource Center for Migrant Workers and Overseas Filipinos.

⁸ Section 10, Article 16, 1987 Philippine Constitution.

⁹ Supreme Court Survey on Implementing Provisions on Discrimination.

indigenous peoples. To date, at least 17 seminars have been conducted and participated in by 802 judges and 346 individuals occupying non-judicial positions.¹⁰

Concluding Observation (CR 15): The Committee recommends that the State party adopt a comprehensive law on the elimination of discrimination on the grounds of race, color, descent or national or ethnic origin, covering all rights and freedoms protected under the Convention. The Committee asks for further information on the status of the “2007 Anti-Religious and Racial Profiling Bill” and any other bills relating to racial discrimination pending consideration by Congress.

14. The State has national laws and decrees against discrimination on the grounds of race, color, descent, national, or ethnic origin. The 1987 Philippine Constitution, under its Bill of Rights, guarantees the non-deprivation of a person’s life, liberty, or property without due process of law, and equal protection of the laws.¹¹

15. Hence, non-discrimination as covered not only under the ICERD, but in various international human rights instruments, such as the Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, Convention Against Discrimination in Education, and Convention (No. 111) Concerning Discrimination in Respect of Employment and Occupation is incorporated in the State’s national laws.¹²

16. The Philippine Congress, composed of the House of Representatives and the Senate, has considered several legislative proposals on anti-discrimination. In 2007, the Anti-Religious and Racial Profiling Bill was filed after having undergone genuine and inclusive public hearings at both chambers of Congress.

17. In 2011, legislative proposals prohibiting racial, ethnic, and religious discrimination were filed, i.e., House Bill No. 4807 (An Act Prohibiting Racial, Ethnic and Religious Discrimination) and Senate Bill No. 2814 (An Act Prohibiting Profiling as well as Discrimination against persons on account of ethnic or racial origin and/or religious affiliation or belief).

18. In September 2019, President Duterte declared to certify an all-encompassing “anti-discriminatory bill.”

19. In the present 18th Congress, five (5) comprehensive anti-discrimination bills were filed at the House of Representatives (House Bills 55, 487, 136, 522 and 1579). At the Senate, similar bills (Senate Bills 1675, 1214, 315 and 137) were likewise filed.

20. The bills prohibit discrimination in several forms explicit and central to the ICERD, i.e., ethnicity or ethnic origin, race, religion, or belief. They also penalize acts of discrimination in employment, education, delivery of goods and services, accommodation, and analogous acts which have the effect of impairing the recognition, enjoyment, or exercise of a person’s human rights and fundamental freedoms, such as incitement to discrimination and harassment.

21. House Bill No. 55 specifically proposes the establishment of an Equal Opportunity Committee in all public and private agencies, corporations, companies, and educational institutions to ensure compliance of the proposed anti-discrimination law. Said Committee shall have administrative jurisdiction on cases involving discrimination. It shall conduct investigations of alleged cases constituting discrimination on the basis of ethnic origin and / or religious affiliation or beliefs. Under the proposed measure, the Commission on Human Rights of the Philippines, in coordination with the National Commission on Muslim Affairs, and the NCIP shall provide assistance in reviewing and recommending procedures for the resolution, settlement, or prosecution of acts of discrimination.

¹⁰ Philippine Judicial Academy.

¹¹ Section 1, Article III, 1987 Philippine Constitution.

¹² International School of Alliance Educators v. Secretary of Labor, G.R. No. 128845, 1 June 2000.

Concluding Observation (CR 16): The Committee reiterates its recommendation that the State party should enact specific penal legislation in all areas required by Article 4 of the Convention.

22. The State has adopted laws in relation to areas identified under Article 4 of the ICERD. A number of these laws, some mentioned in earlier parts of the report, include the following:

- Presidential Decree No. 966 (s. 1976), in Section 2, provides the following penalties for “violation of the Decree, as well as of Article 4, paragraphs a, b and c of the ICERD”¹³:
 - Imprisonment of not less than ten days nor more than six months, if the offender is guilty of the dissemination and advocacy of policies based on racial superiority or hatred; incitement to racial discrimination; membership in any organization or participation in organized or other propaganda activities, which promote or incite racial discrimination; or providing assistance to racist activities, including the financing thereof (Section 2a, PD 966, s. 1976);
 - Imprisonment of not less than one month nor more than one year, if the offender is guilty of inciting to acts of violence against any race or group of persons of another color or ethnic origin or is an officer or organizer of an organization engaged in propaganda activities, which promote or incite racial discrimination (Section 2b, PD 966, s. 1976);
 - Penalties provided in the preceding sections shall be imposed in the maximum if the offender be a Government officer or employee (Section 3, PD 966, s. 1976);
- The Revised Penal Code of the Philippines, in Article 201, penalizes those who publicly expound or proclaim doctrines openly contrary to public morals; authors of obscene literature published with their knowledge in any form, the editors publishing such literature and the owners/operators of the establishment selling the same; those who, in theaters, fairs, cinematographs or any other place, exhibit indecent or immoral plays, scenes, acts or shows, it being understood that the obscene literature or indecent or immoral plays scenes, acts or shows, whether live or in film, which are prescribed by virtue hereof, shall include those which offend any race or religion; those who shall sell, give away or exhibit films, prints, engravings, sculpture or literature which are offensive to morals;
- The Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity Act of 2009 penalizes genocide, referring to any act with intent to destroy, in whole or in part, a national, ethnic, racial, religious, social or any other similar stable and permanent group by killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; and forcibly transferring children of the group to another group (Section 5, RA No. 9851, s. 2009):
 - The law also imposes penalties to any person who “directly and publicly incites others to commit genocide”¹⁴ as well as those who commit “other crimes against humanity” which includes “persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, sexual orientation or other grounds that are universally recognized as impermissible under international law; apartheid; and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health, when such acts are “committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack (Section 6(h), (j) and (k), RA No. 9851, s. 2009.”¹⁵;

¹³ Section 2, PD 966, s. 1976.

¹⁴ Sec. 5(b), RA 9851, 11 December 2009.

¹⁵ Section 6(h), (j) and (k) of RA 9851, 11 December 2009.

- The Data Privacy Act of 2012, in Section 13, protects sensitive personal information except when the data subject has given his or her consent under certain conditions for lawful purposes;
- The IPRA Law of 1997, in Chapter V, provides for equal protection and non-discrimination of ICCs/IPs. It states that “the State shall, with due recognition of ICCs/IPs distinct characteristics and identity, accord to the members of the ICCs/IPs the rights, protection, and privileges enjoyed by the rest of the citizenry consistent with the equal protection clause of the Constitution of the Republic of the Philippines, the Charter of the United Nations, the Universal Declaration of Human Rights including the Convention on the Elimination of Discrimination Against Women and International Humanitarian Law”¹⁶;
 - For the people’s improved economic, social, and cultural conditions, the IPRA provides that the State shall extend the same employment rights, opportunities, basic services, including in the areas of vocational training, retraining, housing, sanitation, health, social security, education, safe and clean water and air, and all other rights and privileges available to every member of the society;
 - The IPRA Law also ensures that the use of any form of force or coercion against ICCs/IPs shall be dealt with by law and that fundamental human rights and freedoms of women as enshrined in the Philippine Constitution and relevant international instruments, are guaranteed to indigenous women. It further mandates the State to take measures to eliminate prejudice and discrimination, and to promote tolerance, understanding, and good relations among ICCs/IPs and all segments of society (Section 31, Chapter VI, IPRA);
- The Magna Carta of Women (MCW) of 2009 affirms the civil, political, economic, social, and cultural rights enshrined in the ICERD. The MCW accentuates women’s rights as human rights and intensifies efforts of the State to fulfill its duties, both under international and domestic laws, to recognize, respect, protect, fulfill, and promote all human rights and fundamental freedoms of women, especially marginalized women, in the economic, social, political, cultural, and other fields without distinction or discrimination on account of class, age, sex, gender, language, ethnicity, religion, ideology, disability, education, and status. It further provides that “all individuals are equal as human beings by virtue of the inherent dignity of each human person, and that all individuals should not suffer discrimination on the basis of ethnicity, gender, age, language, sexual orientation, race, color, religion, political, or other opinion, national, social, or geographical origin, disability, property, birth, or other status as established by human rights standards”:
 - Moreover, pursuant to a rights-based approach, the MCW requires a high degree of participation by communities, civil society, minorities, women, young people, indigenous peoples, and other identified groups in decision-making processes that affect their lives and well-being. Furthermore, “States and other duty-bearers are answerable for the observance of human rights” (MCW, Section 3). Failure to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law. Also, under Section 4(b) of the MCW, discrimination compounded by or intersecting with other grounds, status, or condition, such as ethnicity, age, poverty, or religion, shall be considered discrimination against women under the law;
 - Further, the MCW provides for women’s right to protection and security in situations of armed conflict and militarization. The State is mandated to observe international standards for the protection of civilian population in circumstances of emergency and armed conflict and not to force women, especially indigenous peoples, to abandon their lands, territories, and means of subsistence, or relocate them in special centers for military purposes under any

¹⁶ Section 21, Chapter V, Republic Act 8371.

discriminatory condition. These provisions of the MCW are exactly the same stipulations under Chapter V of the IPRA;

- The Magna Carta for Persons with Disabilities of 2010 prohibits discrimination against persons with disabilities and considers them as active members of society. The law provides for the concretization of the rights of persons with disabilities through the creation of organizations and groups of persons with disabilities, representation/inclusion in local bodies, access to government services, creation of Persons with Disability Affairs Offices (PDAO) at national and local government levels, and inclusion of persons with disabilities in the planning and budget of the Department of Social Welfare and Development (DSWD);
- Health Workers' Day Act of 2010 gives due recognition to the important role and contribution of health workers, as well as in the promotion of their rights and welfare, and in the enhancement of their sense of worth and dignity;
- The Expanded Breastfeeding Promotion Act of 2010 provides an environment where basic "physical, emotional and psychological needs of mothers and infants are fulfilled"¹⁷ While there are no penalties for employers who do not implement this, the law provides an incentive especially for working mothers for the best interest of their children. The law, in Section 2, explains the duty of the State to "protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation";
- The law providing for the legitimization of children born to parents below marrying age, signed in 2009, amends Article 177 of the Family Code of the Philippines to stipulate the legitimization of "children conceived and born outside of wedlock of parents who, at the time of conception of the former, were not disqualified by any impediment to marry each other, or were so disqualified only because either or both of them were below eighteen (18) years of age of which legitimization takes place by a subsequent valid marriage between parents". This law reflects the civil rights in the ICERD, such as the rights to identity, to a nationality and eventually the right to freedom of movement and residence;¹⁸
- The Free Legal Assistance Act of 2010 encourages lawyers to accept free legal assistance in exchange for tax credits, further improving access by those living in poverty to legal services;
- The Expanded Senior Citizens Act of 2010 protects the elderly or senior citizens to further ensure that members of this sector are not discriminated upon as regards access to health, right to suffrage, access to other basic services, among others, as guaranteed under Philippine law;
- The Anti-Enforced Disappearances Act of 2010 criminalizes the practice of enforced or involuntary disappearances carried out by offenders;
- The Expanded Anti-Trafficking Act of 2012 reiterates that it is the policy of the State to value the dignity of every human person and to guarantee respect for individual rights. In pursuit of this policy, the State gives the highest priority to the enactment of measures and programs that promote human dignity, protect people from any threat of violence and exploitation, eliminate trafficking in persons, and mitigate pressures for involuntary migration and servitude of persons, not only to support trafficked persons but more importantly, to ensure their recovery, rehabilitation, and reintegration into the mainstream of society;
- The People's Television Network Act of 2013 recognizes the vital role of communication and information in nation-building, in accordance with the policy of the State to respect the freedom of speech and of the press without any distinction;

¹⁷ Retrieved from <https://www.officialgazette.gov.ph/2010/03/16/republic-act-no-10028/> on 19 Oct 2019.

