



# PHILIPPINES

Opening Statement of  
the Hon. Eduardo R. Ermita  
Executive Secretary, Office of the President of the Philippines  
Chairman, Presidential Human Rights Committee (PHRC)

Consideration of the Consolidated 2<sup>nd</sup> to 5<sup>th</sup> Periodic Reports of the Philippines Under the Convention  
Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment  
Palais Wilson  
Geneva, Switzerland  
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*Mr. Chairman, Distinguished Members of the Committee Against Torture, Ladies and Gentlemen:*

First and foremost, let me extend to the Chairman and the members of this distinguished Committee the warmest greetings of Her Excellency President Gloria Macapagal Arroyo. The President is very much aware of the relevance of the work of the Committee and wishes to convey her administration's support to it.

Let me also greet the officials of the Commission on Human Rights of the Philippines who are here today, led by no less than its Chairperson, Atty. Leila de Lima, a very able advocate of human rights and a renowned lawyer in the Philippines.

I also welcome and wish to acknowledge the presence of representatives from different NGOs and CSOs, especially those who have also come all the way from the Philippines.

It is also an honor for me to recognize the presence of a distinguished member of Philippine Congress and Chairman of the House Committee on Human Rights, Representative Lorenzo "Erin" Tanada III, who comes from a line of progressive legislators in the Philippines. His grandfather, the late Senator Lorenzo Tanada Sr., is highly regarded as among our country's modern-day heroes because of his work in nationalist legislation. And his father, former Senator Wigberto Tanada Jr., was my colleague in the 9<sup>th</sup> Congress of the Philippines and in the Philippine National Unification Commission which defined the Philippines comprehensive peace process policy.

*Mr. Chairman,*

It is an honor for me to address this Committee on behalf of the Philippine delegation, at its 42<sup>nd</sup> session wherein the Philippines is presenting its consolidated 2<sup>nd</sup> to 5<sup>th</sup> periodic reports.

The Government of the Republic of the Philippines is fully committed to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

To concretely manifest the seriousness we accord the Convention and this Committee, I have with me officials and experts from different government agencies in the Philippines to engage in a constructive dialogue with the Committee over the next two days.

With me at the podium are:

- Ambassador Erlinda Basilio, Permanent Representative of the Philippines to the United Nations and other International Organizations in Geneva;
- Honorable Melchor Rosales, Undersecretary (Deputy Minister), Department of Interior and Local Government, the lead agency in the country on the implementation of the Convention Against Torture;
- Honorable Justice Jose Perez, Court Administrator of the Supreme Court; and

In the table in front of you are other members of the delegation, namely:

- Ambassador Evan Garcia, Assistant Secretary (Assistant Minister) for the United Nations and Other International Organizations in the Department of Foreign Affairs;
- Honorable Severo Catura, Undersecretary (Deputy Minister) of the Office of the President and Executive Director of the Presidential Human Rights Committee;
- Honorable Ron Salo, Undersecretary (Deputy Minister) of the Office of the Executive Secretary, assisting the Presidential Legislative Liaison Office of the Office of the President;
- Honorable Denis Lepatan, Deputy Permanent Representative to the Philippine Mission;
- Mrs. Teresa Lepatan, Minister Philippine Mission;
- Atty. Ricardo Gloria, Jr., Department of Labor and Employment;
- Gen. Raul Bacalzo, Philippine National Police;
- Col. Onesimo Bafiaga, Armed Forces of the Philippines;
- Ms. Yvette Banzon-Abalos, Philippine Mission to the UN, New York;
- Mr. Jesus Enrique Garcia, Philippine Mission;
- Atty. Herminia Angeles, Department of Justice;
- Atty. Arceli Ragsac, Department of Justice;
- Commissioner Miguel Apostol, National Commission on Indigenous Peoples;
- Dir. Masli Quilaman, National Commission on Indigenous Peoples;
- Dir. Leigh Fajardo-Garcia, Presidential Human Rights Committee;
- Dir. Leila Lora-Santos, Department of Foreign Affairs;
- Mr. Alfredo Benitez, Bureau of Corrections;
- Ms. Josephine Reynante, First Secretary, Philippine Mission;
- Mr. Enrique Garcia, Department of Interior and Local Government;
- Ms. Liezl Fernandez, Philippine Mission; and
- Ms. Katrina Ondiano, Philippine Mission

*Mr. Chairman,*

The Philippines has a long standing commitment to the promotion and protection of human rights on a global scale.

