



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

**NV-EPG-408-2020**

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 (Attn: Special Procedures Branch) and, with reference to joint communication AL PHL 12/2017 dated 02 October 2017 concerning the alleged intimidation and reprisal against the Commission on Human Rights and the alleged deterioration of the human rights situation in the Philippines since 2016, has the honor to enclose the response from the Philippine Government.

The Philippines highlights that contrary to the allegation that the government is hostile to the CHR, the government has in fact been strongly supportive of the CHR's mandate, evidenced by the consistent year-on-year increase in the CHR's budget under the present administration, culminating in a nearly threefold increase for the current fiscal year 2020, as compared to 2014.

The Philippine government has never ceased to constructively cooperate and engage with CHR. The government's institutional engagement with CHR covers the implementation and follow-up to the 2030 Agenda for Sustainable Development, preparation of State Compliance Reports to the Human Rights Treaty Bodies, and various accountability mechanisms. At no instance has the work of the CHR, its members and Mr. Gascon been impaired under the current administration.

On the information received by the mandate holders on the deterioration of the human rights situation in the Philippines since 2016, the Philippine government invites attention to the Philippine Human Rights Situationer<sup>1</sup> which contains a comprehensive account of the human rights situation in the Philippines including policies, accomplishments, the political context, and responses to key allegations of human rights violations as well as reprisals.

The Permanent Mission of the Philippines requests the assistance of the OHCHR Special Procedures Branch in publishing the Philippine Government's response on to the SPMH communications website.

The Permanent Mission of the Republic of the Philippines to the United Nations and other International Organizations in Geneva avails itself of the opportunity to renew to the Office of the United Nations High Commissioner for Human Rights (Attn: Special Procedures Branch) the assurances of its highest consideration.

Geneva, 20 October 2020

**OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS  
(Attn: Special Procedures Branch)**

Palais Wilson  
52 Rue de Paquis  
CH-1201 Geneva, Switzerland



*Enclosure: The Philippine Government's Response to AL PHL 12/2017 dated 02 October 2017*

<sup>1</sup> <https://www.officialgazette.gov.ph/downloads/2020/06jun/20200609-PH-Human-Rights-Situationer.pdf>

***The Philippine Government's Response to Joint Communication AL PHL 12/2017 dated 2 October 2017 on information received concerning the alleged intimidation and reprisal against the Commission on Human Rights and the alleged deterioration of the human rights situation in the Philippines since 2016***

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***An independent and empowered national human rights institution***

The Philippine government recognizes that essential in the work of upholding social justice and human rights is the independent Commission on Human Rights (CHR) which stands as the country's national human rights institution (NHRI).

The global recognition of the CHR as one of the strongest NHRIs in Asia and the world and its A-status accreditation signifying full compliance with the UN Paris Principles attest to the health of the country's democracy and the government's respect for independent institutions.

The support for the work of the CHR manifests concretely in the two to threefold increase of its budget from 2017 to present, compared to its budget allocated during previous administrations, as shown in the table below:

Budget of the Philippine Commission on Human Rights

<b>Fiscal Year</b>	<b>CHR Budget (Php)</b>	<b>(USD)</b>
FY 2014	Php 326.9 million	USD 6.5 million
FY 2015	Php 355.1 million	USD 7.1 million
FY 2016	Php 439.7 million	USD 8.7 million
<b>FY 2017</b>	<b>Php 724.9 million</b>	<b>USD 14.5 million</b>
<b>FY 2018</b>	<b>Php 666.9 million</b>	<b>USD 13.3 million</b>
<b>FY 2019</b>	<b>Php 799.5 million</b>	<b>USD 16.0 million</b>
<b>FY 2020</b>	<b>Php 888.8 million</b>	<b>USD 17.8 million</b>

With the budget increase and continued respect for its independence, the CHR is further empowered to carry out its Constitutionally-mandated functions.

