

REGIONAL SEMINAR on

Translating International Human Rights Commitments into National Realities: The Contribution of Parliaments to the Work of the United Nations Human Rights Council

**SESSION III: National Case Studies
on Involvement in the UPR**
The Philippine Experience



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“...[The cause for the fulfillment of human rights commitments] is key to the establishment, not only of a strong State, but also of strong ties between nations...”



“...we cannot underestimate the significance of the lessons we have learned from [our past]struggles to the headways we have made thus far towards the full recognition, effective promotion and complete protection of human rights.”



“...as unfortunate as that part of our history may have been, we [Filipinos] nonetheless owe to it our present identity as a nation with a strong commitment for the promotion and protection of human rights.”



“...I know, from firsthand experience, how important prompt, effective and responsive legislative action is to the fight for the promotion and protection of human rights.”



“Congress, when it functions as it should – as the advocate and protector of the interests of the people – is a real threat to those who would trample their rights and freedoms.”

The Philippines's involvement in the Universal Periodic Review (UPR)



- 2008 – first review
- 2012 – second review
- In 2008, we were among the first batch of nations to deliver their first UPR before the United Nations Human Rights Council
- UPR's unique mechanism:
 - ✓ Innovative
 - ✓ Transparent
 - ✓ Collaborative dialogue and exchanges
 - ✓ Amounted to a peer review among States

State Report Preparation Process & Government Institutional Responses



- The UPR covers the State's overall human rights performance as regards the promotion, protection and fulfillment of a wide range of rights.
- As such, responsibility for preparing the State's UPR belongs to the **Presidential Human Rights Committee (PHRC)**

State Report Preparation Process & Government Institutional Responses



➤ **Tasks of the Presidential Human Rights Committee (PHRC)**

- ✓ **Assesses** and **Monitors** all aspects of the human rights situation in the country
- ✓ **Collates** all necessary information on human rights violations and abuses
- ✓ **Coordinates** all actions by government bodies that are concerned in ensuring the State's effective compliance with international human rights obligations
- ✓ **Facilitates** timely submission of treaty implementation reports to UN and other relevant bodies

State Report Preparation Process & Government Institutional Responses



- The Philippines holds the distinct honor of being among **the very first of the world's nation to sign the Universal Declaration of Human Rights on December 10, 1948**
- We have also ratified the following human rights treaties:
 1. **International Covenant on Civil and Political Rights** (ICCPR), ratified on 23 October 1986;
 2. **United Nations Convention Against Torture**, acceded to on 18 June 1986;
 3. **Convention on the Elimination of All Forms of Racial Discrimination**, ratified on 15 September 1967;

State Report Preparation Process & Government Institutional Responses



4. International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified on 7 June 1974;
5. United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ratified on 5 July 1995;
6. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), ratified on 5 August 1981;
7. Convention on the Rights of the Child, ratified on 21 August 1990; and,
8. Convention on the Rights of Persons with Disabilities, ratified on 15 April 2008.

State Report Preparation Process & Government Institutional Responses



- **Lead Agencies are designated** to monitor implementation of these treaties as they apply to the various policies, programs and projects of all concerned government bodies;
- To illustrate:
 - **Department of Justice (DOJ)** for the ICCPR
 - **National Economic and Development Authority (NEDA)** for the ICESCR
 - **Philippine Commission on Women (PCW)** for the CEDAW

State Report Preparation Process & Government Institutional Responses



- Lead agencies' work not confined to government sector, but also:
 - ✓ **Regular consultations with NGOs and CSOs** involved in human rights advocacy
 - ✓ **Regular engagements with the Commission on Human Rights (CHR)**, the country's independent national human rights institution
 - **Example:** CHR involvement in the Inter-Agency Committee dedicated to the investigation, prosecution and monitoring of cases of Extrajudicial Killings (EJKs), Enforced Disappearances (EDs), Torture, and other grave violations of the Right to Life, Liberty and Security of Persons



“The principle that underpins... the overall human rights action plan of the Philippine Government is mutual cooperation and transparency.”

