

JOINT RECOMMENDATIONS OF THE COMMISSION OF HUMAN RIGHTS AND CIVIL SOCIETY ORGANIZATIONS TO THE UNITED NATIONS UNIVERSAL PERIODIC REVIEW (4TH CYCLE)



SEPTEMBER 2022

RATIONALE:

The Philippines' human rights situation has not improved since the 3rd cycle of the universal periodic review (UPR) and has in many respects even worsened. The most visible problems are growing attacks on civil and political rights (CPR). This is especially after new legislation and regulations supposedly against terrorism and criminality. The Anti-Terrorism Law of 2020, the Executive Order No. 70 and its implementing arm the National Task Force to End Local Communist Armed Conflict in particular have been largely directed on rights defenders and activists. Activists and progressive groups are labeled as terrorist organizations without substantial proof or evidence that will hold in court. Extra-judicial killings persisted in the government's war on drugs campaign. These attacks repress the exercise of constitutionally guaranteed CPR and economic, social and cultural rights including the right to development and participation in decision making on policy reforms, programs and projects. Even unionizing and holding of pickets at workplaces to demand for better working conditions and terms of employment are red-tagged and vilified.

Massive disinformation and proliferation of fake-news are also being used to red-tag and vilify groups and individuals which undermines the people's capacity to exercise their rights, decide, and take action based on correct information.

The attacks created a chilling effect cutting across all sectors including communities and families of the victims of grave human rights abuses, individuals fearing association with red-tagged rights defenders, humanitarian, and development organizations.

There is has also been significant backsliding on economic, social and cultural rights. Decades of implementation of neoliberal economic policies that prioritized profit over people's welfare and overall national development resulted to the plunder of the Philippine environment with the adverse impact of climate change borne by the poorest and most vulnerable. Overly protracted pandemic lockdowns with insufficient mitigating measures added to long-standing unresolved structural economic problems. Harsh COVID-19 policies and militarized lockdowns worsened social exclusion and discrimination against vulnerable sectors, including the critical civil society as political discrimination heightened amid the pandemic when cooperation and partnerships are needed.

The rights of women, elderly persons, persons with disabilities and indigenous peoples are still not adequately protected, in fact discrimination against vulnerable sectors and their social exclusion worsened in the past 5 years especially during the COVID-19 pandemic.

Despite having the resources, the Philippine government did not implement sufficient measures to mitigate the social and economic distress caused by the overly lengthy and stringent lockdowns. While the government reported a seemingly large COVID-19 response package, the actual increase in government spending in 2020 and 2021 were actually below average indicating no fiscal stimulus taking place. National government spending increased by just 11.3% in 2020 and by even less at 9.9% in 2021, compared to an annual average increase of 13.7% over the period 2016-2020. Spending priorities continued to be distorted with the amount spent on COVID-19 response grossly disproportionate to the scale of the social, health and economic crises.

Trusting that steps can be taken to improve the immediate and long-term situation, we urgently appeal for support for the following priority recommendations for the 4th cycle of the UPR.



ON ESCR

1. Strengthen the country's **social protection** system¹:

- i. Restore budget cuts in emergency assistance for distressed rural and urban families, informal workers, and displaced overseas Filipino workers.
- ii. Ensure that social protection is inclusive, non-discriminatory, respectful, and appropriate for women, youth and children, indigenous peoples, Bangsamoro people, LGBTQI+, migrant workers, elderly persons, and persons with disabilities.

2. Improve **social services**:

- i. **Education.** Give special attention to ensure quality education is accessible to children and youth from vulnerable groups, those living in crisis situations, and in geographically isolated and disadvantaged areas; reduce the incidence of out-of-school children, youth, and adults by improving and expanding the Alternative Learning System Program.
- ii. Respect, reopen and support self-organized Lumad and other indigenous peoples' schools as centers for education, cultural heritage, and self-determined development able to access the Special Educational Fund (SEF) and other funding support².
- iii. Increase the budgets for free or subsidized public education (including for indigents up to tertiary level), health (including mental health and reproductive healthcare services) and housing commensurate to the progressive realization of the rights to health, education, housing, and an adequate standard of living.
- iv. Increase the budget for classrooms and other educational facilities, including special measures for children with disabilities; provide equipment, materials and internet access to students and teachers using online modes of education.
- v. Ensure academic freedom and the free exercise of basic freedoms of expression, speech, assembly and association amongst learners-students; cease the banning of books and other restrictions to critical and independent thinking.