***An open and inclusive governance***

The Philippine government has never ceased to constructively cooperate and engage with the CHR. The government's institutional engagement with the CHR covers the implementation and follow-up to the 2030 Agenda for Sustainable Development, preparation of State Compliance Reports to the Human Rights Treaty Bodies, and various accountability mechanisms including the Administrative Order no. 35. Section 4 of this document on cites the robust engagements between government agencies and the CHR.

In line with the country's strong adherence to an open and inclusive governance, state processes on development planning and accountability monitoring involve the participation of civil society and the CHR. Listed below are some of the mechanisms for such participation:

- Administrative Order 35 (AO35) the inter-agency committee on extra-legal killings;
- Presidential Task Force on Media Security (PTFoMS);
- Barangay Anti-Illegal Drugs Council (BADACs);
- Armed Forces of the Philippines (AFP) Development Support and Security Plan;

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- National Economic and Development Authority (NEDA) Social Development Committee;
- Monitoring, Reporting and Response System to Grave Child Rights' Violations (MRRS-GCRV);
- Philippine Commission on Women (PCW) Sectoral Council;
- Indigenous Peoples Participation Framework;
- Tripartite Industrial Peace Council;
- National Council on Disability Affairs (NCDA) Sub-sector Committees,
- PNP-Human Rights Affairs Office Multi-Sectoral Advisory Council; and the
- National Monitoring Mechanism (NMM).

***Addressing coordination gaps***

On matters relating to cases handled by accountability mechanisms such as AO 35 where CHR is an observer and resource person, CHR regional offices have conveyed the CHR leadership's standing order not to share any information with the government, constraining them from providing full cooperation that may lead to successful prosecution of cases despite the existence of a 2012 Memorandum of Agreement (MOA) between the Department of Justice (DOJ) and the CHR.

To address this gap, the DOJ with support from the European Union Governance in Justice Programme and the Ateneo de Manila University Human Rights Center initiated high-level meetings with the CHR in 2019 to update and broaden the scope of the existing MOA and enter into a data-sharing agreement.

On 2 September 2020, the DOJ and CHR signed the Data Sharing Agreement to strengthen operational coordination between the government and the CHR to facilitate the prosecution of cases of human rights violations.

***An unwavering commitment to further strengthening human rights institutions and domestic accountability mechanisms***

The Philippine Mission highlights that contrary to the allegation that the government is hostile to the CHR, the government has in fact been strongly supportive of the CHR's mandate, evidenced by the consistent year-on-year increase in the CHR's budget under the present administration, culminating in a nearly threefold increase (US\$6.5 million to US\$17.8 million) for the current fiscal year 2020, as compared to 2014.

Further, as demonstrated by the Data Sharing Agreement, the government has been actively pursuing initiatives that would improve and strengthen the work with the CHR with respect to the investigation and prosecution of cases of human rights violations.

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Also, there have been initial discussions on the creation of a human rights observatory that would strengthen the platform for the government, the CHR and NGOs, to share data, and refer cases duly vetted, to the proper government authorities to render justice to the victims.

On concerns cited in AL PHL 12/2017 on investigations into the deaths in the context of the Anti-Illegal Drug campaign, Part 8 of the Philippine Human Rights Situationer<sup>1</sup> which discusses in length the government's holistic approach to addressing the problem of illegal drugs and in ensuring accountability for human rights violations by state actors.

At the Enhanced Interactive Dialogue on the Philippines on 30 June 2020 during the 44th Human Rights Council Session, the Secretary of Justice [REDACTED] announced the creation of a Review Panel that would reinforce accountability on deaths related to the anti-illegal drugs. The Department of Justice is currently evaluating about 900 cases actively handled by its prosecutors. About 30 cases against law enforcement personnel are pending in court, with each case having anywhere from one to a dozen law enforcement officers charged. Several others are pending preliminary investigation. The Justice Department has ensured to work double time and to release a report. *END*

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<sup>1</sup> <https://www.officialgazette.gov.ph/downloads/2020/06jun/20200609-PH-Human-Rights-Situationer.pdf>