

On the Philippine Pledges to the United Nations Human Rights Council

Friday 14 July 2006, by [Forum-Asia](#), [PAHRA](#) (Date first published: 4 May 2006).

The Asian Forum for Human Rights and Development (FORUM-ASIA) and the Philippine Alliance of Human Rights Advocates (PAHRA) welcome the pledges that have been made by the Government of the Philippines on 19 April 2006 in its quest for membership in the new Human Rights Council of the United Nations.

The Human Rights Council (Council) replaces the Commission on Human Rights (Commission), which has ended its 60 years of existence in March 2006. The Council has been established to overcome the legitimacy deficit of the Commission and to provide higher institutional standing of human rights within the UN.

On 9 May 2006, 13 Asian countries will be elected as members of the Council. This election will be the first test of whether the Council will truly be a better alternative to the discredited Commission on Human Rights, which granted membership to gross human rights violators to shield themselves and their allies from scrutiny.

As an effort to ensure that this new human rights body will function effectively, the General Assembly Resolution A/RES/60/251 stipulates that the members must:

- Contribute to the promotion and protection of human rights;
- Make voluntary pledges and commitments;
- Uphold the highest standards in the promotion and protection of human rights;
- Fully cooperate with the Council;
- Be reviewed under the universal periodic review mechanism during their term.

In its bid for membership in the Council, the Philippines made many pledges on what it will achieve in the field of human rights protection and promotion in the country. However, despite the comprehensive list of commitments that the Philippines has submitted, we are concerned that many of the pledges are vague and general, without any specific information as to how they will be implemented in practice.

We would like to emphasize that although the pledges are not legally binding, the Government has the moral obligation to implement them and to be held accountable to its people and the international community, whether or not the Philippines becomes a member of the Human Rights Council. At the international level, these pledges would also serve as yardsticks for continued cooperation with the Philippines on human rights principles.

Thus we encourage a public scrutiny of the Philippine pledges, where open and concrete exchanges with human rights groups, the National Human Rights Commission and concerned experts can be accommodated to enhance the quality of the pledges. The Philippines must strengthen its own mechanisms for review and follow up in terms of these pledges and subsequent commitments it may make in the course of its term, should it be elected. In particular we ask the Philippine government to undertake more actively the following recommendations:

1. *Support the adoption of draft human rights instruments, such as:*

- Draft Convention for the Protection of all Persons from Enforced or Involuntary Disappearances
- Draft Declaration on the Rights of Indigenous Peoples
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

2. Ratify the remaining core human rights treaties.

- Declaration under Article 14 of the Convention on the Elimination of All Forms of Racial Discrimination (individual complaints)
- Declaration under Article 22 of the Convention Against Torture (individual complaints)
- Rome Statute of the International Criminal Court

3. Accept and accommodate the outstanding requests for visits by the mandate holders of the UN Special Procedures

- Special Rapporteur on the rights of migrants (requested in 2006)
- Special Rapporteur on toxic waste (requested in 2005)
- Special Rapporteur on the freedom of expression and opinion (requested in 2004)

4. Submit timely reports to the relevant treaty monitoring bodies. The Philippines has fourteen overdue reports to the Treaty Bodies:

- ICESCR, second periodic report, due June 1995
- ICESCR, third periodic report, due June 2000
- ICERD, fifteenth periodic report, due January 1998
- ICERD, sixteenth periodic report, due January 2000
- ICERD, seventeenth periodic report, due January 2002
- ICERD, eighteenth periodic report, due January 2004
- ICERD, nineteenth periodic report, due January 2006
- CAT, second periodic report, due June 1992
- CAT, third periodic report, due June 1996
- CAT, fourth periodic report, due June 2000
- CAT, fifth periodic report, due June 2004
- Optional Protocol to CRC on children in armed conflict, initial report, due September 2005
- Optional Protocol to the CRC on the sale of children, initial report, due June 2004
- Convention on the Rights of Migrant Workers, initial report, due July 2004

We are concerned that despite the numerous treaties that the Government of the Philippines has ratified, the implementation of the rights provided for in these treaties cannot be effectively assessed if the Government does not submit its reports to the treaty monitoring bodies.

As such, we urge the Government to take this opportunity to submit these long overdue reports as soon as possible.

We also recommend the adoption of mechanisms to create awareness of the national reports, conduct public consultations on those reports as well as the Concluding Observations; and the enhancement of the role of the National Human Rights Commission in cross-checking the information in those reports and commenting independently on them.

5. At the regional level, we encourage the active role of the Philippines in the establishment of the ASEAN Human Rights Mechanism and an ASEAN Charter which will promote and protect human rights in line with international human right standards.

We look forward positively to the establishment of the Human Rights Council and more positively to Asian representation in the Council. But these representations must be credible and responsible in order to be respected by the international community. We particularly remind all States of the terms of the recent General Assembly resolution which committed the future Human Rights Council to “ensuring the most effective contribution” of non-governmental organizations to its work “based on arrangements ... and practices observed by the Commission”.

Background:

The Human Rights Council (HRC) replaces the UN Commission on Human Rights (CHR), which has ended its 60 years of existence last March 2006. The HRC shall be a standing body in the United Nations that will look into human rights situations throughout the year, as against the former CHR's once a year sessions. The Office of the High Commissioner for Human Rights described the HR Council as retaining some of the best elements of the CHR, such as the system of independent investigators and the broad participation of civil society. It assured that candidates for membership will have to make commitments on human rights; elected members will be first in line for scrutiny under a universal periodic review of their human rights records; and members that commit gross and systematic violations of human rights may be suspended. Members will also be required to commit to cooperate with the Council and its various mechanisms.

The first elections of the inaugural members of the Council shall took place last 9 May of this year and the first session convenes from 19 to 30 June 2006.

The Asian Forum for Human Rights (FORUM-ASIA), jointly with its national members and partners, has officially launched a new website for the Asian Campaign on the Human Rights Council, available at www.forum-asia.org/hrc.

The campaign will monitor and assess the Asian candidates' suitability as potential members of the Human Rights Council.