



OPENING STATEMENT OF THE

HONORABLE LEILA M. DE LIMA,
SECRETARY OF JUSTICE
HEAD OF PHILIPPINE DELEGATION

FOR THE SECOND UNIVERSAL PERIODIC REVIEW
OF THE REPUBLIC OF THE

PHILIPPINES

Tuesday, 29 May 2012
PALAIS DES NATIONS
GENEVA, SWITZERLAND

Madame President,
Excellencies,
Distinguished delegates,
Ladies and gentlemen,

Good morning. I wish to convey the warmest greetings of His Excellency Benigno S. Aquino III, President of the Republic of the Philippines, as well as the members of the Philippine delegation. Our delegation is composed of senior officials from government agencies involved in promoting and protecting human rights.

The Philippine Government welcomes this opportunity to engage with the members, observers and stakeholders of the UN Human Rights Council and the international community in an open and constructive dialogue on its human rights record.

The Philippine Government upholds the primacy of human rights as enshrined in its Constitution, and in the Universal Declaration of Human Rights and the Charter of the United Nations. The independent Philippine Commission on Human Rights monitors our Government's compliance with its human rights obligations under the treaties to which it is a state party.

Through our engagement in the Universal Periodic Review, we wish to share with you actions taken by our Government to implement the recommendations which it accepted during the 2008 UPR, as well as advancements in the promotion, protection, and fulfillment of human rights.

Madame President,

When President Aquino assumed office in June 2010, he enunciated his *Social Contract with the Filipino People*, a 16-point agenda built on a strong foundation of respect for human rights.

The key results areas of this Social Contract are anti-corruption and good governance; poverty alleviation and empowerment of the poor; achieving inclusive economic growth; building a just and lasting peace and promoting the rule of law; and protecting the environment, with gender equality as a cross-cutting concern.

The Aquino administration engages in a holistic rights-based approach in all major decision- and policy-making activities, including the fiscal aspect of governance.

This commitment is being institutionalized through the participation of civil-society organizations in national budgeting, complemented by a bottom-up planning and budgeting process at the local level.

First and foremost, our Government has taken aggressive measures to promote economic, social and cultural rights, including the right to development. Allow me to cite some examples:

Under its *Progressive Development Orientation*, our Government maintains that all growth must be inclusive, and that the benefits of a growing economy must be felt by each and every citizen.

Our Government has thus quadrupled the budget for its “Pantawid Pamilya Program,” a conditional cash transfer program which is an investment in human capital for poor households to keep their children in school and keep them healthy, and for mothers to receive pre- and post-natal health care.

From 232 million dollars, its budget is now 912 million dollars. From 800,000 families, it now covers more than three million families throughout the country.

To reduce maternal and newborn deaths, our Government has strengthened its Maternal, Newborn and Child Health and Nutrition program by encouraging facility-based deliveries and training itinerant community health teams on *Basic and Comprehensive Emergency Maternal Obstetric and Newborn Care*. To address teenage pregnancies, peer facilitators provide youth-friendly health care services, including comprehensive sexuality education.

Additionally, 5.2 million poor households are now covered by the Philippine health insurance program, and our government is committed to achieve universal health coverage by 2016.

To improve the conditions of indigent senior citizens who are sickly, frail or with disability, with no regular source of income, with limited financial support from relatives, and not covered by existing pension plans, our Government has expanded the coverage of its Social Pension Program and increased its budget allocation by nearly seven million dollars.

To provide assistance to families displaced by increasing natural disasters, such as typhoons and landslides, our Government has built 16,000 core shelters since 2008.

Our Government also continues to work hard to increase our people’s access to quality education and employment to improve human capital and development.

This year, the education sector received the largest increase in the expenditure program of Government amounting to 867 million dollars. As a component of the *Philippine National Action Plan for Education for All*, a compulsory kindergarten, plus a 12-year formal basic education, has commenced implementation. To reduce drop out and improve student survival, our Government has implemented Alternative delivery modes and the Alternative Learning System. There is also a *Training for Work Scholarship Program* to help upgrade the skills and competencies of job-seekers.

Our government prioritizes the completion of agrarian reform as its premier anti-poverty and social justice program. Our Government has appropriated an additional 349 million dollars for the completion of land acquisition and distribution in 5 years starting from July 2009 to 2014. In addition, farmer beneficiaries have been provided easier credit, physical infrastructure support, and legal assistance.