¹⁸ Article 5, ICERD.

- The Mental Health Act of 2018 guarantees the enjoyment of all rights under the 1987 Philippine Constitution, as well as those recognized under the Universal Declaration of Human Rights (UDHR), United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), and other international and regional human rights conventions and declarations, such as the right to exercise civil, political, economic, social, religious, educational, and cultural rights respecting individual qualities, abilities and diversity of background, and for the same to be exercised without discrimination on the basis of physical disability, age, gender, sexual orientation, race, color, language, religion or nationality, ethnic, or social origin:
 - The law also guarantees equal access to evidence-based treatment of the same standard and quality, regardless of age, sex, socioeconomic status, race, ethnicity or sexual orientation. It mandates that mental health services must be responsive to the clinical, gender, cultural, ethnic, and other special needs of the individuals being served. Research and development shall be undertaken in collaboration with academic institutions, psychiatric, neurologic, and related associations, and non-government organizations, to produce information, data, and evidence necessary to formulate and develop a culturally relevant national mental health program incorporating indigenous concepts and practices related to mental health¹⁹;
- The Philippine HIV and AIDS Policy Act of 2018 requires the integration of basic and age-appropriate instruction on the causes, modes of transmission, and ways of preventing the spread of HIV and AIDS and other STIs in the curricula of public and private learning institutions, including alternative and indigenous learning system, using standard information and data from the Philippine National AIDS Council (PNAC), Department of Education (DepEd), Commission on Higher Education (CHED), and the Technical Education and Skills Development Authority (TESDA). The learning modules include human rights-based principles and information on treatment, care, and support to promote stigma reduction²⁰;
 - Regarding HIV-AIDS education in communities, the law states that the “Department of the Interior and Local Government (DILG), the Union of Local Authorities of the Philippines, the League of Provinces, the League of Cities, and the League of Municipalities, through the local HIV and AIDS Councils or the local health boards and, in coordination with the PNAC, shall implement a locally-based, multi-sector community response to HIV and AIDS through various channels on evidence-based, gender-responsive, age-appropriate, and human rights - oriented prevention tools to stop the spread of HIV. Gender and Development (GAD) funds and other sources may be utilized for these purposes” and that “indigenous peoples communities and geographically isolated and disadvantaged areas (GIDA) shall also be given due focus²¹;
- The Special Protection of Children in Situations of Armed Conflict Act of 2019 strengthens protection mechanisms for children involved in, affected and displaced by armed conflict situations, and sustains the operationalization of a system on monitoring, reporting and response system on grave child rights violations. Implementing Rules and Regulations. The law was pursued as a collaboration and partnership between the Council for the Welfare of Children (CWC) and member - agencies of the Inter-Agency Committee on Children in Situations of Armed Conflict (IAC-CSAC);
 - Section 9, Chapter IV of the law enumerates violations and prohibited acts that constitute grave child rights violations, such as torture, killing, intentional maiming and rape of children, and other forms of sexual violence, inhuman and degrading treatment of children, abduction, causal maiming, taking children as hostage or using them as human shield, the recruitment,

¹⁹ Sec. 28, RA 11036, 20 June 2018.

²⁰ Sec. 12, RA 1116, 23 July 2018.

²¹ Sec. 19, RA 1116, 23 July 2018.

conscription or enlistment of children into government forces, and other armed groups, acts of gender - based violence against children, refusal or denial of humanitarian access or assistance to children, use or involvement of children involved in armed conflict, attack on schools, hospitals, places of worship, evacuation centers, settlements and other public places such as recreation parks, playgrounds and malls. It also prohibits hamleting, food blockade, intentional delayed reporting of child in custody, false branding or labeling of children as involved in armed conflict, arrest, arbitrary detention or unlawful prosecution of children allegedly associated with armed groups or government forces. The law also provides penalties²² for the foregoing enumerated prohibited acts depending on the acts committed.

Concluding Observation (CR 17): Recalling the importance of gathering accurate and up-to-date data on the socioeconomic situation of the population, the Committee encourages the State party to use the census in 2010 to include indicators disaggregated by ethnicity and gender on the basis of voluntary self-identification, and to provide the data obtained in its next periodic report. In this regard, the Committee draws the State party's attention to paragraphs 10 to 12 of its guidelines on the form and content of reports (CERD/C/2007/1). The Committee also recommends that the State party consult with relevant communities in the preparatory process leading up to the census and encourages initiatives such as the Metagora project.

23. The State takes note of the importance of accurate data for planning and implementation of responsive initiatives. It has been engaging concerned agencies for coordination and discussion towards the census of ICCs/IPs. This endeavor has resulted in the inclusion of an "ethnicity" variable in the State's 2010 Census on Population and Health.

24. Preparatory activities undertaken toward said census were geared to ensure not only cultural sensitivity, but also broad coverage of indigenous communities. To effectively carry out the objectives of the census, a Memorandum of Agreement was forged between concerned agencies. As a result, participation in nationwide orientations and trainings, with the NCIP serving as resource persons on the matter of ethnicity, was ensured.

25. The 2010 data is in a Public Use File (PUF) format. In 2013, it was provided to the Philippine Statistics Authority in a PUF software, enabling concerned agencies to be capacitated in data aggregation and generation on indigenous peoples' demographic profile per indigenous community affiliation and per barangay. As the generation of the 2010 census has taken longer, discussions and collaboration among concerned agencies continue to be conducted to consider this concern in the 2020 Census.

²² Section 9, Chapter IV of the law provides that when found guilty of certain acts is imprisonment of not less than fourteen (14) years but not more than twenty (2) years and a fine of not less than One Million pesos (P1,000,000.00) but not more than Two Million pesos (P2,000,000.00). For other prohibited acts, penalties would imprisonment of six (6) years but not more than twelve (12) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One Million pesos (P1,000,000.00) while when found guilty on still other unlawful acts, penalty of imprisonment of not less than six (6) months but not more than six (6) years.

Concluding Observation (CR 18): The Committee urges the State party to continue efforts to restore peace in the regions affected by armed conflict, to protect vulnerable groups from human rights violations, notably indigenous peoples and children of ethnic groups, and to ensure that independent and impartial investigations are conducted into all allegations of human rights violations.

The Committee, recalling a recommendation from July 2008 by the Committee on the Rights of the Child under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, recommends the enforcement of the 1997 Indigenous Peoples Rights Act (IPRA) to ensure that indigenous children and children from other ethnic groups are not recruited by armed forces or armed groups (CRC/C/OPAC/PHL/CO/1, para. 19).

The Committee seeks further information on the follow-up to the reports of the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (A/HRC/8/3/Add.2) and of the United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples.

26. The State has noted the observation and stresses that it has continually pursued efforts to progressively restore inclusive and sustained peace in areas affected by armed conflict, to protect vulnerable groups, i.e., indigenous peoples and children of ethnic groups, from human rights violations, and ensure that investigations on allegations of human rights violations are objective and impartial. The State concurs with the Committee's recommendation, echoing the recommendation made by the Committee on the Rights of the Child in 2008, i.e., CRC/C/OPAC/PHL/CO/1, para. 19, particularly on the enforcement of the IPRA to deter the recruitment of indigenous children, including children of other ethnic groups, by armed groups.

27. The State recognizes the rights of IPs/ ICCs during armed conflict,²³ consistent with IPRA which provides that "ICCs/IPs have the right to special protection and security in periods of armed conflict". The IPRA further provides the non-recruitment of ICCs/IPs against their will into the armed forces, and in particular, for use against other ICCs/ IPs, and not force ICCs/IPs to abandon their lands, territories and means of subsistence, or relocate them in special centers for military purposes under any discriminatory condition".²⁴ This practically reinforces the 1987 Philippine Constitution that guarantees special protection of children from all forms of neglect, abuse cruelty and exploitation.²⁵

28. With this in mind, and with the ultimate goal to restore peace in conflict affected areas, the State promulgated laws to address contemporary issues and ensured that policies, legislative initiatives, institutional frameworks, and capacity building mechanisms addressing issues on peace, security, and armed conflict have been instituted, and those in place have been strengthened. Throughout the reporting period, the State continuously enhanced and sustained its interventions in education, security, and the peace process, as well as in anti-terrorism and armed conflict caused by Communist Terrorist Groups (CTG)²⁶, which have either added or led to a protracted peoples' war; and, thereby, gravely affecting the already complex situation of indigenous communities or ancestral domains.

29. Recall that the Philippines' more than three decades of insurgency has burgeoned into a protracted war or armed conflict affecting and violating communities' and peoples' economic, social, political, cultural, and civil rights. Most vulnerable to this are the IPs/ICCS, especially indigenous children and women.

30. Since 2009-2019, several initiatives have been put in place, strengthened and sustained to address the concerns of children involved in armed conflict (CIAC). In 2001, prior to the enactment of a law on armed conflict, the State engaged government agencies to

²³ Section 22, Chapter V, IPRA.

²⁴ Section 22, Chapter V, IPRA.

²⁵ Section 3(2), Article XV, 1987 Philippine Constitution

²⁶ Communist Terrorist Group (CTG) refers to the Communist Party of the Philippines (CPP), New People's Army (NPA) and National Democratic Front (NDF). This group has been declared by the State and other countries as a terrorist group.

address CIAC matters, supported by Executive Order No. 56 (s. 2001) and guided by the Comprehensive Framework on CIAC. Said Executive Order directed agencies to “ensure that actual funds, services, and or activities equivalent to at least one percent of their annual Maintenance and Other Operating Expenses. From 2009 to 2012, the State, through the NCIP, funded some 26 CIAC-related projects structured around preventive actions, such as the provision of livelihood, health, education, and other basic services, advocacy, and capacity building. For these activities, three (3) were conducted wherein at least 150 indigenous peoples and 55 NCIP personnel, designated as focal persons for CIAC at the national and field levels, participated. Similarly, through laws enacted during this period, more than 200²⁷ regional, municipal, and city trial courts were established in the Philippines to better IPs/ICCs’ and other marginalized sectors’ accessibility to government legal services.

31. In 2018, the law on the Special Protection of Children Involved in Armed Conflict was enacted, requiring the State to “provide special protection to children in situations of armed conflict from all forms of abuse, violence, neglect, cruelty, discrimination, and other conditions prejudicial to their development, taking into consideration their gender, cultural, ethnic, and religious background.”