The Philippines was a founding member of both the United Nations and the former Commission on Human Rights. It was also a member of the drafting group of the Universal Declaration of Human Rights. In fact, the Philippines, in the person of foremost Filipino diplomat General Carlos P. Romulo, co-authored Article I of the Declaration which states that "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." To this day, the Philippines remains committed to this vision of the Universal Declaration to attain "dignity and justice for all."

In the last six decades, the Philippine government has acceded to eight core international human rights treaties. These are the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of all forms of Racial Discrimination, the Convention on the Elimination of Discrimination Against Women, the Convention on the Rights of the Child, the Convention Against Torture, the International Convention on the Protection of the Rights of All Migrant Workers and their Families, and the latest being the Convention on the Rights of Persons with Disabilities which the government ratified in April 2008.

Last year, as a demonstration of the confidence of the international community in the Philippines as an active and constructive member of the United Nations committed to the advancement of human rights, the Philippines was honoured to have been elected as Vice President of the Human Rights Council – a position it still holds today. In this capacity, the Philippines promotes constructive engagements and dialogues within the Council, and between Council and States on human rights issues and challenges.

Nearer to home, the Philippines continues to be a strong advocate for the enhancement of the human rights environment in the ASEAN region. The decision to create an ASEAN Human Rights Body, mandated under the ASEAN Charter, was a major Philippine initiative. We continue to play a key role in shaping ASEAN human rights activities.

In addition, the Philippines also led the negotiations on the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. It is also actively working towards the establishment of the ASEAN Commission on the Promotion and Protection of Women and Children's Rights.

In 2008, the Philippines welcomed the adoption by the Committee on the Convention on the Elimination of all Forms of Discrimination Against Women, of General Recommendation No 26 on Women Migrant Workers. In partnership with UNIFEM, the Philippines played host to one of the government-NGO consultative workshops conducted by the CEDAW in 2005 to discuss the draft General Recommendations.

*Mr. Chairman,*

The international advocacy and commitment of the Philippines to the advancement of human rights is reflected in the government's policies and programs in the country.

We cherish our dynamic democracy. Our history has painfully taught us that we can neither afford to forego nor disregard human rights in pursuit of national development or national security goals.

As such, the Philippines democratic processes remain strong and free as ever. Even a cursory review of Philippine media, and of Filipino society in general, will reveal that political processes are open and free in the country.

Activists of all political and ideological persuasions are vocal and free to air their views through peaceful and democratic expression. Human rights defenders are routinely consulted in government decision-making, proposed legislation and programs, including training for the military, police and the judiciary. Political activists of all shades of opinion, as well as human rights defenders and other rights advocates, are free to run for public office and many have been elected as Party List Representatives in the Philippine Congress.

The Philippines also takes pride in being one of the first few countries, if not the first country, to enshrine the creation of a Commission on Human Rights in its Constitution. We consider the Commission an important partner in the effective advancement of human rights in the country and support the ongoing legislative efforts to strengthen it, while underlining that such efforts should not jeopardize the Commission's independence and neutrality.

In line with the State's policy to value the dignity of every human being, as embodied in the Philippine Constitution, the Philippines signed and ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights in 2006. After which, President Macapagal-Arroyo immediately signed into law Republic Act 9346 which effectively removed the death penalty from our statute books.

In April 2008, the President signed the Optional Protocol to the Convention Against Torture (OPCAT). The instrument of ratification has been submitted for the Senate's concurrence. Along this direction, the PHRC initiated consultations and discussions particularly with non-government organizations and civil society groups, to facilitate the eventual implementation of the OPCAT.

As a result of these consultations, a Philippine OPCAT Working Group composed of government agencies and partners in civil society was created to determine measures and mechanisms to be established in preparation for the country's ratification of the OPCAT, specifically the establishment of the National Preventive Mechanism. The working parameters of the OPCAT working group are being finalized, following the group's organizational meeting two weeks ago.

Offhand, with the OPCAT in place, the National Preventive Mechanism shall be established with the Commission on Human Rights of the Philippines taking the lead in its operation, along with members from civil

society and non-government organizations. We envision an improved procedure in and outcome of jail visitations that are already being undertaken by the CHRP as part of its mandate.