Madam President,

The strong commitment of our Government to promote and protect human rights is equally reflected in the international instruments which our Government has ratified since its UPR in 2008, and the domestic human rights legislation it has enacted within the same period.

In the past four years, we have ratified the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention Against Torture, which was a specific recommendation emanating from our review in 2008.

The Philippines is now a State Party to eight core international human rights treaties.

Our Government also ratified the Rome Statute of the International Criminal Court and Protocol 1 Additional to the 1949 Geneva Conventions. The Philippines became a trailblazer when it became the first country in Southeast Asia to ratify the 1954 Convention on the Status of Stateless Persons.

Since 2008, the Philippines has taken concrete measures to harmonize its domestic legislation with its obligations under relevant international human rights treaties to which it is a state party.

It enacted the Magna Carta of Women in 2009, a comprehensive law which strengthens the Philippines' legal and institutional framework in accordance with the Convention on the Elimination of All Forms of Discrimination Against Women.

The Philippines adopted an Anti-Torture Act which is compliant with its obligations under the Convention Against Torture.

Several new laws were passed to ensure consistency with the Convention on the Rights of the Child, such as the Act providing for the legitimation of children born to parents below marrying age; an anti-child pornography Act; and an Act providing for an administrative rather than a judicial process to declare a child legally available for adoption.

We also amended our Migrant Workers' Act to enhance protection of our overseas Filipino migrant workers, and to further strengthen our adherence to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

We amended as well the Philippine Labor Code which lifted restrictive provisions against night work for women.

Furthermore, our Government adopted a landmark domestic law to address crimes against international humanitarian law, genocide, and other crimes against humanity.

Madame President,

As indicated in our National Report, our Government has made concrete efforts to implement the recommendations which we accepted, as well as the voluntary commitments it made, in the 2008 UPR.

I wish to highlight some of these actions, which have complemented the Aquino Administration's strategic thrust to promote good governance anchored on human rights protection for all.

On matters relating to women and children:

There is general improvement in gender-sensitive handling of violence against women and children cases by local officials, police, social workers, health workers, prosecutors, and the judiciary.

Our Government has established over 27,000 violence against women desks in villages throughout the country. This is over and above the 1,868 women and children protection desks in police stations nationwide staffed by 3,240 female police personnel. In our Government regional and district hospitals, women and children protection units are being upgraded to better serve victims of rape and domestic violence.

The Supreme Court has trained over 2,000 judges and court personnel on CEDAW, gender sensitivity training and setting up committees on decorum and investigation to handle sexual harassment cases.

Even males are involved in ending Violence Against Women or VAW. A movement called Men Opposed to Violence Against Women Everywhere or MOVE have organized 26 chapters with 5,000 members who have vowed never to remain silent about VAW.

Consistent with the Convention on the Rights of the Child, our Government has adopted the 2nd National Plan of Action for Children to improve the quality of life for mothers and their children, to protect children from all forms of abuse, exploitation and violence, including grave child rights violation in armed conflict situations, and to ensure their active participation in decision making.

Our Government implements the *Juvenile Justice Welfare Act of 2006*, through training of social workers, police officers, public attorneys, prosecutors, jail wardens, and members of the village councils for the protection of children; developing manuals and guidelines on managing children in conflict with the law; and the setting up of youth homes in areas with high incidences of children in conflict with the law. In addition, our Government is also operating 16 regional rehabilitation centers.

In times of emergencies, the National Disaster Risk Reduction and Management Council, through an inter-agency protection cluster conducts rapid assessment and family tracing of separated, unaccompanied, missing, reintegrated children, and dead children, as well as the provision of child friendly spaces, mental health, psycho-social support, and debriefing activities.

On the right to sexual and reproductive health, President Aquino is fully supportive of the passage of a law that promotes responsible parenthood and universal access to all methods of family planning information and services. But, as in all democratic exercises, our Government recognizes the need for continued consultations with as many stakeholders as possible. The bill is currently undergoing plenary debates in Congress.

On reported incidents of extrajudicial killings and torture:

Let me state categorically – our Government under the leadership of President Aquino utterly condemns these crimes. The Administration is firmly committed to resolving verified cases and bringing perpetrators to justice, whether they are State or non-State actors in accordance with due process and the rule of law.

The witness protection system is being strengthened. The wheels of the Philippine justice system are indeed moving, with all verified cases either under investigation or already in the courts.

Our concerted actions have resulted in a dramatic decrease in reported incidents.

Our Government's *Task Force Usig*, a special unit under the Philippine National Police, has independently verified that incidents have clearly declined. This is shared by independent stakeholders and international partners.

