



PERMANENT MISSION OF THE REPUBLIC OF THE PHILIPPINES TO THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS, GENEVA

NV-EPG-221-2017

The Permanent Mission of the Republic of the Philippines to the United Nations and Other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, further to the Philippine Mission's Note Verbale Nos. NV-EPG-181-2017 and NV-EPG-205-2017 dated 02 August 2017 and 18 August 2017, respectively (copies attached), on the letters from (i) Ms. Beatriz Balbin, Chief of the Special Procedures Branch, dated 27 July 2017 on the joint communication (AL PHL 8/2017) from the Special Procedures, and (ii) Ms. Natacha Foucard, OIC of the Special Procedures Branch, dated 31 July 2017 on the joint press release dated 31 July 2017 relating to AL PHL8/2017, has the honor to provide the responses from the Government of the Republic of the Philippines, as follows:

1. The Republic of the Philippines has a strong legal foundation and long deeply rooted historical and cultural tradition of promoting and protecting human rights. Upholding human rights principles has underpinned the development of its laws and policies.
2. Under the present administration, the Philippine Development Plan 2017-2022 aims for people-centered, clean, efficient, and effective governance. The national development plan aims to reduce corruption, achieve seamless public service delivery, enhance administrative governance, strengthen the civil service, and fully engage and empower citizens.
3. The Philippine national development plan is anchored on the strategic framework to improve governance, which adopts a culture-sensitive perspective, gender-sensitive paradigm, and human rights-based approach (HRBA) in public service. The State aims to ensure that the interests of vulnerable sectors such as indigenous peoples, persons with disabilities, women, youth, and children are well considered¹. Policies and programs are in place to implement a human rights-based approach to development and governance, based on the President's directives.
4. Within the context of uplifting the human dignity and quality of life of Filipino communities, the Republic of the Philippines recognizes the magnitude of the problem of the rampant use and trade of illegal drugs² as a challenge to the nation's peace and order. In this respect, it is continuously working to improve its systems to ensure protection of human rights while maintaining peace and order within the bounds of law.

¹Philippine National Development Plan 2017-2022.

²As of 13 July 2017, the Philippine Drug Enforcement Agency reported that there are 4 million illegal drug users in the Philippines. Anti illegal drug operations from 1 July 2016 – 26 July 2017 have resulted in the arrests of 96,703 personalities seizure of drugs and related material amounting to PhP 18.56 billion, the rescue of 398 minors and the dismantlement of 163 drug dens and laboratories, and lower incidence of index crimes in the country.

5. The country's democratic processes are at work. Congressional investigation on current issues, such as the entry of a drug shipment (crystal meth or *shabu*) worth PhP 6.4 billion, have been initiated. The Philippine Senate has begun a public probe into allegations of corruption at the Bureau of Customs. No less than members of the President's family allowed themselves to be questioned before the Philippine Senate on allegations of involvement in the drug trade.
6. The recent deaths of teenagers³ have prompted a new round of investigation of the Philippine National Police by the Philippine Senate as the Philippine President has vowed that there will be impartial investigations into the deaths of the youths.
7. The Philippines aims to reduce the vulnerability of individuals and put in place programs that would ensure that the people's social, cultural and economic rights will be protected.
8. The government underscores its aim to improve the people's welfare in the areas of health, education, adequate food and housing, environmental preservation, and respect for culture. For the President and the government he represents, it is important that human rights are not mere rhetorics but must work to uplift human dignity.

In this regard, the Government of the Republic of the Philippines wishes to point out the following:

- The Republic of the Philippines reiterates its position regarding Human Rights Council (HRC) Special Procedures mechanism. It welcomes cooperation with and will continue to constructively engage with the HRC Special Procedures mechanism and mandate holders as long as they remain independent, transparent, impartial, unbiased, non-politicized, and exercise non-selectivity in consideration of human rights issues. Their criticisms or observations should also not be tainted by the political color of interest groups that seek to damage the image of the nation.
- On the three issues relevant to the UNSRs' joint communication dated 27 July 2017, attaching a list of alleged 47 EJK cases committed between July 2016 and March 2017, please note that:
 - First, all but one⁴ of these cases have yet to be formally filed with any of the two readily accessible and well-publicized local human rights mechanisms.⁵ These human rights mechanisms were established to

³ [REDACTED]

⁴ Administrative Order No. 35 Inter-Agency Committee (AO35-IAC) deliberated the case of Jimmy P. Saypan and is now on the process of excluding the case due to the fact that it does not qualify as an extrajudicial killing or extralegal killing (EJK/ELK) under the AO35 definition. [REDACTED] endorsed the said case to the AO35-IAC.

⁵ These are the AO35-IAC chaired by the Department of Justice, and the National Monitoring Mechanism (NMM) chaired by the State's Independent National Human Rights Institution (INHRI), i.e., the Commission on Human Rights (CHR). Both bodies were created to act on cases of EJK, enforced disappearances, torture, and other grave violations to the right to life

resolve grievances of victims and hold perpetrators accountable even if they are found to be members of the uniformed personnel of the State, elected officials and/or other government employees⁶.