- vi. Eradicate all forms of violence and discrimination on the basis of sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC) in all educational institutions, including restrictive haircut and uniform policies that disadvantage transgender and gender-diverse students.
 - vii. **Health.** Ensure implementation of Mental Health Act especially provisions on community based mental health services.
- ### 3. Generate financing for social and economic development with a more progressive **tax system**:
- i. Legislate a billionaire wealth tax and return the corporate income tax (CIT) on large corporations to its pre-pandemic 30% level.
 - ii. Reduce the over-reliance on regressive consumption-based VAT and excise taxes, repeal TRAIN Law.
 - iii. Increase government revenues by improving tax collection

¹ Recommendation 133.205 (Singapore) on adequately financing cash transfers and sustainable livelihoods

² Recommendation 133.236 to carry on efforts to protect children, especially of indigenous populations (Tunisia), and the Recommendation 133.224 to ensure access to quality education to vulnerable and marginalized groups (Malaysia)

4. Ensure ample **decent work** with fair distribution of gains from economic activity:
 - i. Stop all forms of contractual employment schemes that erode just and favorable conditions of work.
 - ii. Give a substantial minimum wage hike that reverses the fall in real wages; repeal the Wage Rationalization Act of 1989 and legislate a National Minimum Wage ensuring a living wage.
 - iii. Protect workers' rights to unionize and seek redress for grievances by preventing violence in relation to the exercise of workers' and employers' organizations legitimate activities; investigating allegations of violence towards punishing perpetrators; and operationalizing monitoring bodies.
 - iv. Assess the accountability of economic liberalization policies in weakening annual average job creation and adopt strategic policies for agricultural modernization and national industrialization.
5. Restore and protect **farmer and fisherfolk livelihoods**:
 - i. Repeal the Rice Liberalization Law which reduced farmgate prices and net incomes for millions of rice farmers and ancillary workers.
 - ii. Declare a moratorium on the importation of agricultural products beyond essential supplies.
 - iii. Review and amend the Philippine Fisheries Code and other laws detrimental to preferential rights of small scale and artisanal fisher-folk on municipal waters.
 - iv. Provide fertilizer, fuel and other production subsidies to small rice, sugar and other planters.
 - v. Pass bills on Rice Industry Development and Genuine Agrarian Reform filed in Congress.
6. Undertake more decisive measures **to protect the rights of women, youth and children, indigenous peoples, Bangsamoro people, LGBTQI+, migrant workers, elderly persons, and persons with disabilities** for whom discrimination and social exclusion worsened upon the COVID-19 pandemic.³
 - i. Ensure sufficient budget allocations to support adequate standards of living, basic social services, social protection, poverty alleviation and the right to development.⁴
 - ii. Ensure implementing rules and regulations for anti-discrimination ordinances in cities and provinces and enact more ordinances; ensure equal opportunity and access to gender-inclusive employment, education, social services and other basic services.
 - iii. Pass the comprehensive anti-discrimination law filed in Congress.
 - iv. Respect and promote individual and collective rights of indigenous peoples, and Bangsamoro women in all realms of political and public life.⁵
 - v. **Women, youth, and children.** Ensure full and effective implementation of Magna Carta of Women to improve work opportunities, receive equal pay for equal work and guarantee against discrimination.
 - vi. Ensure full and effective implementation of the Responsible Parenthood and Reproductive Health Act (RPRHA) including provisions on access to modern contraceptives in all national and local health units and on comprehensive sexuality education in formal and non-formal education; cease discriminatory practices preventing access to RPRHA services.