32. From 2010 to 2019, the NCIP extended adjudication and legal services to indigenous peoples from the central to field offices.²⁸ These services range from (a) advising and assisting more than 30,000 walk-in IP applicants; (b) acceptance, handling and defense of 1,541 cases; and (c) submission of 1,500 position papers. For the same period, the NCIP conducted 407 monitoring activities/ validations, participated in 32 congressional hearings and rendered more than 586 legal opinions and advisories.

33. In order to enforce its quasi-judicial functions spelled out in the IPRA, the State, through the NCIP, established and consolidated its Regional Hearing Offices (RHO) and set up four (4) clustered courts through Commission-en-banc resolution 047-20-12 and Memorandum Circular No. 007, Series of 2012. These ethnographic regions include:

- 32.1. Cordillera Administrative Region (CAR) and Region I;
- 32.2. Central Mindanao;
- 32.3. Southern and Eastern Mindanao;
- 32.4. Northern and Western Mindanao;
- 32.5. Region II;
- 32.6. Region III and the rest of Luzon; and
- 32.7. Island Groups.

34. The creation of positions and regional offices was approved by the Department of Budget and Management (DBM) to enhance the State’s delivery of services to ICCs/ IPs.

On the enforcement of the IPRA to prevent recruitment of indigenous children into armed forces or armed groups

35. The IPRA provides for IP rights during armed conflict²⁹ and the same has been continuously enforced. It specifically guarantees IPs/ ICCs rights to special protection and security during armed conflict, and underscores the State’s observation of international standards, particularly the Fourth Geneva Convention of 1949, for the protection of civilians in circumstances of emergency and armed conflict.

36. The State, through the NCIP and other government agencies, instituted various mechanisms to address concerns on armed conflict. In 2012, the State institutionalized a quick response mechanism to address indigenous peoples’ rights violations (IPRVs) and deter the recruitment of indigenous peoples by armed groups. To date, at least 8 NCIP Quick

²⁷ Consolidated from www.senate.gov.ph.

²⁸ NCIP 2010 Annual Report.

²⁹ Section 22, Chapter V, IPRA.

Response Units (QRUs) at the national and field offices have been established. These units are composed of NCIP focal persons, indigenous leaders and women. Note that this measure observes the basic principle of recognizing the role of indigenous women as peace builders in the context of armed conflict.

37. Inter-agency collaboration has likewise been enhanced through such measure. Together with the NCIP QRUs, Quick Response Teams (QRTs) have been established in field offices of government agencies concerned. Indigenous leaders and women from ancestral domain areas affected by armed conflict are members of said QRTs

38. The State, through the NCIP, forged a Memorandum of Agreement with the Armed Forces of the Philippines (AFP) for the operationalization of indigenous peoples desks at all levels of the AFP. At least 200 participants attended the initial orientation on the rights of IPs, i.e., IPRA 101, and the Internal Peace and Security Plan, i.e., IPSP 101.³⁰

39. The operationalization and regular interaction between and among QRUs and QRTs are ongoing. While challenges remain, this mechanism requires and encourages the concerted efforts of concerned national and field government and non-government agencies/organizations, the NCIP, and the indigenous communities themselves.

40. The State also implements the *Pantawid Pamilya* Program to help progressively realize the economic freedom of IPs. It is a rights-based program that focuses on human capital investment, i.e., the provision of health and education cash grants to eligible households. It aims to enable poor households to meet certain human development goals, which, in turn, seek to break the intergenerational cycle of poverty. As of November 2013, the program is being implemented at 1,434 municipalities, 143 cities and 79 provinces nationwide covering 3,939,878 household beneficiaries where 9.6% or 370,667 households are indigenous peoples. Of this figure, 74.7%, or 276,800, are from Mindanao, 24.3%, or 90,218, are from Luzon and 1% is from the Visayas.³¹ In 2019, more than 5,000 ICCs/IPs benefitted from this program.

41. The State has also implemented an Educational Assistance Program (EAP) for ICCs/IPs. As of 2018 to March 2019, it has implemented 26,758 projects and activities with at least 9,387 beneficiaries. Providing education, especially in far-flung areas where recruitment by armed groups thrives, in addition to making basic services, such as health and culture-related services accessible to ICCs/IPs, is both a preventive and protection measure to avoid recruitment of children by armed groups. In relation to this, some 51 health and culture-related projects/activities were conducted from 2018 to the 1st Quarter of 2019.

42. While these interventions have been continuously provided, the issues on the enforcement of IPRA, the recruitment of IPs by armed groups and its effects, have become a serious national human security concern for the State:

- The terrorist campaign of the local communist armed group is the worst form of discrimination against indigenous peoples. It has been found that seven (7) out of 10 individuals returning to the folds of the law are indigenous peoples. The recruitment of indigenous peoples, including indigenous children and youth, by the Communist Party of the Philippines (CPP) through its armed party, the New People's Army (NPA), has been an impediment to participative and sustained peace efforts and development of all stakeholders' especially indigenous peoples;
- This concern has not only affected indigenous communities, it has also been extended to the international arena where international organizations have become unwitting partners of CPP-NPA-linked organizations using the Philippine indigenous peoples

³⁰ During the initial installment of the orientation, there were at least 70 indigenous peoples/leaders, and a number of representatives from government agencies, as well as CSOs/NGOs which took part in the activity. While during its second installment held in Mindanao, five regions in Mindanao were adequately represented by representatives of local government units, indigenous leaders and women from armed conflict areas, NCIP personnel, officers assigned in IP desks from the AFP, as well as representatives from the PNP, DILG, and the CHRP.

³¹ <https://pantawid.dswd.gov.ph/wp-content/uploads/2018/12/Pantawid-Pamilya-3rd-Quarter-Report-2018.pdf>.

issues to access funding. To address this issue, Executive Order 70 was signed by President Duterte in December 2018, promoting a mechanism that is hinged on a whole-of-nation approach and anchored on good governance.

On the follow-up of extrajudicial or arbitrary and summary executions

43. The State notes this observation. The State, however, wishes to point out the lack of information in the UN on killings perpetrated by CTGs, such as those committed against indigenous peoples.

44. The killings of indigenous peoples is one of the main concerns of the QRM, an inter-agency coordination/ collaboration at the national and field levels which involves indigenous peoples in ancestral domains. The coordination and collaboration among agencies and IPs at all levels will, in the long run, allow them to access those services extended to victims of armed conflict and human rights violations.

45. The State has endeavored to develop policy guidelines on EJKs. On one hand, an inter-agency committee (IAC) was created through Administrative Order 35 (s. 2012). The IAC was created to look into human rights abuses committed by State and non-State forces, and ensure a focused probe and speedy resolution of all unsolved cases. The Department of Justice (DOJ) heads the AO 35 IAC. The NCIP is included as one of the members of the AO 35 IAC.

46. The State has also endeavored to draft a national guideline for the monitoring of compliance to human rights principles of the mining industry, the latter being deemed as a source of alleged human rights violations committed against indigenous peoples.

On related information to further contextualize the human rights situation and fundamental freedoms of indigenous peoples in the Philippines in light of the presence of the local Communist terrorist group

47. The State issued Executive Order No. 70 on 04 December 2018 to institutionalize the whole-of-nation approach and develop a national peace framework. It has led to the establishment of a National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), a move which acknowledges that military intervention to address the economic, social, cultural, spiritual, civil, and political effects of armed conflict or insurgency is not a one-size-fits-all approach. It has acknowledged further that the operations of the CTGs are deeply rooted into party building, army building, and united front strategies capitalizing on a mass base building sourced out and recruited from far flung, poor, geographically isolated, and indigenous communities, territories, or ancestral domains leading to indigenous peoples' exploitation, deception, and abuse by the CTGs.

48. The NTF-ELCAC operates on the bases of whole-of-nation and good governance. It has mobilized, unified, and converged efforts of at least 18 major government civilian and security agencies with affected communities, and with no less than the President of the Republic of the Philippines as its Chairperson. The NTF-ELCAC is guided by 12 lines of efforts (LOE) focused on how CTGs build their ranks, armies or armed component, and on how political united fronts exploit, abuse, deceive, and break apart indigenous communities in particular, and all other sectors and communities in general.

49. The creation of the NTF-ELCAC has been triggered by testimonies of indigenous leaders, youth, women, and knowledge holders of the grave abuses and atrocities of the CTGs. These testimonies, expressed in consultations, letters of complaints, and dialogues, are now classified as the 17 CTG atrocities against ICCs/IPs, as follows:

- Supplanting traditional leaders and replacing them with revolutionary ones as the CNN Central Task for the IPs;
- Murdering almost a thousand IP leaders from the 1980s to present, for not following orders from the NPA. Examples include the Rano Massacre in Davao del Sur and the

murder of Mayor Jose Libayao, who was killed in the presence of his family, community and foreign donors in the Tribal Municipality of Talaingod, Davao del Norte;

- Making ancestral domains as CTGs' guerrilla base, guerrilla zone, and battle ground (without FPIC) that has caught indigenous peoples in the crossfire and put an end to IP communities' tranquility and peace in the last 40 years;
- Collecting revolutionary taxes from indigenous peoples' farm produce, livestock, sari-sari store, habal-habal transport, etc.;
- Setting up informal schools for elementary and secondary education in the different ancestral domains in Mindanao. The CTGs use schools to radicalize indigenous children by teaching them communism and by sending them to NPA units for exposure;
- Agitating and deceiving several IP leaders and members with false promises to go on "bakwit" from their ancestral domains to the town centers or cities, e.g., Haran in Davao City, and preventing them from going out. Likewise, bringing IP youth and students to join "Manilakbayan" which is against indigenous peoples' culture;
- Recruiting indigenous youth leaders with high IQ as scholars in tertiary schools managed by communist organizations, radicalizing their minds and destroying indigenous culture;
- Appointing IP leaders as heads of "Organs of Political Power Revolutionary Justice System," i.e., kangaroo court, handing down decisions to fellow IP leaders and members of the communities;
- Converting IP communities as prison/ confinement or incarceration areas of IPs;
- Subverting the name "Bagani" whose main purpose is to protect indigenous peoples, but the CPP-NPA-NDF used the same to identify one of the NPA units which has killed indigenous peoples and attacked government security forces, putting the entire ICCs/ IPs in bad light;
- Occupying ancestral domains of indigenous peoples, which is considered as a private communal property wherein no group/s or individual/s can enter and implement a program or activity without first securing FPIC, i.e., under the supervision of the NCIP.
- Removing indigenous peoples' right of suffrage, as candidates seeking national and local elective posts are prevented from entering ancestral domains of indigenous peoples unless payment is first made to the CPP-NPA-NDF for the issuance of a "permit to campaign" and a "permit to win";
- Collecting revolutionary taxes from mining and logging companies or similar businesses in the ancestral domains, more than what the ICCs/IPs are receiving as royalties;
- Burning construction equipment in the ancestral domains, thereby delaying and even stopping significant infrastructure projects of the government, thus preventing the delivery of essential goods and services to far-flung communities;
- Organizing ICCs/IPs people's organizations thru deceit and lies to support the NDF, BAYAN, and five (5) Regional Party Committees all over Mindanao;
- Using the ICCs/IPs in ruining the image of the Philippine government in the eyes of the world by orchestrating international solidarity works and projecting lies contrary to the real situation and issues of the country; and
- CTGs recruitment and programs on IP youth (alternative school) resulting to the latter's molestation and sexual exploitation.

