

# **CHALLENGES TO THE PHILIPPINES AS MEMBER OF THE UNITED NATIONS HUMAN RIGHTS COUNCIL**

## **Citizens' Council for Human Rights (CCHR)**

### **Introduction**

The birth of the new United Nations (UN) Human Rights Council (Council) presents an opportunity for real change on the ground—to make the UN relevant and practical for human rights victims and defenders around the world. This can be accomplished only if the 47 members of the Council, including the Philippines as one of the 13 Asian members, ensure that the Council responds in a timely and effective manner when critical human rights situations arise, allows non-governmental organizations (NGOs) based outside of Geneva to participate in the deliberations of its work with sufficient access to information, and there are concrete follow-up actions on the ground.

Asia remains a region with low ratification records of international human rights treaties with many reservations to those that have been ratified, devoid of a regional human rights mechanism and where a climate of impunity for human rights violators persists.

Victims of human rights violations are given limited avenues for redress when domestic mechanisms for remedy are inadequate or ineffective, which heightens the importance of the international human rights system.

The Citizens' Council for Human Rights (CCHR), together with the regional human rights organization Forum Asia, is thus concerned that many of the Asian countries are still part of the Like-Minded Group (LMG)<sup>1</sup>. This Group continues to undermine the crucial international human rights mechanisms. The recent non-paper submitted by the group has called for the elimination of the Special Procedures and country-based agenda items, in addition to limiting the participation of NGOs in the deliberations of the details of the Council and as speakers during the High Level Segment<sup>2</sup>.

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<sup>1</sup> Current LMG members include Algeria, Bangladesh, Belarus, Bhutan, Burma, China, Cuba, Egypt, India, Indonesia, Iran, Malaysia, Nepal, Pakistan, the Philippines, Sri Lanka, Sudan, Vietnam and Zimbabwe. Out of these 19 countries, 12 are from Asia, including the 8 Asian countries that were recently elected as the first members of the Council (Bangladesh, China, India, Indonesia, Malaysia, Pakistan, Philippines and Sri Lanka).

<sup>2</sup> Under Section 4 of the paper, the LMG states that “only government representatives, as well as Heads of Specialized agencies and intergovernmental organizations, should speak in the High Level Segment”; “immediate attention should be granted to those special procedures...with a view to eliminate them”; and proposes “the establishment of one or more intergovernmental working groups in order to negotiate the details of the Human Rights Council”, without any reference to NGOs to participate in such negotiations. Non-paper of the Like Minded Group on the Human Rights Council, circulated by the OHCHR on 19 June 2006.

The Philippines, one of those countries elected as the inaugural members of the Council, must renounce this obstructionist group and thereby demonstrate that it “upholds the highest standards” in the promotion and protection of human rights, as required by the General Assembly Resolution on the Human Rights Council<sup>3</sup>.

This position paper will focus on **five priority areas** for human rights defenders<sup>4</sup>:

- the universal periodic review;
- improving the participation of NGOs based outside of Geneva;
- prevention of human rights violations and prompt response to human rights emergencies;
- strengthening the system of Special Procedures;
- maintaining and enhancing discussions and resolutions on country situations.

## Recommendations

The Philippines should ensure that the Human Rights Council:

- maintain the means of participation granted to NGOs in the Commission on Human Rights (CHR) and improve them by diminishing obstacles to access to information and participation for NGOs, particularly those based in the regions (see section below for further details);
- appoint *national focal points on the universal periodic review* in the existing OHCHR field presence or UN Country Offices to enable national civil society actors to participate in the review of the country’s human rights commitments via an in-country process;
- consider the Rapid Response Unit of OHCHR as one of the mechanisms that the Council can call upon to respond promptly to human rights emergencies and provide protection for human rights victims and those at risk on the ground;
- extend all the mandates of the Special Procedures for one year while measures to *maintain* the country mandates and to *strengthen* the system are to be worked out;
- strengthen the system of Special Procedures for better information management, increased number of country visits and effective follow-up to recommendations though the guarantee of adequate resources and funds for OHCHR;
- maintain the ability of the Council to address country situations in its agendas for the regular sessions, including through the adoption of country resolutions.