Also in April of 2008, the Philippines underwent the Universal Periodic Review (UPR), making it one of the first countries to submit itself to this review process. I was privileged to be the head of the Philippine Delegation to the review.

As a result of the government's clear policy and concerted efforts to make all concerned government agencies fully aware of the country's international human rights commitments, I wish to inform this Committee that the Philippines have made considerable progress in recent years in its reporting compliance obligations.

In November last year, the Philippines successfully defended its 2nd to 4th periodic reports before the 41st session of the Committee on Economic, Social and Cultural Rights.

During its ICESCR review, the Committee was informed that despite the challenges it faces as a developing nation, including the unabated global economic crisis, external shocks, natural disasters, and budgetary constraints, the Philippines has been able to sustain growth and improve general conditions.

The Philippine government also took the opportunity to underscore the special emphasis it accords to upholding women's rights and gender equality, the rights of labour, the rights of indigenous peoples, and measures to strengthen the provision of basic social, health and educational services, including safety nets and measures to counter the negative effects of the current turmoil in the global economy.

Last week, from April 23-24, the first periodic report of the Philippines on the Convention on the Protection of Migrant Workers and their Families was considered. Later this year, our 3<sup>rd</sup> and 4<sup>th</sup> consolidated reports will be considered before the Committee on the Rights of the Child. The Philippine government is also waiting for advise on the schedule for the consideration of its report before the Committee on the Elimination of Racial Discrimination.

*Mr. Chairman,*

In the December 2008 celebration of the 60<sup>th</sup> anniversary of the Universal Declaration on Human Rights, President Arroyo issued Administrative Order 249. It directed concerned Executive branches of government to institute policies, programs and projects that will further enhance human rights in the Philippines in line with the tenets of the UDHR.

Specifically, the order directed concerned agencies to respond to such issues as the need for the swift resolution of alleged human rights violations; comprehensive education campaign on people's rights under the Philippine justice system; availability of and access to more lawyers and legal officers; addressing further the rights of indigenous peoples; ensuring further the protection of children in armed conflict and those in conflict with the law; and local government accountability in human rights information dissemination.

The directive also includes enhancing human rights education and the building of a strong human rights constituency among military and police authorities, as well as students and youth, and the establishment of centers for human rights education. In the same breadth, we recognize the role the Commission on Human Rights of the Philippines played in institutionalizing these human rights education and training programs in the military and police organizations over the years, and its commitment to continually capacitate these institutions.

In this regard, we welcome an impact assessment of government's human rights education programs by the Commission on Human Rights of the Philippines as perhaps a review at this time should already be deemed necessary.

All the above-cited recent developments are geared towards strengthening governance strongly anchored on human rights. The PHRC is now spearheading nation-wide consultations to formulate the country's Second National Human Rights Action Plan (NHRAP). The Plan is both an outcome and a participative process which takes into consideration the recommendations stemming from the Philippines' Universal Periodic Review, the recommendations of treaty bodies, special procedures and other international human rights mechanisms, as well as the views of civil society groups.

The National Human Rights Action Plan is targeted to be completed by December 2009, and is being undertaken with the help of the Commission on Human Rights of the Philippines for the capability-building aspects, and of civil society and non-government organizations.

*Mr. Chairman,*

The Philippines signed the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1986 and is fully committed in complying with its obligations therein.

No less than the Philippine Constitution, specifically under its Bill of Rights, prohibits the use of torture and cruel, inhuman or degrading punishment on any person under investigation. This includes the prohibition of the use of secret detention places, solitary confinements, and other similar forms of detention where such illegal acts may be committed.

The Revised Penal Code of the Philippines criminalizes all acts considered as torture, as do other laws, such as the Juvenile Justice and Welfare Act, Anti-Sexual Harassment Law, and Anti-Hazing Law.

The Philippines Government neither engages in nor encourages acts of torture or any similar acts, and is taking strong measures to prevent their occurrence. In addition to the policies and programs enumerated in our Report and our subsequent responses to the advance list of issues, allow me to share some significant recent developments:

I am especially pleased to inform the Committee that just last month the House of Representatives of the Philippines approved on Third and Final reading, House Bill No. 5709, also known as the Anti-Torture Act of 2009. Representative Tanada, as chair of the House Committee on Human Rights, played a key role in this approval.