³ Ensure that laws, policies and programmes aimed at protecting the human rights of women, elderly persons, persons with disabilities and indigenous peoples are effectively implemented (Cuba); Source of position: A/HRC/36/12/Add.1

⁴ Recommendations 133.204 (Saudi Arabia), 133.206 (Viet Nam), 133.207 (Cambodia), 133.208 (Lao People's Democratic Republic) on ensuring adequate resources for poverty alleviation

⁵Recommendation 133.183 (Angola). Source of position: A/HRC/36/12/Add.1

- vii. Ensure education about the Anti-Child Marriage Law in communities with existing cultural practices, persisting beliefs and long-standing traditions.
- viii. Pass the Divorce Bill to allow the dissolution of marriages especially involving violence against spouses, with corresponding amendments to the Family Code.
- ix. Enhance measures to prevent violence against women and girls including by: expanding psychosocial and legal services; recognizing and supporting women's rights groups and other organizations providing services and advocating for policies addressing violence against women; and integrating measures in national and local COVID-19 response and recovery plans.
- x. Take measures to eliminate structural, legal, and cultural obstacles hindering the participation of girls and women in politics and decision-making; promote programs fostering leadership skills for girls and women and promoting gender equality.
- xi. Enforce laws and policies prohibiting hazardous and exploitative child labor.
- xii. Ensure full and effective implementation of the Anti-Online Sexual Abuse and Exploitation of Children Law; intensify efforts to pursue cases of online sexual abuse and exploitation to ensure online and offline safety of vulnerable groups, especially children.
- xiii. Ensure and provide support to child victims of abuse and violence and their families, to attain justice and access to other psychosocial services, including those children at risk.
- xiv. Review the rehabilitation and intervention program of the government for children in conflict with the law and ensure sufficient budget, facilities, and human resources.
- xv. Stop branding children victims of human rights violations as child soldiers/warriors. Ensure the effective implementation of the
- xvi. **Indigenous peoples.** Ensure compliance with procedures for acquiring Free Prior and Informed Consent (FPIC) and conduct independent investigations of FPIC allegedly obtained through manipulation of the National Commission on Indigenous Peoples (NICP); review projects planned or implemented violating the rights of indigenous peoples to their lands, territories and resources.
- xvii. Ratify ILO Convention No. 169 on Indigenous and Tribal Peoples Convention.
- xviii. **Bangsamoro people.** Conduct fact-finding missions of human rights violations in Bangsamoro areas; uphold the right to safe, voluntary return and meaningful participation in the rehabilitation of Marawi City and ensure transparency in its implementation.
- xix. **Migrant workers.** Ensure sufficient budgets for the welfare, legal assistance and social protection programs for Filipino migrants and their families left behind, as well as for initiatives to combat human trafficking; establish programs for migrant workers in local government units.
- xx. Ensure effective cooperation mechanisms at the local, national, regional, and international levels to identify and protect victims of human trafficking.
- xxi. Ensure prosecution of violators of migrant workers' rights including illegal recruiters and traffickers.



- xxii. Work closely with receiving countries to recognize the disproportionate application of the death penalty against migrant workers and take measures for equal protection of all those working within their borders; ensure swift and effective legal and financial support to migrant Filipinos accused of crimes, deprived of liberty or sentenced to death.
 - xxiii. Ensure the rights of migrants to form associations and unions and to access the courts and legal system in receiving countries.
 - xxiv. Ratify ILO Convention No. 188 or the Work in Fishing Convention; pass laws implementing the ILO Maritime Labor Convention 2006.
 - xxv. **Elderly persons.** Ensure laws protecting older persons against elder abuse and provisions of comprehensive long-term care services.
 - xxvi. Ensure adequate funding for the National Commission of Senior Citizens (NCSC).
 - xxvii. **Persons with Disabilities.** Progressively increase funding to ensure that Persons with Disabilities are able to participate fully in civil and political life as well as have access to justice and social services.
 - xxviii. Review the Magna Carta for Persons with Disabilities and other related laws to ensure reasonable accommodation, educational assistance, assistive devices/technology, personal assistance, and sign language interpretation services; revise the implementing rules and regulations of the law on mandatory PhilHealth coverage for persons with disabilities (RA 11228) to ensure genuine full coverage to persons with disabilities
 - xxix. Amend the accessibility law to comprehensively address all accessibility requirements of persons with disabilities as outlined in the Convention on the Rights of Persons with Disabilities; adopt Philippine National Standard on public utility vehicles in the Public Transportation Modernization Program.
 - xxx. **IDPs.** Increase funds for reconstruction, rehabilitation, and programs for social preparations for IDPs and host communities; ensure IDP participation in decision-making at the local and national levels.
 - xxxi. Address root causes of displacement, including disasters and climate-induced events, armed conflicts, and arbitrary large-scale development projects; ensure IDP and host community access to social preparation, reconstruction, and rehabilitation programs.
 - xxxii. Pass the bill on IDP Protection filed in Congress that ensures access to health, education, food and relief assistance, livelihood, housing, vaccines, and other services in times of crises.
 - xxxiii. **LGBTQI+.** Intensify efforts in finally passing a comprehensive anti-discrimination law that protects all persons from all forms of discrimination based on SOGIESC in all settings.
 - xxxiv. Adopt a national SOGIESC-inclusive labor policy that includes the prohibition of SOGIESC-based employment discrimination and support for SOGIESC-affirmative programs in workplaces.
 - xxxv. Ensure that community-based redress mechanisms, e.g., the Barangay Justice System, focal persons on violence against women, and the Barangay Council for the Protection of Children, are competent to address discrimination and violence against LGBTQI+ persons.
7. Undertake more decisive measures to address the roots of **climate vulnerability**:
- i. Impose an emergency moratorium on climate risk projects that destroy vital ecosystems and displace vulnerable communities.⁶
 - ii. Stop mining, quarrying and logging operations in protected areas, ancestral lands and ancestral domains, and the government officials that allowed these in violation of state processes in project approvals, consultation and environmental risks assessments accountable.⁷