50. To date, more than 20 summits and conferences have been conducted to cascade the abovementioned concerns at all levels, i.e., regional, provincial, municipal, and barangay levels. These activities involved IP communities and leaders, personnel of national and field

agencies, cabinet secretaries, and other sectors of society. The Cabinet Officers for Regional Development and Security (CORDS) who head the regional level task force have been mobilized in all 13 regions in the Philippines.

On the pursuit of peace in the context of the anti-Communist terrorism campaign, autonomy in governance, and other related concerns of indigenous peoples in the Philippines

51. The State's active pursuit of the peace process complements and supplements initiatives toward ending local communist armed conflict. The NTF-ELCAC created by virtue of Executive Order No. 70 calls for a National Peace Framework anchored on a whole-of-nation approach, which is the government's policy for harmonized and convergent delivery of basic services and socio-economic packages in conflict-affected areas and vulnerable communities, responsive to local needs and sensitive realities on the ground. The Framework includes a mechanism for localized peace engagements. The Guidelines on the conduct of local engagements was finalized in September 2019.

52. The State has legislated Republic Act No. 11054 entitled "An Act Providing for the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao, repealing for the purpose Republic Act No. 6734, entitled 'An Act Providing for An Organic Act for the Autonomous Region in Muslim Mindanao,' as amended by Republic Act No. 9054, entitled 'An Act to Strengthen and Expand the Organic Act for the Autonomous Region in Muslim Mindanao'". These legislations uphold the respect for and recognition of the rights of Filipinos in the region to identity, autonomy, and self-determination as crucial to promoting peace in Southern Philippines.

53. In the same context of the peace process, agreements and frameworks were forged and implemented. The Comprehensive Agreement on the Bangsamoro (CAB) was signed by the Government of the Philippines and the Moro Islamic Liberation Front (MILF) Negotiating Panels on 27 March 2014, signaling the end to decades-long struggle of the Bangsamoro people for identity, greater autonomy, and encapsulating the commitment and shared vision of both parties to bring sustainable peace and development in the Bangsamoro and the whole of Mindanao.

54. The implementation of the CAB has two tracks: the political-legislative track and normalization track. The political-legislative track includes the passage of the Bangsamoro Organic Law (BOL)³² and the creation of a Bangsamoro political entity replacing the Autonomous Region in Muslim Mindanao (ARMM).

55. The BOL legitimizes the aspirations of the Bangsamoro people to establish a political entity, secure their identity, and allow meaningful self-governance. A plebiscite³³ in proposed Bangsamoro areas resulted in the BOL's ratification on 25 January 2019 with 87.80% or majority of the people residing in the proposed core territory casting a total of 1,737,767 affirmative votes. It also resulted in the expansion of the Bangsamoro Autonomous Region in Muslim Mindanao's (BARMM) territorial jurisdiction which now includes Cotabato City and 63 barangays in North Cotabato (in the municipalities of Midsayap, Pigcawayan, Kabacan, Carmen, Pikit, and Aleosan). The ARMM was abolished upon the ratification of the BOL, and the Bangsamoro Transition Authority (BTA) was constituted to serve as its interim government. The BARMM was inaugurated on 29 March 2019, with the first set of ministers of the new parliamentary form of government taking their Oath of Moral Governance. The proposed Transition Plan was formally approved by the BTA on 17 June 2019. The codes for creation of BARMM offices are to be crafted with the assistance of the Development Academy of the Philippines (DAP).

³² Republic Act No. 11054 entitled "An Act Providing for the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao, repealing for the purpose Republic Act No. 6734, entitled 'An Act Providing for An Organic Act for the Autonomous Region in Muslim Mindanao,' as amended by Republic Act No. 9054, entitled 'An Act to Strengthen and Expand the Organic Act for the Autonomous Region in Muslim Mindanao'" (27 July 2018).

³³ Held on 21 January and 6 February 2019.

56. Complementing the political-legislative track, are processes and mechanisms whereby the decommissioned combatants, their families and communities can “return to conditions where they can achieve their desired quality of life, which includes the pursuit of sustainable livelihoods and political participation within a peaceful deliberative society”.

57. On 16 June 2015, the Independent Decommissioning Body (IDB) facilitated the 1st phase decommissioning of the 145 combatants and 75 high-powered and crew-served weapons of the MILF.

58. The Task Force for Decommissioned Combatants and their Communities (TFDCC) delivered socio-economic interventions for the 145 decommissioned MILF combatants. The participating agencies, i.e., DSWD, PhilHealth, TESDA, DepEd, CHED, Department of Agriculture (DA), delivered 98% of commitments to the decommissioned combatants. The 2nd phase of decommissioning was scheduled in 2019. While a Memorandum of Agreement with the DSWD was signed on 09 August 2019 to assist in the transition period of the newly established BARMM and facilitate delivery of socio-economic packages to decommissioned MILF.

59. To synchronize government efforts in carrying out a holistic government approach in the Bangsamoro peace process, a program for normalization in the Bangsamoro was implemented by virtue of Executive Order No. 79 (s. 2019). This ushered in the creation of an Inter-Cabinet Cluster Mechanism on Normalization (ICCMN) to carry out the “Normalization Program”.

60. The Philippine government continues to address legitimate grievances of the Bangsamoro people, correct historical injustices, and address human rights violations and marginalization by way of land dispossession through the Transitional Justice and Reconciliation (TJR) program. The different interventions under the “Normalization Program” are themselves expressions of TJR, which is geared towards pursuing healing and reconciliation efforts in Bangsamoro areas. The Philippine government and the MILF Implementing Panels jointly formed a Working Group on TJR to develop a roadmap that will operationalize the TJR component of the “Normalization Program.” Agency programs responding to the recommendations of the Transitional Justice and Reconciliation Commission (TJRC) have been mapped out and orientation-workshops have been undertaken to enhance duty-bearers’ capacity on how TJR lens can be applied in the “Normalization Program” mechanisms and processes, and contribute to efforts of sustaining peace in the country.

61. A TJR Cluster under the Inter-Cabinet Cluster Mechanism on Normalization (ICCMN) has also been formed to complement response efforts to the TJRC recommendations. Four (4) ICCMN-TJR Cluster thematic working groups have been created to cover the following areas: truth/ education; justice and reparations; land issues; and guarantee of non-recurrence.

62. Inter-agency meetings identified strategic interventions based on the mandate and current programs, projects and activities of the agencies and recommendations to develop synergy of efforts among government agencies. Proposed interventions in the TJR roadmap are finalized, prioritized and presented for vetting and concurrence of the panels, in coordination/consultation with the Office of the Presidential Adviser on the Peace Process (OPAPP) and the ICCMN.

63. The Joint Task Forces on Camps Transformation (JTFCT) oversees the transformation of six previously-acknowledged MILF camps into peaceful and productive communities as part of confidence-building measures between the parties. Social preparation for the Camps Transformation Program and quick response projects are ongoing.

64. Signing of the 2000 Peace Agreement with the *Rebolusyonaryong Partido Ng Manggagawa Ng Pilipinas* (Revolutionary Proletarian Army/Alex Boncayao Brigade/Tabara-Paduan Group or RPM-P/RPA/ABB/TPG) of *KAPATIRAN* on 19 July 2019 and the Clarificatory Implementing Document (CID) to the 2000 Peace Agreement, being the final settlement of the 2000 Peace Agreement with RPM-P/RPA/ABB:

- To complete the Philippine government commitments, the CID indicates the implementation of a 3-year normalization plan pursuant to the directive and approval of the President. Its components are disposition of arms and forces and security

arrangements, social and economic reintegration, provision on the restoration of civil and political rights through pardon and release of the remaining alleged political offenders, transformation of the RPM-P/RPA/ABB-TPG into a civilian organization engaging in socio-economic and political activities, and community peace dividends. Disposition of arms and forces of RPA-ABB members was scheduled in 2019.

65. Signing of the 2011 Memorandum of Agreement (MOA) with the Cordillera Bodong Administration – Cordillera People’s Liberation Army (CBA-CPLA):

- The strategy for the conclusion of the peace process with the CBA-CPLA entails the completion of the provisions provided under the 2011 MOA between the Philippine government and the CBA-CPLA. The completion strategy focuses on transforming the former members of the CBA-CPLA, sustaining the gains of the Cordillera Peace Process, strengthening multi-stakeholder convergence to support peace and development, and providing support to regional development advocacies to help the Cordillera Autonomy Bill. The CBA-CPLA peace process will enhance its approaches and strategies to cater to the implementation and localization of Executive Order No. 70 or the whole-of-nation approach with local counterparts. A body has been created to ensure delivery of remaining commitments of the 2011 MOA components – i.e., disposition of arms and forces, socio-economic reintegration and transformation framework leading to the comprehensive normalization of the former members of the CBA-CPLA. The OPAPP continues to work with the Regional Development Council and the National Economic Development Council - Cordillera Autonomous Region in support for the region’s bid for autonomy.

66. The establishment of the Philippine Government IP Peace Panel (IPPP) is a concrete government measure on IP representation in the peace process with the mandate to engage, meet, converse with and hear the concerns, inputs, recommendations of IPs in the country along the different peace process tracks.

67. The OPAPP, through the IPPP, facilitated the establishment and conduct of the Mindanao IP Legislative Assembly (MIPLA) on 29 August to 1 September 2017 in Davao City to serve as a platform for representatives of non-Moro indigenous communities in the ARMM and other adjacent Ancestral Domain areas to engage in participatory discourse to propose enhancements to the BTC’s version of the Bangsamoro Basic Law that is non-regressive in the recognition of rights, protection of interests and promotion of welfare of non-Moro IPs (NMIPs) within the proposed Bangsamoro Government. A number of key MIPLA-proposed provisions that recognize, protect and promote the rights of NMIPs were included in the recently passed BOL. Consequently, the NMIPs in the core territory committed to support the ratification of the BOL.

68. IP Legislative Assembly in the Cordillera Administrative Region (IPLA-CAR):

- The IPLA-CAR is a follow through from the CAR Peace Conversations of November 2017, where participants composed of key IP leaders in CAR unanimously expressed support for House Bill (HB) No. 5343, “An Act establishing the Autonomous Region of the Cordillera (ARC)”. The Regional Legislative Assembly (RLA) was composed of 105 delegates representing different ethno-linguistic groups of the Cordillera provinces and Baguio City. The assembly generated consensus on the proposed enhancement and the inclusion of IP provisions into the said bill. The final output was a legislative proposal of the assembly which was formally submitted to the Chairperson of the Technical Working Group (TWG) on the Cordillera Autonomy Bill, Representative Mark Go, for review and possible integration into HB No. 5343.