The bill sustains the mandate prescribed in the Philippine Constitution that "the employment of physical, psychological or degrading punishment against any prisoner or detainee; or the use of substantial or inadequate penal facilities under subhuman conditions shall be dealt with by law." The bill effectively ensures that the rights of all persons, including suspects, detainees and prisoners, shall be respected and followed at all times.

Under the bill, torture is defined in accordance with the definition provided in the Convention, and imposes sentences of 12 to 40 years of imprisonment on perpetrators, depending on the gravity of the act.

The Arroyo administration likewise fully supports, in addition to the approval of the Anti-Torture Bill, all other actions proposed by the Commission on Human Rights that are relevant to the implementation of the Convention.

These include bills on the institutional strengthening of the Commission on Human Rights, granting it fiscal autonomy, and according it quasi-judicial powers but not prosecutorial powers as wished for by the Commission itself; unification of the penitentiary systems, anti-enforced disappearances, release of detained persons on recognizance, prohibition of public display of persons accused; and the enforcement of command responsibility.

Another positive development early this month was the directive of the National Police Commission to activate human rights desks in all police stations nationwide, to be manned by officers who are educated and trained in the field of human rights. These officers, acting as "focal points," shall serve as advocates of human rights and can initiate various rights projects and activities under the PNP Human Rights Development Program. They shall also monitor and maintain files and records of police personnel involved in human rights violations to extend the necessary interventions.

The Department of the Interior and Local Government has also begun integrating a pro-poor human rights initiative, dubbed the "Access to Justice for the Poor" Project (AJPP), in the training curricula of police and public safety officers to better equip them in their roles as public servants and protectors of the underprivileged sectors in their respective communities.

This project, started in the first half of 2008, is being undertaken through the Philippine Public Safety College, the premier educational and training institution of the Philippine National Police, the Bureau of Fire Protection, and the Bureau of Jail Management and Penology, and covers human rights, the criminal justice system, and gender and child sensitivity.

Partnering with the DILG in this project are the Department of Social Welfare and Development, Supreme Court, Department of Justice, and the non-government organization called Alternative Law Groups (ALG). The AJPP covers 36 municipalities in five of the country's poorest provinces – Oriental Mindoro, Camarines Sur, Capiz, Lanao del Norte and Sultan Kudarat.

Also noteworthy is the novelty and success of the Mobile Court or "Justice on Wheels" program of the Supreme Court. As its pilot implementation, the Mobile Court was assigned to hear cases involving juveniles in conflict with the law. The Mobile Court prioritized the hearing of cases of those who have been in detention for more than the maximum penalty for their particular cases.

This "Justice on Wheels" program was intended to help decongest the various youth reception and detention centers within the Metro Manila area. It was also aimed at decongesting the heavy caseloads of the designated Family Courts in Metro Manila.

Due to these mobile courts, 1,096 inmates have been released; 3,427 cases mediated under the mobile court annexed mediation program; 5,956 prisoners availed of medical and dental assistance; 745 detainees were granted free legal aid; while 8, 100 barangay officials benefited from the information dissemination on legal rights.

This significant improvement in the jail and detention centers was recognized by the United States in its State Department's 2008 Country Report on Human Rights Practices in the Philippines.

*Mr. Chairman,*

The Philippine Government is proud of the gains it has achieved with regard to its compliance with the Convention Against Torture.

Our commitment to human rights is paramount, even in the midst of challenges, such as the global financial crisis, an active Communist insurgency, and a Muslim secessionist movement in Southern Philippines, both of which have been threats to our national security for the past forty years. Likewise, we have the scourge of local terrorism, specifically by the Abu Sayyaf group which has ties to foreign terrorist organizations.

Such challenges, while at times daunting, have never distracted the Philippine government from fulfilling its sovereign duty to promote and protect human rights.

We would like to believe that the presence of the Philippine delegation, which includes senior officials and technical experts of government is a manifestation of this unwavering commitment to human rights, particularly to this Convention.

*Mr. Chairman and members of the Committee,*

The Philippine Government is one with this Committee in championing the cause of human rights and, in this context, we look forward to a constructive engagement with you during the next two days and, at a later date, to receive your observations and recommendations.

We are now ready for your comments and questions which the members of our delegation will address in the best way we can.

Thank you, Mr. Chairman, and Mabuhay!