⁶ Recommendation by (Algeria 133.69) "Pursue steps made with the aim of addressing the effects of climate change on the population"

⁷ From UPR 3 recommendations to re-examine the Mining Act of 1995 with a view to reinforcing its environmental provisions and sustainable development practices..." (Haiti 133.71) and, "Redouble (redoubling) efforts to put in place an environmental regulatory policy to ensure the implementation of this development of plan" (Qatar 133.73)

- iii. Take steps towards a just and steady transition from dirty to clean energy sources.
- iv. Ensure that “green” technological solutions respect human rights and do not indiscriminately displace farmers, fisherfolks, indigenous peoples, and urban poor from their communities or livelihoods.⁸
- v. Implement a green public mass transportation system program with due consideration of those displaced in the transition from the current privatized set-up; review the jeepney phaseout scheme which has adversely affected hundreds of thousands of small operators/drivers.
- vi. Support and encourage local/community and indigenous practices, actions and initiatives on climate change, biodiversity, sustainable utilization of resources, and environmental protection.
- vii. Pass the resolution on the People’s Green New Deal and the bills on Environment Defense, Rights of Nature Bill, People’s Mining Bill, National Land Use, Indigenous Communities Conserved Territories and Areas Bill, Sustainable Forest Management Act⁹ filed in Congress.

- 8. Ratify the OP-ICESCR to provide workers and other stakeholders avenues **to hold violators to account**.¹⁰
- 9. Accelerate efforts to **develop a National Action Plan on Business and Human Rights** to increase the protection of human rights against abuses by corporate actors; in the meantime, establish and implement independent redress mechanisms to deal with reprisals on human rights defenders and communities.
- 10. **Improve statistical methodologies for estimating poverty, unemployment and underemployment, the family living wage and household wealth, and cross-cutting concerns of persons with disabilities to more accurately reflect socioeconomic conditions and enhance policy- and decision-making.**

On the ICCPR

- 1. Enact the CHR’s Charter Bill to include the establishment of a Human Rights Institute and affirm the government’s commitment to ensuring its independence and fiscal autonomy as required by the Constitution and the Paris Principles.
- 2. Ensure the full and effective implementation of the Mandela Rules and the Bangkok Rules to address severe overcrowding in detention facilities, uphold detainees’ right to health, and improve capacity building programs for successful prosecution of erring officials. Measures include installing equipment to monitor search and arrest operations and places of detention and improving health care services and facilities including those pertaining to reproductive health care and mental health.
- 3. Re-examine libel and slander provisions of the Revised Penal Code as well the 2012 Cybercrime Prevention Act to ensure that these laws are not used to instigate fear amongst journalists and media personalities and stifle freedom of expression.
- 4. Establish or designate a National Preventive Mechanism (NPM) either through legislation or executive action, pursuant to the government’s obligation under the OPCAT.
- 5. Enact the Human Rights Defenders Protection Bill with dispatch to help prevent red-tagging¹¹ or vilification, labeling as terrorists, harassment, threats and other violations against human rights defenders.
- 6. Ratify pending all human rights instruments such as the Convention on Enforced Disappearance and rejoin the Rome Statute to demonstrate willingness to address persisting impunity for human rights violations.¹²