69. Under the guidance of the Mindanao IP Council of Elders and Leaders (MIPCEL), indigenous youth under the Mindanao IP Youth Organization (MIPYO) organized the Mindanao IP Youth Peace Assembly (MIPYA) in October 2018. The growing number of atrocities committed by the NPA against indigenous cultural communities in Mindanao over the years was deemed a major security concern. This alarming situation prompted indigenous youth across the island-region to band together and condemn these acts of exploitation and injustices:

- With the theme “Arise and Shine: IP Young Leaders for the Next Generation”, the assembly organized and mobilized 238 Mindanao IP youth leaders from ICCs in Regions IX, X, XI, XII, and XIII of Mindanao who were endorsed by their respective council of elders and leaders. Youth Leadership Summit graduates, *Payapa at Masaganang Pamayanan* (PAMANA) IP scholars and former rebels were among the youth delegates. It sought to equip participants with the knowledge, leadership skills, and values that shall enable them to participate in the national government’s efforts to promote social healing and reconciliation in their respective communities. Moreover, the event provided a platform for the IP youth representatives to articulate their views, expose the 17 NPA atrocities, denounce violent extremism, and contribute in enhancing the national government’s peace, security, and development agenda with confidence as young agents of peace in their communities.

70. Representatives of 13 government agencies attended the assembly to signify their support for MIPYO and to respond to the pressing issues and concerns raised by the IP youth-delegates. The event also enabled the government officials and representatives to present their respective agency’s programs and projects that were designed to address the needs of the IP youth sector.

71. The MIPYA resulted in the expansion of the MIPYO as an entity that can assist the MIPCEL in the implementation of the whole- of-nation approach mandated by Executive Order No. 70, as well as the strengthening of their respective indigenous political structures. At the end of the assembly, the IP youth leaders identified a 7-Point Agenda based on the major issues commonly raised across the five regions.

72. Since 2011, the PAMANA Program has been the government’s peace and development convergence program implementing peace-promoting, catch-up socio-economic interventions in conflict-affected and conflict-vulnerable areas, helping build a culture of peace and conflict sensitivity. The enhanced program has the following three (3) main objectives:

- Address issues of injustice and improve community access to socio-economic interventions;
- Improve governance by building the capacity of national government agencies and local government units for a conflict-sensitive, peace-promoting, culture-sensitive, and gender-sensitive approach to human rights promotion and development; and
- Empower communities and strengthen their capacities to address issues of conflict and peace.

On various institutional support to further the protection of indigenous peoples, including their children and youth

73. From 2011 to 2019, the Philippine government appropriated over P52 billion pesos for projects in six (6) regions, covering 50 provinces and over 500 municipalities/cities. From 2017 to 2019, the Philippine Government appropriated over P15 billion pesos for the implementation of soft/small infrastructure, e.g., study grant and health insurance coverage for former combatants and/or their next of kin; support to indigenous peoples concerns relative to ancestral domain delineation and recognition, ancestral domain sustainable development and protection plan formulation and educational assistance; support to the agriculture and fishery sector; capacity building; community infrastructure; development of settlement site; electrification; livelihood; water supply) and/or hard infrastructure projects i.e., bridge, road, flood control. These interventions are in various stages of implementation.

74. Republic Act No. 11188 (s. 2019), or the “Special Protection of Children in Situations of Armed Conflict Act”, strengthens protection mechanisms for children involved in, affected, and displaced by armed conflict situations, and sustains the operationalization of a system on monitoring, reporting, and response system on grave child rights violations. The IAC-CSAC created to prevent the commission of grave child rights violations proscribed under pertinent UN Security Council resolutions mirrors the UN Monitoring and Reporting Mechanism locally known as the Monitoring, Reporting and Response System. The AFP and the

Department of National Defense (DND) issued a circular known as “Child Protection During Armed Conflict Situations”, which provides guidelines on the treatment of children involved in armed conflict.

75. Complementing these legislative initiatives, capacity-building mechanisms have been instituted in the security, education, and basic services. Created in 2007, the AFP Human Rights Office (AFPHRO) continues to be strengthened. In 2010, the AFPHRO’s mandate included conducting advocacy training and information-dissemination for personnel and units in the field; referral and causing of investigation of alleged violations; and engagements with stakeholders from civil society, non-governmental and people’s organizations. Each AFP unit has a designated human rights officer who can receive complaints against military personnel, coordinate and partner with the local CHR office and maintain linkages with various groups for the conduct of independent and impartial investigations on crimes committed against civilians.

76. The AFP crafts and implements periodic campaign plans, to further help in national development. The current campaign plan, dubbed as ‘Development Support and Security Plan (DSSP) “*Kapayapaan*” (Peace) is a continuation of the previous “Internal Peace and Security Plan *Bayanihan* (Helping One Another) which puts a high premium on human rights and the rule of law, and adopts a “whole of nation” and “people-centered approach” in promoting peace. The aforementioned campaign plans are part of the transformation roadmap of the armed forces and continuing security sector reform.

77. The AFP continually reviews and upgrades its curriculum in the AFP professional military education (PME), to incorporate newly-enacted laws which relate and impacts on human rights and international humanitarian law (IHL). All military personnel that attend pre-entry, basic, advance, specialization and career courses undergo human rights training to ensure that all military personnel have knowledge of and adhere to human rights laws and principles. Those in the field conduct community-based dialogue sessions with the communities, the CHR, human rights groups, and the police to discuss and address human rights issues. Military personnel from the AFP training institutions undergo “training of trainers courses” on IHL, civil and political rights, as well as economic, social and cultural rights to keep them abreast of norms and standards, and to sustain the capability of military schools and centers.

78. The Philippine National Police (PNP) presented the Performance Governance System PNP PATROL. Plan 2030 as its roadmap for reforms. The PNP Human Rights Development Programme, institutionalized in 2007, ensures that various policies, projects, and mechanisms to protect human rights are implemented.

79. The PNP Human Rights Affairs Office (HRAO) initiates and pursues activities to effectively instil “respect for human rights as a way of life in the PNP”. These activities include capability-building and knowledge awareness on the rights of its citizenry, inter-agency collaboration and conduct of investigations of cases of alleged human rights violations. Specifically, some of these are the conduct of the Police Human Rights Officers Course, Police Investigators Seminar on IHL for Police Regional Offices, participation in congressional technical working groups on human rights-related matters, development human rights mobile application, conduct of refresher courses for police officers, information dissemination of current human rights-related issues, close engagements with human rights groups, including the CHR.

80. A National Policy Framework on Schools and Learners as Zones of Peace has been developed by the DepEd to guide the public education sector toward the creation of a safe, inclusive, conflict sensitive learning environments. This Framework defines the components and guiding principles in the declaration and establishment of Schools and Learners as Zones of Peace. It outlines the overall strategy for ensuring both safety and security of schools and learners, and the continuity of education in situations of armed conflict. It institutionalizes conflict sensitivity, peace building, and community engagement into education interventions as a means to prevent, mitigate, respond, and recover from armed and violent conflict. The National Policy Framework on Schools and Learners as Zones of Peace is in its final approval stage. A draft protocol has been developed to guide the Department of Education offices at

all levels, including schools in preparing for, responding to, and recovering from armed conflict incidents.

81. The DepEd ensures that the foregoing initiative is responsive to local needs and contexts, and aligned with current policies and protocols on child protection, including the State's commitment to international treaties, such as the UN Convention on the Rights of the Child and its Optional Protocol on the Involvement of Children in Armed Conflict.

82. The Philippine Judiciary has been reorganized to improve people's access to its mechanisms. Through the laws passed during the reporting period, there were more than 200³⁴ regional, municipal and city trial courts established in the Philippines. This is a welcome gesture towards efforts to better IPs/ICCs and other marginalized sectors' access to government legal services.

83. For its part, the NCIP's report provides that in 2010 to 2018 the agency has extended adjudication and legal services to indigenous peoples from the central to field offices. These services range from (a) advising and assisting 16,255 walk-in IP applicants; (b) accepting, handling and defense of 1,541 cases; and (c) submitting of 657 position papers. There were likewise more than 407 validation activities conducted, 32 congressional hearings participated in, and 586 legal opinions and advisories rendered:

- To reiterate, to enforce its quasi-judicial functions as spelled out in the IPRA, it established and consolidated its RHOs leading to the establishment of four (4) clustered courts through Commission-en-banc resolution 047-20-12 and Memorandum Circular No. 007 (s. 2012). These ethnographic regions include a) Cordillera Administrative Region (CAR) and Region I; b) Central Mindanao; c) Southern and Eastern Mindanao; d) Northern and Western Mindanao; e) Region II; f) Region III and the rest of Luzon; and g) The Island Groups. In 2012, the clustered courts handled a total of 99 cases wherein 17 cases were decided upon, sixty-two (62) pending cases and twenty (20) cases for resolution. This has been returned back to the original structure to strengthen courses of actions.

84. Inter-agency collaboration has been enhanced through the abovementioned measure. Together with the NCIP QRUs, the QRTs were also established and which includes field government agencies concerned. The QRTs are composed of the NCIP QR units, government agencies, selected indigenous leaders and women from ancestral domains areas affected by armed conflict.

85. To date, at least 8 NCIP QRUs at the national and field offices were established. These units are composed of identified NCIP focal persons and indigenous leaders and women in areas of armed conflict. A basic principle of this measure is recognizing the roles of indigenous women in the context of armed conflict as peace builders.

86. The State, through the NCIP, forged a Memorandum of Agreement with the AFP towards the operationalization of indigenous peoples' desks at all levels of the AFP. Initial orientation on the rights of IPs, i.e., IPRA 101, and the Internal Peace and Security Plan, i.e., IPSP 101, have been conducted where some 200 participants were in attendance.³⁵

87. The operationalization and regular interaction between and among QRUs and QRTs is continuing. While challenges remain, this mechanism requires and encourages the concerted efforts of concerned national and field government and non-government agencies/organizations, the NCIP, and the indigenous communities themselves.

88. The State also implements the *Pantawid Pamilyang Pilipino* Program to help progressively realize the economic freedom of IPs. It is a rights-based program that focuses on human capital investment through the provision of health and education cash grants to

³⁴ Consolidated from www.senate.gov.ph.

³⁵ During the initial installment of the orientation, there were at least 70 indigenous peoples/leaders, and a number of representatives from government agencies, as well as CSOs/NGOs which took part in the activity. While during its second installment held in Mindanao, five regions in Mindanao were adequately represented by representatives of local government units, indigenous leaders and women from armed conflict areas, NCIP personnel, officers assigned in IP desks from the AFP, as well as representatives from the PNP, DILG, and the CHR.

eligible households. It is also aimed at enabling poor households to meet certain human development goals aimed at breaking the intergenerational cycle of poverty.

89. As of 30 September 2018, the *Pantawid Pamilyang Pilipino* Program is being implemented in 144 cities and 1,483 municipalities in 80 provinces, with a total of 4,875,760 registered households since the program started in 2008. Out of the total number of registered households, 4,279,029 are active households or 97.25% of this year's target of 4,400,000 households. Out of these, 4,050,124 are covered by the regular Conditional Cash Transfer (CCT) program while 228,905 are covered by the Modified Conditional Cash Transfer (MCCT). The MCCT covers beneficiaries who are not covered by the regular CCT such as victims of natural and man-made disasters who are rendered homeless and with no means of livelihood; homeless street families and indigenous people in geographically isolated and disadvantaged areas. Of the total number of active households, 1,736,374 (40.58%) are from Luzon, 1,674,098 (39.12%) from Mindanao, and 868,557 (20.30%) from Visayas.

