



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Seventy-eighth session

**List of issues to be taken up in connection with the consideration of the second
periodic report of the Philippines (CCPR/C/PHL/2002/2), adopted by the Committee
on 18 July 2003**

Constitutional and legal framework (art. 2)

1. Have the provisions of the Covenant been invoked directly before the courts or administrative authorities since the examination of the last report, and, if so, under what procedures and with what results?
2. What specific measures have been taken to fight impunity for violations of the Covenant committed by State agents? What measures are in place to ensure that State agents guilty of human rights violations are brought to justice? To what extent have offences been investigated and offenders prosecuted and punished?
3. Please provide information on the procedures in place to ensure that recommendations of the Philippine Commission on Human Rights, established in 1987 as a constitutional body, are taken into account and implemented?
4. What avenues of judicial resort, redress and effective remedies are available to the victims of human rights violations committed by State authorities?
5. What measures are in place to secure compliance with the Committee's requests for interim measures of protection in cases submitted under the Optional Protocol and to implement the Views of the Committee? Please indicate the follow-up, if any, that the Government may have given to the Committee's Views of 28 March 2003 in case No 1077/2002 (*Carpo et al. v. The Philippines*), especially in the light of paragraph 8.3 of the Committee's Views on this case.
6. How is compliance with the Covenant secured when introducing counter-terrorism measures pursuant to Security Council resolution 1373 (2001)?

Gender equality and prohibition of discrimination (art. 3, 26)

7. What steps have been taken towards introducing legislation prohibiting racial discrimination?

8. Please provide information, including if possible in the form of statistics, on what progress has been made to secure better participation of women in political life and in positions of responsibility.

Right to life (art. 6)

9. How does the State party justify the reintroduction of the death penalty by Republic Act 7659 (para. 493 et seq.) after its abolition in the Criminal Code?

10. Given that the death penalty may only be imposed in respect of “the most serious crimes” (article 6, paragraph 2, of the Covenant), please provide detailed information as to which crimes carry the death penalty and for which of them the death sentence is mandatory?

11. Please provide updated statistics on the number of death sentences, the number of persons currently on death row and the number of executions.

12. According to information before the Committee, a number of minors were sentenced to death in recent years. Please explain how this is considered compatible with article 6.5 of the Covenant.

13. How many cases of extrajudicial killings have been resolved and how many individuals found to have been responsible for extrajudicial executions have been punished? What steps have been taken to investigate the assassinations of two human rights defenders in April 2003, and the abduction of two others, also in April 2003?

14. Did the Government form the police special crime unit to target suspected kidnapping gangs? In particular, what steps have been taken to investigate the killings of 29 suspected criminals, including youth gang members and street children in Davao, since late 2001 and to identify and prosecute the perpetrators?

15. How many vigilante groups remain active in the State party? What measures are taken to suppress the activities of such groups, and what is their relationship with the police?

Prohibition of torture; obligation to treat detainees humanely (art.7, art. 10)

16. What steps have been taken to define torture in domestic legislation? What progress has been made to prevent torture and ill-treatment of detainees by law enforcement officers and to create more effective mechanisms for the prosecution and punishment of such officers?

17. What steps have been taken to create up-to-date lists of all official places of detention, to publish them and make the lists accessible to the bar associations and the public?

18. What measures are in place to ensure that evidence obtained from a detainee in an unofficial place of detention cannot be used unless reconfirmed in an official place of detention? What steps have taken to ensure that custody records are kept for all detainees? What specific measures have been taken to ensure that evidence obtained by torture should not be accepted at trial except as testimony against those who have used torture?

19. What measures have been taken to improve the administration of juvenile justice and to implement effectively the project Protecting the Rights of Children in Conflict with the Law? What measures have been taken to ensure that minor detainees are kept separately from adult detainees?

20. What steps have been taken to ensure that conditions of detention, including bedding and food, conform to the United Nations Standard Minimum Rules for the Treatment of Prisoners?

Trafficking (art. 8)

21. Please provide information on the current status of negotiations with receiving countries relating to the protection of trafficked Filipino women and children, including protection from discrimination. What measures have been taken to disseminate the information to trafficked women about the work of the Legal Assistance Division of the Anti-Illegal Recruitment Branch of the Philippine Overseas Employment Association (POEA)? What measures are taken to ensure more expeditious resolution of cases involving trafficked women and prosecution of illegal recruiters?

22. How many cases have been reported and how many offenders have been punished for sexual exploitation of children and child trafficking, in accordance with the RA 7610 (Special Protection of Children Against Abuse, Exploitation and Discrimination Act) and the Implementing Regulations?

Right to liberty and security of person (art.9) and right to a fair trial (art.14)

23. According to information before the Committee, most suspects are arrested without warrant. Please explain whether legislation provides for this possibility and, if so, how this is considered compatible with article 9.1? What steps are taken in practice to inform suspects of the reasons for their arrest?

24. According to information before the Committee, exceedingly long periods of pre-trial detention are common. Please explain what specific measures have been taken to ensure that accused persons are tried without undue delay, as required by article 14.3(c) of the Covenant.

25. Please explain in detail the operation of the legal aid system in the State party and provide statistics about the number of cases in which legal aid has been granted in the past five years.

Freedom of movement and prohibition of arbitrary expulsion of aliens (art.12, 13)

26. According to information before the Committee, some expulsions from the State party's territory were effected without having regard to applicable procedures – please provide clarification. What are the provisions under Philippine law which allow for “summary deportation”?

27. What institutional structures and mechanisms within the Government (central, regional and local levels) are established to address displacement issues? What steps/measures have been taken to eliminate the gap between national policies and the level of implementation, particularly in Mindanao, to address the needs of displaced communities and the returnees?

28. The Committee has received information that indigenous peoples are forced by the military to congregate in specific locations, against their will, and that free movement is restricted by imposing a curfew. Please explain how these measures are compatible with articles 12 and 27 of the Covenant?

Right to family (art.23)

29. Has the Government considered the legalisation of divorce and if not, why?

30. What is the status of children born out of wedlock in comparison with children born in marriage? What measures have been taken to amend the law which permits discrimination against illegitimate children in matters of inheritance?

Protection of children (art.24)

31. What steps are taken to ensure that the provisions of the Labour Code that set the minimum age for the employment of children, working hours and security at work are properly implemented by employers? What monitoring mechanisms, if any, are in place?

32. According to 1987 government guidelines, recruitment into the Citizens' Armed Force Geographical Unit (CAFGU) is voluntary. How does the Government ensure that children and minors are not recruited into this unit?

Rights of minorities (art. 27)

33. What steps have been taken effectively to implement the 1997 Indigenous Peoples Rights Act (IPRA), especially as regards the question of ancestral domain claims and titles? When is the Government planning to demilitarize indigenous peoples' territories and, if not, why? What measures have been taken to protect indigenous communities from the acts of the Philippine army fighting rebel groups? What mechanisms are in place to secure the provision of social benefits for indigenous peoples?

Dissemination of the Covenant

34. Describe the measures taken to disseminate information on the submission of reports and on their consideration by the Committee. Please also provide information on efforts undertaken to disseminate knowledge about the Covenant, as well as other international human rights norms, among judicial authorities, government officials, schoolteachers, and the general public?