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<sup>3</sup> General Assembly Resolution A/RES/60/251, adopted on 15 March 2006, OP 9

<sup>4</sup> While we expect our views and priorities to evolve over time with the development of the Council, these priority areas have been identified as of June 2006

## Priority Area: Universal Periodic Review

The universal periodic review (UPR) mechanism is undoubtedly the most distinguishing factor between the Commission on Human Rights and the Human Rights Council.

It is mandated to undertake a review, based on “objective and reliable information, of the fulfillment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to **all** States”<sup>5</sup>. The review is intended to be a “cooperative mechanism, based on an interactive dialogue, with the **full involvement of the country concerned** and with consideration given to its capacity-building needs”<sup>6</sup>.

While the composition and the specificities of the UPR are still to be determined, we appeal to the members of the Council to take into consideration the factors below that must underline whatever shape or form the UPR may take.

### (1) In-country focal points for the universal periodic review (UPR) mechanism

The members of the Council should appoint designated *national UPR focal points* based within the existing OHCHR field offices (see Annex I)<sup>7</sup> or UN country offices at the national level to enable national civil society actors to participate in the review of the country’s human rights commitments. Such intermediary focal points will bridge the gap between the deliberations in Geneva and the realities on the ground.

This proposal complements the priority given by the Office of the High Commissioner for Human Rights (OHCHR) for greater country engagement and implementation of human rights on the ground<sup>8</sup>, as well as Action 2 of the Secretary-General’s second report on the UN reform<sup>9</sup>, which also calls for strengthened UN actions at the country level and streamlining human rights within the UN system. The General Assembly Resolution of 15 March also asserts that the Council should “promote the effective coordination and the mainstreaming of human rights within the UN system”<sup>10</sup>.

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<sup>5</sup> General Assembly Resolution A/RES/60/251, adopted on 15 March 2006, OP 5e

<sup>6</sup> General Assembly Resolution A/RES/60/251, adopted on 15 March 2006, OP 5e

<sup>7</sup> Field presences take the form of regional offices, country offices, support for peace missions, or the assignment of human rights officers in the UN Country Teams. In Asia, the Southeast Asia regional office is based in Bangkok, while the Southwest Asia office is expected to be established soon. There are two country offices: Cambodia and Nepal; while there are human rights officers in two UN country teams: Mongolia and Sri Lanka.

<sup>8</sup> See OHCHR Plan of Action, May 2005, available at <http://www.ohchr.org/english/docs/A.59.2005.Add.3.pdf>

<sup>9</sup> Report by the UN Secretary-General, “Strengthening of the United Nations: an agenda for further change”, 9 September 2002, A/57/387

<sup>10</sup> GA resolution A/RES/60/251, OP3

The *national UPR focal point* shall:

- Be an independent human rights expert, based in the OHCHR country office or UN Country Team. Where there is no OHCHR/UN country office, the focal point shall be based in the subregional/ regional office. In cases where the country does not have any field presence and does not fall under the mandate of the sub-regional OHCHR office, then the *national UPR focal point* could be assigned to Special Procedures mandate holders (see Annex I).
- Work closely with civil society, National Human Rights Institutions and the government to receive information on the situation of human rights in the country for the UPR, including through regular consultations;
- Work closely with the civil society, National Human Rights Institutions and the government to follow-up and implement the recommendations resulting from the UPR process in Geneva;
- Submit recommendations to the Council to adopt other measures that may be necessary when human rights emergencies arise and there is a significant amount of time until the next session when the country will be reviewed by the UPR. Depending on the situation, these measures can include the deployment of a Rapid Response Unit, consideration of the country under the “country situation” resolution or convening an emergency session (see below).

We believe that the establishment of *national UPR focal points* will ensure sustainability of the UPR, inclusion and participation of all stakeholders, decentralization of the processes in Geneva and ultimately better follow-up and implementation of human rights on the ground.

## **(2) Review of pledges by the UPR**

The members of the Council should keep in mind that the progress in the implementation of pledges submitted should also be one of the types of information considered in the universal periodic review. Such systematic monitoring of the follow-up to the pledges should persuade future candidates to submit pledges that are specific, credible and measurable in the long-term, while encouraging them to make voluntary commitments at their own initiatives.