Seven (7) Phases in the Preparation for the UPR



1. **Updating** of information from all government offices concerned, particularly the eight (8) treaty lead agencies **based, primarily, on the recommendations that emanated from the previous review (i.e., the core output of the UPR Process)**
 - 17 recommendations from the 2008 review
 - Addressed in 2012 by way of **most recent updates** of policies, programs, projects and related actions along the following major strategic tracks:
 - a. Mainstreaming of human rights as a tool in good and effective governance

Seven (7) Phases in the Preparation for the UPR



- b. Deepening and broadening the Government's commitment to human rights;
- c. Aggressive advancement of economic, social, and cultural rights;
- d. Sustainability of efforts in promoting sectoral rights, with special attention given to women's and children's rights; and
- e. Establishment of complementary mechanisms to further the protection of civil and political rights.

Seven (7) Phases in the Preparation for the UPR



2. Consolidation of all updated information (about 3 months after first notice for submission of updates)

- Ran parallel to the gathering of data
- Took about a year to complete

3. Crafting of the State Periodic Report

- 1st draft was prepared by the PHRC Secretariat, in coordination with the Department of Foreign Affairs (DFA), DOJ & other treaty lead agencies
- DFA kept in touch with the UNHRC for technical matters required for the preparation of the Report.

Seven (7) Phases in the Preparation for the UPR



4. Consultations with:

- a. Government agencies not part of the initial information updating process (includes the Judiciary); and
 - b. NGOS and CSOs, especially those that represent vulnerable and marginalized sectors
- For 2012: two months of weekly consultations
 - Provided opportunity to **identify critical issues** advanced by NGOs and CSOs that may have been overlooked in the earlier draft.

Seven (7) Phases in the Preparation for the UPR



5. Fifth phase includes the following steps:

- a. **Revision** of the Report by the PHRC and the DFA
- b. **Submission** thereof to the President through the Office of the Executive Secretary
- c. **Approval** by the Office of the President
- d. **Transmittal** to the UN Human Rights Council by the DFA through the Philippine Permanent Mission to Geneva
- e. **Consideration** of the Report by the Human Rights Council, and
- f. **Setting of schedule** for actual constructive Dialogue between the Philippines and State-Council members.

Seven (7) Phases in the Preparation for the UPR



6. Constitution of the Philippine delegation to the Dialogue

- Identification of the agencies that have to respond to critical issues that might be raised during the Dialogue

Seven (7) Phases in the Preparation for the UPR



7. Preparation for the Dialogue

- Took almost 3 months for the 2012 review
- Sought to cover all possible issues that might yet be taken up, based on:
 - a. **parallel reports** being prepared by NGOs, CSOs and the CHR, and
 - b. the **assistance** from the **UN Country Team in the Philippines**, and the **Asia Pacific Office of the UN Office of the High Commissioner for Human Rights** in Bangkok, Thailand
- A pre-review session with these experts was held with the Philippine delegation two weeks prior to departure for the United Nations in Geneva

Actual 2012 UPR of the Philippines before the UN HRC (Dialogue)



- **64 States delivered statements** during the State-Council interactive Dialogue
- 63 States offered a total of **88 recommendations**:
 - **62** – accepted
 - **25** – noted for further study
 - **1** – not supported for the reason that the recommendation was already complied with



After the 2012 UPR

1. **PHRC** and the **CHR** agreed to work, along with **NGOs** and **CSOs**, for the creation of a tripartite body to monitor actions taken on these recommendations
2. The **recommendations were clustered**, as follows:
 1. civil and political rights, as well as freedom from torture;
 2. economic, social, and cultural rights;
 3. Indigenous Peoples rights;
 4. women's rights;
 5. children's rights;
 6. migrant workers' rights; and
 7. rights of persons with disability.



After the 2012 UPR

3. Contemplating the submission of a “cold” report by the tripartite body
4. Submission by the CHR, in consultation with all Executive agencies, NGOs and CSOs, of its **Human Rights Legislative Agenda** to the Philippine Congress



“... a full cycle of the UPR cannot be completed without the vital participation of the Philippine Congress.”

“... it is both the terminal point of one cycle and the starting point of the next.”



“... If there was one is one improvement or amendment we could make to our UPR preparation process, it is to foster a more active participation of the Philippine Congress therein.”



“... the whole UPR process, including our Legislature’s participation therein, is a vital part of how the Philippine Government works, and how it can improve itself.”

“... we consider it as a built-in mechanism for self-improvement....”



“In this ever- and rapidly changing landscape of the world we live in, the one thing we ought to strive to do is to keep up with the needs of the times, and to learn from our past short-comings.”

“That is the value of the UPR to us.”



Thank you.