90. The total cash grant paid to eligible and compliant *Pantawid Pamilya* household beneficiaries from January to July 2018 is PhP 45.2 billion (US\$ 942 million). Of this amount, PhP13.9 billion (US\$289 million) is for education grants, PhP 14 billion (US\$ 291 million) for health grants, and PhP 17 billion (US\$354 million) is for rice subsidy.

91. The *Pantawid Pamilya* operates three major systems: a) Beneficiary Update System (BUS); b) Compliance Verification System (CVS), and c) Grievance Redress System (GRS):

- In September 2018, a total of 1,066,470 updates under the BUS were approved. Of the total number of updates, 807,344 (75.70%) beneficiaries, i.e., changes/new enrolment, are in school. Updating the beneficiaries' health and education status is a continuous process to ensure beneficiaries are availing the maximum health and education grants;
- On the other hand, CVS reported high compliance rates on education (93.85%), health (97.72%) and attendance to Family Development Sessions (FDS) (94.09%) during the months of June and July 2018. This shows that poor households are maintaining their co-responsibilities as beneficiaries, i.e., children are in school and availing health services, while grantees are attending the FDS to learn to become more responsive to the needs of the family and their children;
- Finally, 137,213 complaints were encoded and recorded in the GRS from January to September 2018. Of these complaints, 121,042 (88.21%) have been resolved. A total of 61,948 households have already been delisted from the program since the GRS started in 2009. In addition, 497,410 households have been deactivated or are pending for validation from the program to continuously address complaints on inclusion errors and maintain a clean database of beneficiaries.

Concluding Observation (CR 19). In the light of the Guiding Principles on Internal Displacement E/CN.4/1998/53/Add.2, the Committee recommends that the State party adopt adequate measures in order to ensure the enjoyment by internally displaced persons of their rights under article 5 of the Convention, especially their right to security and their economic, social and cultural rights.

92. The State consistently implements adequate measures to ensure the enjoyment by internally displaced persons (IDP) of their rights under Article 5 of the Convention. Among these are:

- Memorandum Circular No. 05 (s. 2019) "Guidelines in the implementation to restore normalcy of life for internally displaced persons from the most affected areas, *barangays* of Marawi City". Following State's victory against militants associated with the Islamic State of Iraq and the Levant (ISIL), including the Maute and Abu Sayyaf Salafi jihadist groups in 2017, Task Force *Bangon Marawi* was created to restore normalcy of life for the affected 77,170 families, and to rebuild and restore Marawi City and its affected localities;
- Transitory Family Support Packages (TFSP) as an integral part of holistic psychosocial aid provided for the Marawi City IDPs. The TFSP is a one-time cash assistance intervention designated to address the continuing need for food and basic

necessities, and to bridge the transition from response to recovery and rehabilitation. This intervention institutes unconditional service intervention providing the IDPs with the flexibility to choose from among their priority needs of shelter, food and non-food items with consideration for their socio-cultural background;

- Memorandum Circular No. 2 (s. 2018), “Revised Mainstreaming Guidelines of the Modified Conditional Cash Transfer (RCCT) Program”. A sub-component of the *Pantawid Pamilyang Pilipino* Program which uses a modified approach in implementing the CCT program for poor families, including homeless street families in need of special protection, RCCT is a modified approach to reach marginalized, disadvantaged families not registered in the regular CCT program due to their situation, such as lack of physical structures, or indigenous peoples mobility;
- Memorandum Circular No. 7 (s. 2016) “Guidelines on Strengthening Support Services and Interventions (SSI) implementation for MCCT Beneficiaries.” The *Pantawid – MCCT* Program SSI is designated to uplift the socio-economic status of the MCCT beneficiaries. The services included are cash-for-work micro-enterprise/livelihood assistance, income-generating projects, MCCT feeding program family camp, and other SSIs. The SSIs cover a menu of protective services for the marginalized and disadvantaged families of the MCCT program particularly the homeless street families, indigenous peoples, and the families in need of special protection beneficiaries to improve their situations along health, sanitation, education, livelihood, capability building and other interventions that may complement to improve their quality of life.

93. Bills concerning the rights of IDPs have been consistently introduced and taken up in the House of Representatives. During the 15th Congress, Senate Bill No. 3317 and House Bill No. 5627 or the “Rights of Internally Displaced Persons Act” mandating the establishment of a mechanism preventing the occurrence of internal displacement, protect internally displaced persons from being address continuing needs of displaced communities and provide assistance during resettlement, among others, was passed by both Chambers of Congress:

- However, then President Aquino, vetoed said bill objecting to a provision allowing IDPs to claim financial assistance and compensation from the government as it will open the door to a slew of claims or cases against the government and will go against the ‘non-suability’ character of the State” and that the bill’s provision on damages “unlawfully differentiates between displacements caused by security agents of the State and other entities.” Then President Aquino also raised concerns over the bill’s constitutionality which grants additional powers to the CHR to determine damages incurred against IDPs, thereby impinging upon the Judiciary’s exclusive power to facilitate the award of such claims. Modified bills were filed during the 16th and 17th Congress and refiled in the present 18th Congress.

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

95. Complementing the KALAHY-CIDSS was the KC PAMANA that was enforced from 2011 to 2013 and which aimed to improve access of conflict-affected barangays (CABs) with IP residents to quality basic services, and responsive, transparent and accountable government. The program implemented 487 sub-projects at a total cost of PhP179 million (US\$3.7 million).

96. The Cash/Food-For-Work Project for IDPs is a component of the PAMANA program that was put in place to address concerns of families and communities affected by natural or human-induced disaster or emergency/ies, such as typhoons, floods, armed conflicts, fires, etc. It is a short-term intervention program aimed at providing temporary employment to

distressed/ displaced individuals, both women and men, in such times of disaster. The wages received from work rendered augment basic needs, such as food. The program's activities include livelihood and productivity support projects, such as construction or repair of small infrastructure facilities, reconstruction, and rehabilitation projects and activities, disaster preparedness, mitigation activities, environment related projects, hunger mitigation and food security projects:

- In addition to the above emergency and public assistance services, the State also provides psychosocial services and resource augmentation that include support for transportation, hospitalization, medicines and shelter assistance for totally and partially damaged houses;
- From January to September 2013, a total of 2,930,532 individual victims of calamities (such as the nine major typhoons that hit the country at that time, i.e., Auring, Crising, Emong, Fabian, Gorio, Labuyo, Maring, Nando and Odette), armed conflict, fire and displacement from Sabah were provided assistance with a total cost of PhP 199 million (US\$ 4 million).

97. The State implements a Supplementary Feeding Program (SFP) through its center-based and community-based services. The SFP seeks to enhance the food intake of children aged 3-12. Supplementary food is given to children attending day-care sessions and supervised neighborhood play, in addition to regular meals received from home. The supplemental hot meals are served during snack/meal time five days a week for 120 days. The SFP provides augmentation support for feeding programs of children in local government unit (LGU)-managed areas and communities. It focuses on (a) using indigenous food and/ or locally processed food equivalent to 1/3 of Recommended Energy and Nutrient Intake (RENI); (b) improving knowledge, attitude and practices of children, parents and caregivers through intensified nutrition and health education; and (c) improving and sustaining the nutritional of all the target children. As of 30 September 2013, a total of 1,000,911 children or 56% of the 1,778,274 targets have been served by the program.

98. A Comprehensive Program for Street Children, Street Families and Indigenous People (IPs), especially *Badjaus*, provides a package of services and interventions to respond to the needs and provide opportunities for street children, street families and *Badjaus* to live productively and in a safe environment. A core shelter assistance has also been implemented to assist families that were affected by disaster to acquire decent shelter. From 2013-2018, more than 8,478 shelter units for homeless families were funded, amounting to more than PhP 605.6 million³⁶ (US\$ 12.6).

99. As regards protection of children and women in evacuation centers, the State provides support for Early Childhood Development, and has established child-friendly spaces (CFS), as well as women-friendly spaces (WFS):

- The CFS is an immediate response to children's needs, serving as entry point for working with affected communities and provisional support contributing to the care and protection of children in emergencies. It is aimed at supporting the resilience and well-being of children and young people through community organized, structured activities conducted in a safe, child-friendly, and stimulating environment,
- The WFS is a facility/structure established in the evacuation camps to address the practical and strategic gender needs of women during crisis situation brought by natural or man-made calamities. It serves as a venue for a more systematic, organized, and gender-responsive way of delivering services to internally displaced women. The setting-up of WFS has five components: social preparation and advocacy; information dissemination; service delivery; monitoring and evaluation and; partnership and networking. All these components involve close coordination and partnership with the Gender-Based Violence Sub-Cluster and Local Government Unit.

³⁶ FY 2013.

Concluding Observation (CR 20): The Committee recommends that the State party provide concrete information on the actual scope of activities and action of the Ombudsman in combating racial discrimination, and on institutional guarantees for its independence in its next periodic report.

100. The Office of the Ombudsman is an independent constitutional body that acts as the national anti-corruption agency that also addresses complaints of delay, inaction and malfeasance or maladministration against public officers and employees. In the course of discharging such functions, it acts upon complaints that may have elements of racial discrimination by way of (a) investigating and prosecuting any act or omission of public officers and employees which appears to be “illegal, unjust, improper, or inefficient”; (b) directing the officer to “perform or expedite any act or duty required by law”; and (c) stopping, preventing, or correcting any “abuse or impropriety in the performance of duties.”

101. The Office of the Ombudsman is an independent agency as it is a constitutional creation. As such, it cannot be abolished nor its powers diminished, by law and that its budget cannot be reduced by Congress as it has fiscal autonomy. The head of the Office, the Ombudsman, is chosen by the President of the Philippines from a shortlist submitted by the Judicial and Bar Council. Once appointed, the Ombudsman can only be removed by impeachment. As such, the Ombudsman is not beholden to the appointing authority. The Ombudsman has a fixed term of 7 years.

102. Under Republic Act No. 6770, or the Ombudsman Act of 1989, the Office of the Ombudsman has disciplinary authority over all elective and appointive officials of the government and its subdivisions, instrumentalities, and agencies, including members of the Cabinet, local government, government-owned or controlled corporations and their subsidiaries. It does not, however, have such control over officials who may be removed only by impeachment or over members of Congress, and the Judiciary.³⁷

103. As protector of the people, the Office of the Ombudsman is mandated to act promptly on complaints filed in any form or manner against public officials and to investigate any act or omission of any public official when such act or omission appears to be illegal, unjust, improper or inefficient. Corollary, the Office of the Ombudsman has the power and function to investigate all criminal complaints against public officers regardless of whether or not the acts or omissions complained of are related to or arise from the performance of the duties of their offices.