We remind all States that the final wording used in the GA Resolution is “*universal periodic review*”, not “peer review mechanism”. Hence, the review must be conducted by independent experts to consider objective information provided by the Treaty Bodies, Special Procedures, OHCHR, national human rights institutions and civil society.

## Priority Area: Improving the Participation of NGOs Based Outside of Geneva

As the Council has been established as a standing body to “meet regularly throughout the year” with more than three sessions per year for a total duration of at least ten weeks<sup>11</sup>, there will be financial and practical obstacles for national and regional NGOs based outside of Geneva to participate effectively throughout the year.

To address these barriers and to enhance the participation of NGOs in the regions to bring the voices of the victims to the Council, we appeal to the members of the Council to consider the following recommendations.

### Recommendations:

- Improve **access to information** by:
  - Web-casting the Council sessions via the Internet, as it is currently done with some General Assembly meetings. This will enable NGOs who are unable to be present in Geneva to attain a better grasp of the deliberations and dynamics of the Council, which cannot be expressed through paper. However, due to the differences in access to technology, this should only be complementary to the official documents of the sessions;
  - Appointing a “national universal periodic review focal point” within the existing OHCHR field presences and UN country offices that will consult national civil society regularly for their input to the review process on government compliance with human rights standards and to jointly implement the recommendations resulting from the review (see the section on “in-country focal points for the UPR” below).
- Provide **better opportunities for participation** by NGOs without permanent representatives in Geneva by:
  - Holding one of the sessions in the regional centers of the United Nations<sup>12</sup>. The Council could follow the example of UN Summits and conferences to hold its sessions beyond Geneva for more visibility and relevance to the realities in other parts of the world;
  - Ensuring that the planned dates and agenda of the sessions are publicized in advance, especially the emergency holding one of the sessions in the regional centers of the United Nations<sup>13</sup>. The Council could follow the example of UN Summits and conferences to hold its sessions beyond Geneva for more visibility and relevance to the realities in other parts of the world;

<sup>11</sup> General Assembly Resolution A/RES/60/251, adopted on 15 March 2006, OP 10

<sup>12</sup> UN Regional Centers include the UN Economic and Social Commissions in Africa (UNECA, based in Addis Ababa, Ethiopia), Latin America and the Caribbean (ECLAC, based in Santiago, Chile), Asia and the Pacific (UNESCAP, based in Bangkok Thailand), and West Asia (ESCWA, based in Beirut, Lebanon).

<sup>13</sup> UN Regional Centers include the UN Economic and Social Commissions in Africa (UNECA, based in Addis Ababa, Ethiopia), Latin America and the Caribbean (ECLAC, based in Santiago, Chile), Asia and the Pacific (UNESCAP, based in Bangkok Thailand), and West Asia (ESCWA, based in Beirut, Lebanon).

- Ensuring that the planned dates and agenda of the sessions are publicized in advance, especially the emergency sessions, so that NGOs can plan their attendance and interventions effectively;
- Increasing the transparency of the deliberations on the working methods of the Council by allowing NGOs to participate as observers in the inter-governmental meetings. All relevant documents must be circulated publicly so that NGOs from the regions will have the opportunity to contribute;
- Convening regular consultations at the five regional centers or in the capitals involving governments, civil society, national human rights institutions and OHCHR on matters related to the Council. This would also strengthen the interactions between these stakeholders at the regional level and decentralize the discussions in Geneva;
- Establishing a UN fund for NGOs from developing countries to attend the Council sessions, such as the existing UN funds on Contemporary Forms of Slavery, Indigenous Peoples and Victims of Torture. However, the lengthy application procedure for these existing funds should be simplified and improved for the “UN Fund on the Council”;
- Expanding the types of NGO interventions that are allowed during the Council sessions in addition to written and oral statements to include audiovisual materials and multimedia presentations so that human rights realities can be better understood.

**Priority Area: Prevention of Human Rights Violations and Prompt Response to Emergencies through a Rapid Response Unit**

As mentioned above, the *national UPR focal point* should also be able to bring to the attention of the Council any situations of gross or systematic violations of human rights and make recommendations on the responses required.