¹¹ Red-tagging is the vilification, labeling or guilt by association of various democratic organizations. These groups are stereotyped or caricatured by the military as communist groups, making them easy targets of military or paramilitary units. (UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston)

¹² ICPAED and communication protocols under ICESCR, CRC and CRPD

⁸ Algeria 133.69

⁹ Qatar 133.73

¹⁰ Recommended by Portugal, Germany and Palestine

*On the right to Life, freedom of association / assembly / expression and counter-terrorism*¹³

1. Stop EJKs vis-a-vis the so-called war on drugs and counter-insurgency campaigns; stop red-tagging and other attacks on human rights defenders in the country and abroad.
2. Ensure protection of lawyers, trade unionists, indigenous peoples, human rights defenders, journalists and other interest and advocacy groups. Among others, strengthen institutional coordination between CHR, DOJ-AO 35 and DOLE in the investigation of cases affecting freedom of association and assembly; abolish the Joint Industrial Peace and Concern (JIPCO) and Alliance for Industrial Peace Program (AIPP) and allow workers in economic zones to freely associate and organize.
3. Stop military attacks and occupation of schools; pull out military troops from schools and ensure the independence of schools free any intimidating military presence.
4. Immediately and unconditionally release all HRDs, including journalists and activists, detained for exercising their fundamental rights to the freedoms of association, peaceful assembly and expression, and review their cases to prevent further harassment.
5. Ensure swift investigation, prosecution and accountability of perpetrators that committed abuse of authority in the campaigns against illegal drugs and counterinsurgency.
6. Abolish the NTF-ELCAC, disband paramilitary groups and revoke Executive Order 546.

¹³ These recommendations are iterations of specific recommendations from the 3rd UPR cycle: a. Creating, guaranteeing and promoting an adequately safe and enabling environment for the work of human rights defenders (Estonia 133.173, Germany 133.174, Hungary 133.176, Ireland 133.177, Luxembourg 133.178, Norway 133.179, Ukraine 133.181, United Kingdom of Great Britain and Northern Ireland 133.82) b. Ending extrajudicial killings, enforced disappearances, illegal arrests and detention, torture, harassment and other human rights violations and taking all necessary measures to prevent them (Spain 133.103, Poland 133.104, Slovakia 133.105, Netherlands 133.06, Lithuania 133.107, Canada 133.108, Germany 133.109, Costa Rica 133.100, Ghana 133.111, Norway 133.117, Bulgaria 133.119) c. Ending impunity (Croatia 133.137, Argentina 133.139, Luxembourg 133.141, Slovenia 133.142, Austria 133.148) d. Stopping counter-insurgency programmes that target human rights defenders and civilians (Slovakia 133.174) e. Protecting the rights of indigenous peoples and preserving their ancestral lands (Cuba 133.30, Lao People's Democratic Republic 133.31, Peru, 133.250)

7. Stop the arbitrary arrests, torture, and prolonged detention of innocent Bangsamoro civilians accused as terrorists in exchange for bounty and to justify US military aid and operations in the Philippines.
8. Ensure full and effective implementation of the Marawi Siege Compensation Act of 2022; conduct an independent investigation on the excessive use of force during the Marawi Siege and bring the perpetrators to justice.
9. Ensure that counter-terrorism measures respect fundamental freedoms and are not weaponized against legitimate dissenters and human rights activists. Repeal the ATL and replace it with legislation ensuring a human rights based approach to counterterrorism. In the meantime, ensure a human rights-based approach to ATL implementation especially vis-a-vis due process in designation or proscription, judicial authorization of surveillance, freezing of accounts, and the indefinite detention without warrants of arrest.
10. Conduct independent investigations on the human rights situation in the Philippines. Invite UN Special Rapporteurs on specific issues under the UN Special Procedure to look into human rights issues amid claims of growth and development; invite the ILO High Level mission.
11. Remove undue restrictions on the ability of CSOs to receive international and domestic funding in line with best practices articulated by the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association. Cease unwarranted raids on CSOs and unjustifiable disruptions to legitimate activities organized by CSOs



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