- Second, it is noted that none of the cases were ever mentioned before, during or even immediately after the Universal Periodic Review (UPR) of the Philippines last 8 May 2017 even as all the alleged cases occurred at least two months before the Philippines' third cycle UPR.
- The Government notes that the attached list of alleged cases is similar to one that was described to the Presidential Human Rights Committee Secretariat (PHRC-S) at a meeting on 7 August 2017, with representatives of two international human rights organizations,⁷ specifically mentioning that they had a list that contained "47 mining activists allegedly killed." The said list was never submitted to the PHRC-S despite the latter's repeated requests. The submission of this list and documentation would have enabled the Secretariat to endorse the alleged cases to the A.O. 35 Inter-Agency Committee (AO 35-IAC) for validation, case build up, and prosecution.
- Third, and finally, the Philippine Government reiterates its openness to engage in genuine dialogue and consultations with SR Callamard on the case that she has raised in her joint communications. It is regrettable that her methods of work, including her declining the proposal for expert-level consultations in Geneva in May and her decision to pay an "academic visit" to the Philippines, instead, without advance prior notice to the Philippine Government have undermined the goodwill necessary to sustain a constructive level of engagement between the SR and the Philippine Government. Moreover, she has been enlisting other willing SRs and non-government organizations, such as [REDACTED] to allege human rights violations without factual basis and put the Republic of the Philippines in bad light despite its efforts to shed light on the issue.
- The Government hopes that in her methods of work, SR Callamard will take proper measures to uphold the independence, impartiality, personal integrity and objectivity that are expected of mandate holders. The observance of necessary discretion in verifying and taking action on information received from various sources will enhance her credibility and that of the Special Procedures mechanism.

and liberty. The NMM differs from the AO35-IAC in that the former is a tripartite mechanism that includes NGOs and CSOs which are into human rights advocacy.

⁶ From 1 July 2016 to 26 July 2017, 327 government workers have been held accountable and arrested for crimes involving drug trafficking (#Real Numbers PH)

⁷ These are the [REDACTED] and [REDACTED] one of whom, [REDACTED] was even invited as a resource person during the public hearing at the House Committee on Human Rights on [REDACTED]

- The Republic of the Philippines takes note of the SRs' interest on the issues and have referred them accordingly to the appropriate State mechanism, specifically A.O. 35-IAC, for action. The Philippine Government maintains its openness to respond to issues brought to proper channels.

The Permanent Mission of the Republic of the Philippines to the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 08 September 2017



Office of the United Nations High Commissioner for Human Rights
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**PERMANENT MISSION OF THE REPUBLIC OF THE PHILIPPINES
TO THE UNITED NATIONS AND OTHER INTERNATIONAL
ORGANIZATIONS, GENEVA**

NV-EPG-181-2017

The Permanent Mission of the Republic of the Philippines to the United Nations and Other International Organizations in Geneva presents its compliments to the Office of the UN High Commissioner for Human Rights (OHCHR) and, with reference to the letter dated 27 July 2017 (Reference No. AL PHL 8/2017) from Ms. Beatriz Balbin, Chief of the OHCHR Special Procedures Branch, addressed to Ambassador Evan P. Garcia, Permanent Representative of the Philippines in Geneva, on the Joint Communication from Special Procedures mandate holders, namely: Ms. Agnes Callamard, Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions; Mr. Michel Forst, Special Rapporteur on the Situation of Human Rights Defenders; and Ms. Victoria Lucia Tauli-Corpuz, Special Rapporteur on the Rights of Indigenous Peoples, has the honor to confirm receipt of the said letter, which has been transmitted to capital for consideration and appropriate action.

The Permanent Mission of the Philippines in Geneva notes an inconsistency on the content and signatory of the Joint Communication with the article that is published in the OHCHR website entitled "Philippines needs urgent action to reverse spiralling rights violations, UN experts say" (a copy of which is attached).

The Permanent Mission of the Philippines further notes that the said Joint Communication was transmitted to the Mission late in the afternoon on Friday, 28 July, and that the OHCHR issued its press release on the matter on the next working day, Monday, 31 July. Such timing and sequence of actions do not support what is claimed in the Joint Communication that the Special Rapporteurs "have been in contact with the (Philippine) Government to clarify the issue/s in question". The Mission has previously conveyed its concern on such practice, which does not help facilitate authentic dialogue between the Special Procedures mechanism and the States.

In this regard, the Mission encourages the Special Rapporteurs to undertake proper and thorough consultations with the Philippine government in good faith, on the issues of their concern, as required by their work as Special Procedures mandate holders of the UN Human Rights Council.

The Permanent Mission of the Republic of the Philippines to the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the UN High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 02 August 2017

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