One of the mechanisms invoked to “respond promptly to human rights emergencies” as stipulated in the GA resolution<sup>14</sup> could include the proposed “Rapid Response Unit” of OHCHR.

The High Commissioner’s Strategic Management Plan for 2006-2007 states that “OHCHR will acquire the capacity to respond promptly to deteriorating or potentially deteriorating human rights situations. This will be achieved by establishing a Rapid Response Unit in Capacity Building Branch [of OHCHR]”<sup>15</sup>.

<sup>14</sup> GA resolution A/RES/60/251, OP5f

<sup>15</sup> High Commissioner’s Strategic Management Plan 2006-2007, p.36. It further states: “OHCHR will define in-house coordinating arrangements and aim to establish an inter-service task force to plan all aspects of rapid deployments. It will also prepare the necessary planning and operations tools, guidance, and in-house arrangements for the preparation, approval, and implementation of operations plans. In order to secure adequate stand-by resources for emergency operations, OHCHR will establish partnerships with UN agencies and other external partners. The team will prepare tools, provide advice, participate in missions, and organize training sessions for staff in cooperation with new Staff Development and Training Section”.

However, this Rapid Response Unit should operate independently from the Council's deliberations. It should have its autonomy to respond to urgent situations without the interferences from the members of the Council.

The Council should therefore merely consider providing *recommendations* to the Rapid Response Unit to conduct missions to countries with human rights emergencies to provide immediate protection for human rights victims and those at risk, stabilize the situation as necessary and prevent further violations from taking place.

### **Priority Area: Strengthening the System of Special Procedures**

The system of Special Procedures has been one of the Commission's major achievements and constitutes an essential cornerstone of the international human rights machinery. All mandates that are due to expire in 2006 should be renewed for one year while measures to strengthen the system are worked out.

Unlike the individual complaints system of the treaty bodies, the independent experts of the Special Procedures are able to monitor and rapidly respond to allegations of violations occurring anywhere in the world. Their core functions include issuing urgent appeals and transmitting allegations to the governments concerned, undertaking fact-finding missions, carrying out studies, clarifying international law, and preparing annual reports with recommendations for action by governments to protect human rights.

This system has been invaluable to Asian human rights defenders as it has been able to respond quickly to urgent human rights situations regardless of treaty ratification status or the need to exhaust domestic remedies. Moreover, as Asia remains the only region in the world without a regional human rights mechanism, the Special Procedures system has often been the only recourse to justice when domestic remedies fail.

We therefore welcome the High Commissioner's Strategic Management Plan which aims to "strengthen the impact of the special procedures at the country level, enhance their thematic expertise and develop channels to make public their findings, and enlarge the network of national institutions, NGOs and civil society organizations collaborating with special procedures mechanisms<sup>16</sup>".

Despite the international trend to strengthen the Special Procedures system, we are concerned by attempts in the past by various governments from the Asian region to undermine this crucial tool for the promotion and protection of human rights. We also note that unlike the other regional counterparts, none of the Asian candidates pledged to cooperate with the Special Procedures through concrete commitments, such as by extending standing invitations to all the mandate holders<sup>17</sup>.

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<sup>16</sup> High Commissioner's Strategic Management Plan 2006-2007, p.10

<sup>17</sup> Please see FORUM-ASIA's briefing paper on Asian candidates to the Human Rights Council, published 8 May, available at <http://forum-asia.org/hrc/?p=152>

We are particularly concerned by the recent non-paper submitted by the Like Minded Group (LMG), stating that “immediate attention should be granted to those special procedures responsible for the politicization that affected the work and credibility of the Commission on Human Rights, **with a view to eliminate them**”<sup>18</sup>. The LMG is dominated by Asian countries including Bangladesh, Bhutan, Burma, China, India, Indonesia, Malaysia, Nepal, Pakistan, the Philippines, Sri Lanka and Vietnam from Asia. Out of these 12 Asian countries, eight have been elected as Members of the Council.