Notwithstanding this progress, our Government is not complacent and continues to upgrade its legal and operational responses to address the issue.

The Department of Justice has issued its *Operational Guidelines in Evidence-Gathering, Investigation and Case Build-Up in cases of Political and Media Killings*. As an innovative measure, our prosecutors are now working closely with law enforcers in evidence gathering and case build up.

The Philippines has also partnered with the international community in capacity-building and forensic training for prosecutors in evidence-gathering and case build up, which can help increase convictions in cases of extrajudicial killings. The EU-Philippines Justice Support Program is an example of such a partnership.

In addition, our Government continues its work to transform its security sector into one that fully complies with human rights, international humanitarian law, and the rule of law. Human Rights Offices in the Armed Forces of the Philippines and the Philippine National Police are playing an important role in instilling a culture of human rights in the security forces. Members of the security forces are regularly trained on human rights and the international humanitarian law, specifically in their responsibility to protect human rights and human rights defenders. These responsibilities and obligations are embodied in the Armed Forces of the Philippines Internal Peace and Security Plan which was the product of multi-stakeholder consultations.

To enhance the exercise of freedom of expression, our Supreme Court has adopted the policy that libel convictions should be meted only with the penalty of fine. There

is also a pending bill to de-criminalize libel. Solving reported media killings is top priority of our Government, and where evidence warrants, cases are filed in court against perpetrators.

As a state party to OPCAT, our Government is in the process of constituting a multi-stakeholder National Preventive Mechanism which shall be led by the independent Commission on Human Rights of the Philippines.

Under the Philippines' Anti-Torture Act, the Commission on Human Rights not only investigates torture complaints, but assists victims in the prosecution of these complaints.

On the issue of Enforced Disappearance:

Our Government supports the enactment of a law to address the issue of enforced disappearance.

A congressional bi-cameral committee is harmonizing the House and Senate versions of the Bill that will give rise to the State's "Involuntary Disappearance Act" after having been approved on Final Reading in their respective chambers.

The contemplated measure criminalizes enforced disappearance pursuant to the definition of the 2006 International Convention for the Protection of All Persons from Enforced Disappearance.

To continue to protect the rights of vulnerable groups:

Pursuant to its Magna Carta for Persons with Disabilities, our Government recognizes and upholds the rights of persons with disabilities, including their right to participate in political and public life. In this connection, the Commission on Elections has resolved to ensure the accessibility of polling precincts to persons with disabilities, as well as senior citizens, starting in the 2013 national and local elections.

We continue to work doubly hard to promote and protect the rights of indigenous cultural communities and indigenous peoples, through the observance of the provisions of the Indigenous Peoples Rights Act. Our Government has advocated for responsible mining through the application of more stringent rules under a new mining policy, taking into account the impact of extensive mining operations on indigenous peoples and the environment.

With regard to Government actions to combat trafficking in persons, I am pleased to report that there have been a total of 72 convictions with 87 persons convicted since the Anti-Trafficking Law was enacted in 2003. Of these, 57 persons were convicted in the 43 convictions obtained during the 22 1/2 months of the Aquino administration, representing an increase in successful prosecution at a rate of nearly 150% in terms of convictions and 190% in terms of individuals convicted within such a relatively short time.

Government measures for trafficked victims' protection, recovery and reintegration include rescue, counseling, financial assistance, skills training, auxiliary services,

temporary shelter and legal assistance. Our Government maintains 42 residential care unit / temporary shelters for victims-survivors. Abroad, all Philippine Foreign Service Posts have a hotline for victims. Domestically, a 24-7 hotline has been set up.

To further enhance our responses to combat trafficking in persons, especially women and children, our Government has invited the Special Rapporteur on trafficking in persons to visit the country this year.

Madame President,

Within the Association of Southeast Asian Nations, the Philippines is actively pursuing the adoption of an ASEAN Convention on Trafficking in Persons. We also strongly support the formulation of an ASEAN Declaration on Human Rights.

We also support the work of the ASEAN Inter-Governmental Commission on Human Rights and the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children.

As a vibrant democracy, the Philippines highly values the important roles played by civil society and the media, especially on issues pertaining to human rights. In the preparation for the UPR, our Government conducted consultations with various stakeholders and it shall continue to do so in a transparent and accountable manner.

Madam President,

The Philippines is mindful of the challenges it faces in the realm of human rights. We reaffirm our commitment to face these challenges in a forthright manner.

I thank you, Madame President.