104. The case of *Governor Amor D. Deloso v. Manuel C. Domingo*³⁸ reinforces the Ombudsman’s function to include human rights violation cases. With the former challenging the power of the Ombudsman, arguing that the latter can only investigate corruption charges and those related in the performance of his official function, the Supreme Court of the Philippines ruled otherwise, stating that:

- As protector of the people, the office of the Ombudsman has the power, function, and duty “to act promptly on complaints filed in any form or manner against public officials” (Sec. 12) and to “investigate x x x any act or omission of any public official x x x when such act or omission appears to be illegal, unjust, improper, or inefficient.” (Sec. 13[1].) The Ombudsman is also empowered to “direct the officer concerned,” in this case the Special Prosecutor, “to take appropriate action against a public official x x x and to recommend his prosecution” (Sec. 13[3]);
- The clause “any [illegal] act or omission of any public official” is broad enough to embrace any crime committed by a public official. The law does not qualify the nature of the illegal act or omission of the public official or employee that the Ombudsman may investigate. It does not require that the act or omission be related to, or be connected with, or arise from, the performance of official duty;
- The reason for the creation of the Ombudsman in the 1987 Constitution and for the grant to it of broad investigative authority, is to insulate said office from the long tentacles of officialdom that are able to penetrate judges’ and fiscals’ offices, and

³⁷ Section 21, Republic Act No. 6770.

³⁸ GR No. 90591, Nov 21, 1990.

others involved in the prosecution of erring public officials, and through the exertion of official pressure and influence, quash, delay, or dismiss investigations into malfeasances and misfeasance committed by public officers. It was deemed necessary, therefore, to create a special office to investigate all criminal complaints against public officers regardless of whether or not the acts or omissions complained of are related to or arise from the performance of the duties of their office. The Ombudsman Act makes perfectly clear that the jurisdiction of the Ombudsman encompasses all kinds of malfeasance, misfeasance, and non-feasance that have been committed by any officer or employees mentioned in Section 13 hereof during his tenure of office”.³⁹

105. This case has catalyzed a new dimension of the Ombudsman’s function that it can take cognizance of any act or omission complained of, including human rights violations.

Concluding Observation (CR 21): The Committee, recalling a recommendation of the Committee on Economic, Social and Cultural Rights from December 2008 (E/C.12/PHL/CO/4, paragraph 13), recommends that the State party include the protection and promotion of economic, social and cultural rights in the mandate of the Commission on Human Rights in the Philippines.

106. An expansion of the mandate of the Commission on Human Rights of the Philippines may only be effected through a revision of its Charter.

107. There are pending bills towards amendment of the Commission on Human Rights of the Philippines’ charter in the present Congress. However, successful passage depends on resolving several issues raised in the previous Congress, such as the grant of prosecutorial powers, fiscal autonomy, structural reorganization, and power to issue temporary restraining orders, injunctions, and contempt orders.

Concluding Observation (CR 22): The Committee recommends that the State party conduct an independent review, in consultation with indigenous peoples, of the legislative framework in relation to indigenous property, with particular regard to the question of consistency between the IPRA, its implementing guidelines, the Regalian doctrine and other related doctrines, as well as the Mining Act of 1995. The Committee, recalling a recommendation of the Committee on Economic, Social and Cultural Act from December 2008 (E/C.12/PHL/CO/4, paragraph 16), urges the State party to fully implement IPRA, in particular by securing the effective enjoyment by indigenous peoples of their rights to ancestral domains, lands and natural resources, and ensuring that economic activities, especially mining, carried out on indigenous territories do not adversely affect the protection of the rights recognized to indigenous peoples under the aforementioned Act.

108. The State, through the Department of Environment and Natural Resources (DENR) as the lead State agency in the conservation, management, development, and proper use of the country’s environment and natural resources, recognizes and advocates the protection of the rights, interests, and cultures and tradition of the ICCs/IPs, most especially protection of their rights over ancestral lands.

109. With cooperation and support from the NCIP, the DENR crafted and implemented various policies, rules and regulations for the welfare and protection of IPs on their ancestral lands that are also within its jurisdiction. In response to the observations and recommendations of the UNCERD, the State, through the DENR, formulated relevant policies, as follows:

- Joint DENR-DA-PCSD-NCIP Administrative Order No. 2005-01, dated 13 January 2015, “Guidelines for Bioprospecting Activities in the Philippines” includes and adopts the “Indigenous Knowledge Systems” or “Traditional Knowledge” referring to innovations and practices of ICCs/IPs relevant to the conservation and sustainable use of biological diversity;

³⁹ Section 16, R.A. 6770.

- Joint DENR-NCIP Memorandum Circular No. 01-07 dated 9 May 2007 on “Management of Overlapping Protected Areas and/or Buffer Zones and Ancestral Domains/Lands” focuses on the creation of a Technical Working Group to prepare a Harmonized Management Plan of areas identified as Protected Areas that also fall within the ancestral domain;
 - DENR-NCIP Joint Administrative Order No. 2008- 01 dated 08 July 2008, “Guidelines and Procedures for the Recognition, Documentation, Registration and Confirmation of all Sustainable Traditional and Indigenous Forest Resources Management Systems and Practices (STIFRMSP) of Indigenous Cultural Communities or Indigenous People in Ancestral Domain/Land” promotes the right of ICCs/IPs to self-governance and self-determination and their contribution in the conservation, management, development of the country’s environment and natural resources;
 - DENR Administrative Order 2010-21 dated 28 January 2010 “Providing for a Consolidated DENR Administrative Order for the Implementing Rules and Regulations of Republic Act No. 7942, or the Philippine Mining Act of 1995”, requires “Prior Informed Consent” of concerned ICCs/IPs as condition precedent for the issuance of Mineral Agreements, or mining permits within the ancestral domain;
 - DENR Administrative Order No. 2015-03 dated 16 March 2015, “Revised Implementing Rules and Regulations of the Republic Act No. 7076, or the “People’s Small –Scale Mining Act of 1991”, protects the Ancestral Lands of ICCs/IPs by requiring the issuance of Free Prior and Informed Consent (FPIC) from the NCIP pursuant to Republic Act No. 8371 and giving preference to members of ICCs/IPs to be small-scale mining contractors when an area falling within their ancestral lands is declared as “*Minahang Bayan*”; and
 - DENR-NCIP Joint Administrative Order No. 2017-01, dated 05 September 2017, provides ICCs/IPs with an alternative way to secure titles of their ancestral lands under any of the modes allowed in Commonwealth Act No. 141, i.e., Public Land Act as amended.
110. On 22 June 2018, Republic Act No. 11038⁴⁰, or the “Expanded National Integrated Protected Areas System Act “was passed, amending Republic Act No. 7586:⁴¹
- The law recognizes ICCs/IPs’ rights over their ancestral lands and cultural and traditional practices in protected areas. The law adopts conservation areas and management regimes implemented by the ICCs/IPs in their ancestral lands. Said law also ensures the full scientific and technical support needed for the conservation of biodiversity and the integrity of the ecosystems, culture and indigenous practices. The said law also highlights the recognition of ancestral domains and customary rights of the IPs, to quote:

“Sec.13. Ancestral Domains and Customary Rights – Ancestral domains and customary rights shall be accorded due recognition. As part of heritage preservation and pursuant to the need to conserve biologically significant areas, the territories, and areas occupied and conserved for and by IPs and communities shall be recognized respected, developed, and promoted”;
 - Under the said law, the ICCs/IPs concerned shall have the responsibility to govern, maintain, develop, protect, and conserve such areas, in accordance with their indigenous knowledge systems and practices and customary law, with full and effective assistance from mandated agencies, such as the NCIP, DENR, and other government agencies.

⁴⁰ “An Act Declaring Protected Areas and Providing for Their Management, Amending for This Purpose Republic Act No. 7586, Otherwise Known as the ‘National Integrated Protected Areas System (NIPAS) Act of 1992’ and for Other Purposes.”

⁴¹ “An Act Providing For the Establishment and Management of National Integrated Protected Areas System, Defining Its Scope and Coverage, and for Other Purposes” (1 June 1992).

111. Against the backdrop of the IPRA's recognition of the indigenous concept of ownership, knowledge, institutions, systems and practices, cultural integrity, and indigenous customary laws, the State prevents and resolves conflicts of ancestral domain and land claims with so-called "Resource Use Instruments", such as mining contracts that are issued by government offices. As such, a Joint DAR-DENR-LRA-NCIP Administrative Order No. 01-12 was issued in January 25, 2012 to clarify, restate and interface the respective Jurisdictions, Policies, Programs and Projects of the Department of Agrarian Reform, Department of Environment and Natural Resources, Land Registration Authority, and the National Commission on Indigenous Peoples in order to address jurisdictional and operational issues between and among these agencies. The order focuses on identifying contentious areas tackling both tenurial and resource instruments where a mechanism of conflict resolution is provided for in the establishment of a joint national committee which shall issue a set of rules of procedure for this purpose.

112. Relatedly, the State's new mining policy under Executive Order 79 (s. 2012)⁴² seeks to institutionalize and implement reforms in the Philippine mining sector by providing policies and guidelines to ensure environmental protection and responsible mining in the utilization of mineral resources. Furthermore, an integrated map system has been created for the common and uniform use of all government agencies and instrumentalities, which shall include all mining-related maps, such as, but not limited to, to mining tenement maps, geo-hazard and multi-hazard maps, ancestral lands and domains, and protected areas under the National Integrated Protected Areas System, among others. The maps in the system, including the mining-related maps, shall guide all planning and decision-making processes. Moreover, no Mineral Production Sharing Agreement, Financial and Technical Assistance Agreement, Joint Venture Agreement, or Co-Production Agreement shall be approved without the FPIC of the concerned IPs and compliance with the social acceptability requirement of the communities affected.

113. The State maintains its commitment to continuously engage with indigenous peoples with regard similar issues affecting their culture, rights and well-being.

Concluding Observation (CR 23): The Committee seeks further clarification on the time frames for obtaining Ancestral Domains/Lands certificates and the number of applications filed and certificates issued for claiming collective land titles. The Committee recommends that the State party streamline the process for obtaining land rights certificates and take effective measures to protect communities from retaliations and violations when attempting to exercise their rights.

114. The State takes note of the observation and has adopted measures to address the issue. It has, through the National Commission on Indigenous Peoples, promulgated Administrative Order No.4 (s. 2012) or the "Revised Omnibus Rules on Delineation and Recognition of Ancestral Domains and Lands of 2012", which simplifies submission of proof unlike in previous guidelines. The current requirement is the submission of only one among those proofs enumerated consistent with the IPRA.

115. Further, to mitigate conflicts, the State, through the NCIP, conducts a validation research on the list of elders/leaders for those concerning certificate of ancestral domain applications or authorized representative/s for Certificate of Ancestral Land Title (CALT). The research shall in effect also strengthen the communities' socio-political structure and traditional governance and leadership systems. This is in consonance with NCIP Administrative Order No. 2 (s. 2012) or "Guidelines on the confirmation of indigenous political structures and the registration of indigenous peoples' organizations".

⁴² Institutionalizing and implementing reforms in the Philippine mining sector providing policies and guidelines to ensure environmental protection and responsible mining in the utilization of mineral resources.

Concluding Observation (CR 24): The Committee recommends that the State party verify that the current structures and guidelines/procedures established to conduct FPIC are in accordance with the spirit and letter of IPRA and set realistic time frames for consultation processes with indigenous peoples. It recommends that the State party verify that the apparent lack of formal protests is not the result of a lack of effective remedies, the victims' lack of awareness of their rights, fear of reprisals, or a lack of confidence in NCIP.