The Philippines should remind all UNHRC members that the General Assembly Resolution on the Council affirms that *where necessary*, the mandates, mechanisms, functions and responsibilities of the Commission on Human Rights may be reviewed, improved and rationalized in order to “*maintain a system of procedures, expert advice and a complaint procedure*”<sup>19</sup>.

As the Council has been established to enhance the promotion and protection of human rights worldwide, we urge the Philippines to work in improving but maintaining this system as an integral component of the Council by providing objective information on country situations and acting upon urgent situations through recommendations and country visits.

### **Recommendations:**

The members of the Council must strengthen the system of Special Procedures by:

- Responding fully to the communications by the mandate holders in a timely manner;
- Implementing the recommendations by the mandate holders in good faith and reporting the progress to the UPR;
- Honoring their commitments to double the regular budget of OHCHR<sup>20</sup> so that it can provide the full support needed to strengthen the system;
- Ensuring that the country mandates will be maintained and further strengthened, given the need for experts who can fully monitor and respond to human rights situations, particularly where human rights violations are systematic;
- Extending standing invitations to all mandate holders to demonstrate the commitment to the promotion and protection of human rights as elected members of the Council;
- Facilitating the country visits by the mandate holders fully, including unrestricted access to human rights victims;
- Incorporating the responses and actions by the governments to the mandate holders’ requests, communications and recommendations in the Universal Periodic Review.

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<sup>18</sup> Non-paper of the Like Minded Group on the Human Rights Council, circulated by the OHCHR on 19 June 2006

<sup>19</sup> General Assembly Resolution A/RES/60/251 of 15 March 2006, paragraph 6

<sup>20</sup> At the September 2005 World Summit, Member States pledged to strengthen OHCHR by doubling their regular budget contribution from an amount which is currently less than 2% of the UN’s regular budget. As stated in the High Commissioner’s Strategic Management Plan, OHCHR’s financial requirements in addition to the regular budget are estimated at US\$160 million (see High Commissioner’s Strategic Management Plan, p.69)

### **Priority Area: Resolutions on Country Situations**

The Council must be able to address situations of violations of human rights via country resolutions as many countries may not be scheduled for review by the UPR for a number of years. In addition, the outcomes of the UPR may point to the need for a country-specific resolution in cases where governments do not implement the recommendations of the review and the situation of human rights deteriorates. The Council should therefore keep in place its ability to address country situations in its agendas for the regular sessions, which would also act as an early-warning measure to “prevent human rights violations”<sup>21</sup>.

The country resolution has been one of the most important elements of the Commission on Human Rights for Asian NGOs to call upon heightened international attention to critical situations of human rights, thereby conveying the common concern of the international community and solidarity to the human rights defenders on the ground.

We are concerned by the common position expressed by the Asian governments during the last session of the Commission on Human Rights in March 2006 that in the work of the new Council, “efforts should be made to avoid country specific actions and resolutions”<sup>22</sup>. Most recently, the Like-Minded Group, predominantly composed of 12 Asian countries, has stated in its non-paper that “Agenda item 9 in its current format must be eliminated”<sup>23</sup>.

Although the categorization of country situations under two different agenda items (Item 9 on the “Question of violation of human rights and fundamental freedoms in any part of the world” and Item 19 on “Advisory services and technical cooperation in the field of human rights”) should be revised, there should be one agenda item entitled “country situations” as suggested by other NGOs<sup>24</sup>. This would diminish criticisms of selectivity and politicization by removing the categorization of countries under separate agenda items.

We assert that without concrete actions on country situations, the Council will be tantamount to an exclusive talk show that has little implications for human rights victims on the ground and which will only amplify the climate of impunity.

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<sup>21</sup> The Human Rights Council is mandated to “contribute towards the prevention of human rights violations”. Hence, in addition to its mandate to promote and protect human rights, the Council has the obligation to prevent violations. See GA Resolution A/RES/60/251 of 15 March 2006, OP5f

<sup>22</sup> Asian Group Statement, 27 March 2006

<sup>23</sup> Non-paper of the Like Minded Group on the Human Rights Council, circulated by the OHCHR on 19 June 2006

<sup>24</sup> Human Rights Watch, “Human Rights Council: No More Business as Usual”, 19 May 2006.

