

Philippines: UPR Intervention by Denmark, 29 May 2012

Madame President,

Denmark warmly welcomes the Philippine Delegation to Geneva and efforts taken to improve the country's HR record since its first UPR examination.

Denmark welcomes in particular the constructive steps taken by the Government of the Philippines in the field of torture, which have served to give effect to several accepted UPR recommendations from the first UPR cycle and the ratification of the OPCAT as a means to better prevent the crime of torture. We would be grateful for further information on the timeframe for the deposit of the instrument of ratification to the OPCAT. Denmark also commends the passing of the 2009 Anti-Torture Act as a positive step. Having noted that no prosecutions under this Act have yet taken place, we would like clarification as to what the obstacles to its implementation are?

While important steps have been taken to further HR training for the security forces, we remain concerned by reports that state forces remain implicated in torture and ill-treatment, as well as enforced disappearances and unlawful killings.

Recommendations:

- Denmark recommends that the Government of the Philippines effectively implements the 2009 Anti-Torture Act, with a particular focus on ensuring that all investigations and prosecutions of allegations of torture and ill-treatment fully cover the possibility of command responsibility as stipulated in section 13 of the Act; and that all alleged victims of torture and ill-treatment have effective access to a medical evaluation of their injuries by institutionalising the use of the Istanbul Protocol, including by providing guidelines to judges, prosecutors, forensic doctors and medical personnel dealing with detained persons, to detect and document physical and psychological trauma of torture.
- Denmark also recommends that the Government of the Philippines prepares and implements an action plan for the establishment of an effective OPCAT-compliant National Preventative Mechanism, with access to the necessary resources for it to adequately fulfil its mandate.

Thank you.