116. The State recognizes the concern of the Committee for the State to set up processes that will safeguard the rights of ICC/IPs in the conduct of the FPIC process. After assessing the implementation of FPIC processes, the State, through the NCIP, issued in 2012 the Revised Guidelines on FPIC with enhanced protective mechanisms provided for areas excluded from any activity, or “no-go zones”, as such areas are sacred grounds and burial sites of indigenous communities; identified international and local cultural and heritage sites; critical areas identified or reserved by the ICCs/IPs for special purposes; and other areas specifically identified by ICCs/IPs in their ADSDPP.

117. Posting of bond is now required from proponents to answer for damages suffered by ICCs/ IPs arising from violation of terms and conditions, as agreed upon by the parties in the Memorandum of Agreement and under other applicable laws. The guidelines also enumerates mandatory or minimum provisions of the Memorandum of Agreement, such as the detailed use of funds in accordance with the guidelines on the use of “Royalty Share” and other benefits, and the necessity for another FPIC after the exploration stage in mining.

118. The exercise of priority right by the ICC/IPs has been given emphasis in the new guidelines. Moreover, the use and management of royalty has likewise been provided where the royalties must be used for programs and projects that will redound to the well-being and benefit of the ICCs/IPs. Not less than 30% of each release must be allocated for livelihood and social development. The royalty must never be used as payment for damages caused by the proponent/company's activities to the person and property/ ies of an individual member, as this is a distinct obligation of the company and not part of royalties.

119. Realistic timelines as to the processing of domain/land titles are likewise provided. However, the processing of titles shall be at the pace of the ICC/IP community, as the process requires the ICCs/ IPs participation and decision.

120. The State responses to previous Observations in CR 23 should be taken into consideration.

Concluding Observation (CR 25): The Committee urges the State party to consult with all concerned parties in order to address the issues over Mount Canatuan in a manner that respects customary laws and practices of the Subanon people and welcomes information from the State party in relation to further developments.

121. The State is equally concerned with the *Subanens* in Canatuan, Zamboanga del Sur. It also notes that this case has been covered under the early warning and early action procedure.

122. The State notes the issues raised by the Subanon community. The Canadian mining company Toronto Ventures Inc. (TVI) was issued a Mineral Production and Sharing Agreement over the Canatuan area in 1996. With this, came reported violations of the rights of the Subanon indigenous community, for whom Mt. Canatuan is an ancestral domain. These included the desecration of Mt. Canatuan, which they considered a sacred site. There were likewise questions surrounding the authenticity of the tribal leaders who dealt with TVI representatives. These issues were brought to the attention of the UN Working Group on Indigenous Peoples in 2001, and again before the UNCERD in 2007.

123. The State would like to point out that in dealing with the Canatuan case, several factors have been considered. Significantly, while the wisdom of indigenous leaders has always been recognized, the divided perspectives of Subanen leaders in determining what will serve the best interest of their communities has affected the resolution of the case.

124. In 2011, the Subanon community conducted its traditional cleansing ritual called *Buklog* as TVI's act of penance for the destruction of Mt. Canatuan, for the transgression of Subanon customs and traditions, and for fomenting division in the community. The TVI was

also invited to give its share in the conduct of the ritual following the Subanen customary law on the conduct of the *Buklog*.

125. On 28 June 2012, the State, through the NCIP, convened Subanen leaders through a peace-building activity. On December 17, 2012, a Tribal Leaders Forum was likewise conducted where Subanen leaders raised their respective concerns. On 05 January 2013, the Subanen community and leaders performed “*Sapa*”, a ritual that stands as their covenant with one another.

126. The State fully supports the desire of some Subanon barangay officials to ensure more transparency and participative engagement with TVI as regards the entitlements due to the IP community. The Subanens’ ancestral domain claims are currently being acted upon by the State through the NCIP.

127. The State notes that IP issues, such as the TVI case, have made the rounds in the UN. Nearly two decades ago, alleged IP rights violations, due to TVI mining operations, were reported to the UN by certain NGOs, while bringing along IP leaders to render credence to their assertions and at the same time paint the Philippine government as unresponsive to their issues and concerns, and at worse as being “pro-mining”. Ironically, these same NGOs are linked with the local Communist terrorist group, a fact that these NGOs have never denied:

- Meanwhile, the IP leaders, who were brought to the UN, and some members of their respective families, are employed by or are now part of the mining institutions which they vehemently fought against years back.

128. In relation to these incidents, the State strongly recommends to the Committee to respect and recognize the Philippine law, specifically IPRA, particularly on the registration and accreditation of IP organizations and NGOs operating and working in relation to IP rights and issues. Supporting Philippine organizations linked to the local Communist terrorist group in the Philippines, and which are not recognized by the indigenous peoples themselves, is considered a grave violation of IP rights to participation, decision-making, and self-determination.

Concluding Observation (CR 26): Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties the provisions of which have a direct bearing on the subject of racial discrimination, such as the ILO Convention No. 169 (19609) concerning Indigenous and Tribal Peoples in Independent Countries.

129. The State takes stock of all treaties that are relevant to the rights of indigenous peoples, and conducts serious assessment of these instruments. One such instrument is ILO Convention No. 169 which the State has referred for consultations.

130. Importantly, various issues and concerns regarding the abovementioned ILO Convention have to be harmonized with pertinent domestic laws. In relation thereto, a series of consultative meetings with State agencies, communities, non-government and civil society organizations, and various indigenous leaders, have been facilitated by the State’s NCIP to discuss the foregoing.

131. In September 2011, an Indigenous Peoples Solidarity Campaign, through the sub - regional assemblies for indigenous peoples, was conducted towards the creation of a National Indigenous Cultural Summit to tackle ILO Convention No. 169.

132. A second roundtable discussion was held on 07-08 February 2013 to discuss with key stakeholders ILO Convention No. 169. During the activity, it was pointed out that there was a need to broaden consultations on ILO Convention No. 169 with NGOs, CSOs, government agencies concerned, and the general public.

Concluding Observation (CR 27): The Committee recommends that the State party take into account the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the Outcome Document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

133. The State continues to work on its commitments under the Durban Declaration and Programme of Action.

Concluding Observation (CR 28): The Committee recommends that the State party continue consulting and expanding its dialogue with civil society organizations working in the field of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report.

134. The State deals with indigenous peoples and the promotion, protection, and fulfilment of their rights respectful of the principle of consensus building and participation. Addressing indigenous peoples' issues in the Philippines is not the State's sole obligation. While the State acknowledges its primary role as duty-bearer, initiatives toward IP/ICC empowerment include the responsibilities of indigenous peoples themselves and those of CSOs. The State would like to convey that in the preparation of this report, consultations were made with CSOs.

135. The State, through the NCIP and the Presidential Human Rights Committee Secretariat (PHRCS), conducted four (4) validation workshops on the initial draft report with CSOs in 2013, 2014, 2018 and 2019. Consultation/ validation was also made in October 2019, prior to finalization of this report.

Concluding Observation (CR 29): The Committee encourages the State party to consider making the optional declaration provided for in Article 14 of the Convention.

136. The State defers its recognition of the Committee's competence to receive and consider complaints of alleged violations committed by the State of the rights set forth under ICERD. The State would like to underscore that there are existing and effective domestic mechanisms to address these alleged violations. No less than the NCIP is mandated to do so.

137. Moreover, under the IPRA, the State ensures that indigenous socio-political, cultural and economic rights are respected and recognized" and that "capacity building mechanisms are instituted and ICCs/IPs are afforded every opportunity, if they so choose, to participate in all levels of decision-making." The mandate also ensures that "the basic human rights, and such other rights as the National Commission on Indigenous Peoples may determine, subject to existing laws, rules and regulations, are protected and promoted".

138. Finally, the State highly regards the mandate and effectiveness of the independent national human rights institution, the Commission on Human Rights of the Philippines to (a) "investigate, on its own or on complaint by any party all forms of human rights violations involving civil and political rights;" (b) "provide appropriate legal measures for the protection of human rights of all persons within the Philippines;" (c) "exercise visitatorial powers over jails, prisons, or detention facilities;" (d) "monitor the Philippine Government's compliance with international treaty obligations on human rights;" (e) "grant immunity from prosecution to any person whose testimony or whose possession of documents or other evidence is necessary or convenient to determine the truth in any investigation conducted by it or under its authority;" and (f) "request the assistance of any department, bureau, office or agency in the performance of its functions."

Concluding Observation (CR 30): The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992. In this connection, the Committee cites General Assembly resolution 61/148, in which it strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

139. The State notes the recommendation. The State will conduct its study and review on the matter to involve wide dissemination and consultation with its partners. Updates on this will be provided to the Committee.

Concluding Observation (CR 31): The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized in the official and other commonly used languages, as appropriate.

140. The State has conducted at least five (5) orientation-workshops on the ICERD and the Committee's previous Concluding Observations and Recommendations on the Philippines' 15th – 20th periodic reports on the implementation of the ICERD, which were attended by 300 participants, i.e., indigenous peoples, indigenous women, identified government personnel assigned in national, provincial, and community service centers.

141. In terms of availability of these documents, at least 1,500 copies of the Compendium on Human Rights Treaties or Conventions, which includes the ICERD, were printed and distributed to indigenous peoples, indigenous peoples mandatory representatives, government agencies, and non-governmental organizations.

Concluding Observation (CR 32): Noting that the State Party submitted its Core Document in 1994 (HRI/CORE/1/Add.37), the Committee encourages the State Party to submit an updated version in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the fifth inter-Committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN/2/Rev.4).

142. The State recognizes and appreciates the value of a Common Core Document (CCD) in all State compliance reports on the implementation of international human rights treaties. Relative thereto, the State, through the Presidential Human Rights Committee Secretariat shall conduct of an inter-government agency workshop and write-shop on the drafting of a more current CCD.

Concluding Observation (CR 33): In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present conclusions, on its follow-up to the recommendations contained in paragraphs 18, 23 and 25 above.

143. The State, through the NCIP, initiated a discussion on the Canatuan case which was attended by three (3) Subanen leaders, TVI representative, government agencies concerned, and the village chieftain of Canatuan. It was during this discussion that Subanen leaders agreed to conduct a “*Buklog*” or cleansing ritual. A related response to this matter is found under CR 25.

144. An assembly with all Subanen leaders was held in 2017 to assess their situation. It has been observed that much has changed in terms of inter-relationships among peers and members of communities in Siocon, Canatuan, since the issues on mining were raised. On one hand, they have become civil to each other as they have understood the costs of mining and its impact on their relationships, i.e., as relatives or next of kin.

Concluding Observation (CR 34): The Committee also wishes to draw the attention of the State party to the particular importance of recommendations 14, 15, 17, 22 and 24 and requests the State party to provide detailed information in its next periodic report on concrete measures taken to implement these recommendations.

145. This Observation has been addressed in the State's responses to CR 14, 15, 17, 22 and 24.

Concluding Observation (CR 35): The Committee recommends that the State party submit its 21st and 22nd periodic reports in a single document, due on 4 January 2012, taking into account the guidelines for the CERD -specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations.

146. The State has endeavored to comply with the Observation.