## Specific Challenges to the Philippine Government

The CCHR notes with appreciation the pledges that have been made by the Government of the Philippines on 19 April 2006 (reference number 434).

However, despite the comprehensive list of commitments that the Government has submitted, we remain concerned that many of the pledges are very general, without any specific information on how they will be implemented in practice.

## The CCHR also notes with concern that the Philippines did NOT make any pledges to:

1. Support the adoption of the draft human rights instruments, such as:
  - *Draft Convention for the Protection of all Persons from Enforced or Involuntary Disappearances*
  - *Draft Declaration on the Rights of Indigenous Peoples*
  - *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights*

Non-governmental organizations (NGOs) and families of victims of disappearances have been working for years for the adoption of the draft Convention for the Protection of All Persons from Enforced Disappearances. They also called on Member States to adopt this draft Convention during the 62<sup>nd</sup> session of the Commission on Human Rights, yet for procedural reasons, this could not be accomplished.

We urge the Philippines to take a lead in ensuring that this Convention is adopted at the first Human Rights Council session in June, so that its opening is marked by a historic accomplishment.

At the national level, we call upon the Government to continue the process of criminalizing enforced or involuntary disappearances under domestic law.

2. Ratify the remaining core human rights treaties.

We greatly welcome the commitment made by the Philippines to ratify the *Optional Protocol to the Convention against Torture* and the *Second Optional Protocol to the International Covenant on Civil and Political Rights* on the abolition of the death penalty.

The remaining core international human rights instruments to be ratified by the Philippines are:

- Declaration under Article 14 of the *Convention on the Elimination of All Forms of Racial Discrimination* (individual complaints)
- Declaration under Article 22 of the *Convention against Torture* (individual complaints)
- *Rome Statute of the International Criminal Court*

In particular, we urge the Government to take this opportunity to ratify the *Rome Statute of the International Criminal Court*. It has been six years since the Philippines signed the Rome Statute, and we are concerned that the Government has not pursued domestic processes towards ratification.

3. Contribute to standard-setting in a systematic manner, such as through the subsidiary body of the Council.

Although the Philippines has pledged to “continue to be sensitive to current and emerging human rights challenges, particularly those associated with modern-day dynamics and phenomena”, we note that it does not specify how the Philippines will address these emerging issues systematically.

We therefore call upon the Philippines to also commit to the establishment of an effective subsidiary body of the Council, which is equivalent to the Sub-Commission on Human Rights, to undertake studies and develop standards on emerging human rights issues.

<b>The CCHR would appreciate clarifications on the following questions:</b>
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**At the International Level:**

1. How does the Philippines intend to “contribute to ensuring that the Council is able to effectively address human rights crises, including gross and systematic violations of human rights worldwide”?
2. What is the proposal by the Philippines on the universal periodic review, as one of the means to “effectively address human rights crises”?
3. How does the Philippines aim to ensure opportunities of civil society “to gainfully contribute to the work of the Council”?

We call upon the Government to maintain the types of engagements granted to civil society and NGOs in the work of the Commission and to improve them further, by ensuring, among others:

- Participation of NGOs in all of the deliberations of the Council, from agenda setting to the setting up of rules of procedures;
- Longer speaking times for NGOs;
- Formalizing the interactive dialogue sessions between the Special Procedures and NGOs;
- Allowing genuine NGOs, such as those working on Lesbian, Gay, Bisexual and Transgender (LGBT) rights and the rights of the Tibetan people, to gain consultative status with the Council.

4. When does the Philippines plan on accepting the outstanding requests by the mandate holders of the Special Procedures?

We appreciate the pledge made by the Philippines to “improving and strengthening the mechanisms and systems of special procedures of the Commission on Human Rights”.

However, we observe that there are 3 outstanding requests by the Special Procedures, and would appreciate the Government to clarify when these visits will be accepted.

- Special Rapporteur on the rights of migrants (requested in 2006)
  - Special Rapporteur on toxic waste (requested in 2005)
  - Special Rapporteur on the freedom of expression and opinion (requested in 2004)
5. In lieu of the present situation of unabated extrajudicial executions and other human rights violations, why is the government not inviting the:
    - Special Rapporteur on extrajudicial executions?
    - Special Rapporteur on torture?

#### **At the Regional Level:**

6. When is the target date for the “end goal of establishing an ASEAN human rights mechanism”?

We strongly recommend the Government to:

- take a more active role in influencing other ASEAN nations in ratifying the core international human rights instruments, including the Rome statute of the International Criminal Court;
- take concrete steps in supporting the establishment of the ASEAN human rights mechanism;
- take a positive and active role in establishing an ASEAN Charter which promotes and protects human rights that are in line with international human right standards;
- ensure that the four human-rights issues mentioned in the pledge (international terrorism, migrant workers, right to development and economic, social and cultural rights, and human rights education) are addressed using the existing international human rights standards.

**At the National Level:**

7. The Philippines has pledged to “submit more timely reports to the relevant treaty monitoring bodies”. What is the progress on the fourteen overdue reports to the Treaty Bodies?
- a. ICESCR, second periodic report, due June 1995
  - b. ICESCR, third periodic report, due June 2000
  - c. ICERD, fifteenth periodic report, due January 1998
  - d. ICERD, sixteenth periodic report, due January 2000
  - e. ICERD, seventeenth periodic report, due January 2002
  - f. ICERD, eighteenth periodic report, due January 2004
  - g. ICERD, nineteenth periodic report, due January 2006
  - h. CAT, second periodic report, due June 1992
  - i. CAT, third periodic report, due June 1996
  - j. CAT, fourth periodic report, due June 2000
  - k. CAT, fifth periodic report, due June 2004
  - l. Optional Protocol to CRC on children in armed conflict, initial report, due September 2005
  - m. Optional Protocol to the CRC on the sale of children, initial report, due June 2004
  - n. Convention on the Rights of Migrant Workers, initial report, due July 2004

We also recommend the Government to:

- Adopt mechanisms to enable public awareness-building of the national reports, conduct public consultations on those reports as well as the Concluding Observations;
- Enhance the role of the National Human Rights Commission in cross-checking the information and commenting independently on the reports.

8. How does it specifically plan to “strengthen the independent national Human Rights Commission”?

We emphasize that the national Human Rights Commission must be guaranteed:

- independence guaranteed by statute or constitution
- autonomy from government
- pluralism, including in membership
- a broad mandate based on universal human rights standards
- adequate powers of investigation
- sufficient resources

9. What is the Government planning to do in instilling a “human rights-based approach in the realization of the UN Millennium Development Goals, the right to development and economic, social and cultural rights”?

We recommend the Government to:

- Implement and strengthen the mechanisms under the Urban Development and Housing Act, which promotes and protects the rights of the urban poor against arbitrary and illegal demolitions;
- Review the Philippine Mining Act of 2005 with the participation of civil society groups and concerned communities to ensure that human rights standards are applied;
- Review the Fisheries Act with full consultation with fisherfolk communities to ensure that their concerns are addressed.

10. How does the Government plan on “enhancing existing human rights education and training programs, particularly on children’s rights, for judges, prosecutors, public defenders and military and police personnel”?

We strongly recommend the Government to undertake an impact assessment of the human rights education efforts for the above-mentioned groups to ensure the effectiveness of existing training programs.

11. With regards to the Government’s pledge to “strengthen the capacity of national judicial system in applying international human rights norms and standards”, we recommend the Government to:

- Conduct a judicial review of prosecution of suspects in human rights violations;
- Improve the judicial mechanisms for the protection of victims and witnesses to human rights violation cases.

12. How will the Government ensure that human rights provisions in the present Constitution will not be abolished or watered down with the planned revision of the Constitution?

13. How will the Government ensure that the human rights community will be able to provide inputs in putting forth nominations for the members of the national Human Rights Commission?

14. How will the Government demonstrate that it has given justice to the thousands of victims during the Martial Law Regime (1972 to 1986)?

### **Final Statement:**

The Citizens' Council for Human Rights looks forward to a constructive engagement with the Department of Foreign Affairs and other related government bodies to ensure the concretization of the Philippine pledges so as to obtain better promotion and protection of human rights for all in our country.