



# THE PHILIPPINES

## BASELINE ASSESSMENT OF R2P IMPLEMENTATION



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The following Baseline Assessment Annex provides an overview of The Philippines's efforts in implementing R2P as of 2019. For a full description of the methodology used in this study, see Part II of 'Implementing the Responsibility to Protect in the Asia Pacific: An Assessment of Progress and Challenges', available [here](#).

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Implementation of R2P in The Philippines has weakened considerably since 2016 as a result of the government's program of extra-judicial killing. Having been among the region's leaders, The Philippines now sits among mid-range countries when it comes to implementing R2P. Its position is on a weakening trajectory.

The Philippines performs strongest in areas least affected by the government's violent campaign against drugs, which the International Criminal Court is currently investigating. In particular, it has relatively strong human rights institutions – though the government has tried to weaken them – and a history of supporting UN Security Council reform. In relation to human rights, it has ratified eleven of the twelve key international human rights instruments considered most relevant to R2P – though in 2018 it signalled its intention to withdraw from the Rome Statute of the International Criminal Court. It has been an active participant in the Universal Periodic Review process of the Human Rights Council, in principle ensures equal access to judicial institutions, and has relatively strong legislative protections for vulnerable groups (particularly in relation to sexual and gender-based violence). The country's National Human Rights Institution has led investigations into state killings and, as a result, has been subjected to strong government interference. With the extrajudicial killing of tens of thousands of people during Duterte's proclaimed "war on drugs," human rights protection has weakened significantly.

The Philippines has a long tradition of active and vibrant civil society engagement, but this has come under threat in recent times and thus its rating may need to be reconsidered.

Internationally, The Philippines has actively participated in international, regional and national dialogues on R2P. It was the first State to use the phrase 'R2P' in the UN Security Council. It has provided statements at five of the eight Informal Interactive Dialogues on R2P, has participated in several national and regional atrocity prevention workshops and, in 2016, it co-hosted the second meeting of the Global Action Against Mass Atrocity Crimes in Manila. The Philippines is a supporter of both the 'Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes' and the French/Mexican initiative on veto restraint in cases of mass atrocities. However, its position on country specific issues has been more mixed. The Philippines was once amongst the region's most substantive contributors to United Nation's peacekeeping missions – including those with a protection of civilians mandate (UNMISS, MONUSCO and UNOCI), but this has dropped dramatically over the last few years.

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Assessment	Indicator
<b>Very Strong</b>	Establish and maintain National Human Rights Institutions in accordance with the Paris Principles
	Support UN Security Council veto restraint on issues relating to atrocity prevention
<b>Strong</b>	Sign, ratify and implement relevant instruments of international law
	Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council
	Ensure equal access to justice
	Take measures to counter and prevent violent extremism
	Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence
	Cultivate and protect an active, diverse and robust civil society
	Ensure a legitimate, effective and civilian controlled security sector
	Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness
	Participate in international, regional and national discussions on the further advancement of R2P
<b>Fair</b>	Dealing with past atrocities
	Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations
	Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity
	Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law
	Prevent nationals committing atrocity crimes overseas
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect
	Strengthen regional and international networks for atrocity crime prevention
	Strengthen the role and capacity of regional organisations
	Support the development and work of regional human rights and other preventive capacities
	Support atrocity prevention through development and assistance partnerships
	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P
	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system
	Support preventive actions on atrocity crimes
	Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate)
	Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping
<b>Weak</b>	Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination

<b>Very Weak</b>	Protection of populations from atrocity crimes
	Reduction of atrocity crime risks
	Appoint national R2P Focal Point
	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect
	Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court
	Conduct a national assessment of risk and resilience
	Support the Kigali Principles

### The Philippines Score: 45

Until 2016, The Philippines was one of the region's most overt supporters of R2P, encouraging efforts to strengthen the promotion of human rights amongst ASEAN members and participating in domestic, regional and international dialogues on furthering the principle. However, since President Rodrigo Duterte took office in June 2016, the Philippines has backtracked on domestic human rights, announced its intention to withdraw from the Rome Statute, generally retreated on its hitherto solid regional and international commitments to atrocity crime prevention, and experienced atrocity crimes.

## The Philippines

### The Philippines: Baseline Assessment of R2P Implementation

Thematic Area	Indicator	Assessment	Notes
Basic Compliance	Protection of populations from atrocity crimes.	Very Weak	President Duterte's 'war on drugs' has caused widespread accusations of systematic extrajudicial killings (as well as other crimes against humanity) to be voiced against the government. These accusations also adhere to the government's actions against long-running insurgencies. Any dissent against the President's actions is met with intimidation and imprisonment. <sup>1</sup>
	Reduction of atrocity crime risks.	Very Weak	The withdrawal of The Philippines from the International Criminal Court means risks of further atrocity crimes occurring, and the impunity with which they will be carried out, will most likely increase. <sup>2</sup>
	Dealing with past atrocities.	Fair	The crimes perpetrated by the US in the Philippine-American War and the Japanese during its occupation of the archipelago in World War II has still left scars in the collective minds of Filipino people. <sup>3</sup> Despite this, attitudes towards Japan seem to favour abstention over true reconciliation in favour of increased cooperation between the two countries and support against China, at least until Duterte came to power. <sup>4</sup>  However, in 2016 the Philippine government did establish the Transitional Justice and Reconciliation Commission in response to the peace process between the government and the Moro Islamic Liberation Front. <sup>5</sup> In 2018, President Duterte signed the Bangsamoro Basic Law, enabling the establishment of the Bangsamoro Autonomous Region and wider self-rule in Mindanao. <sup>6</sup>
Policy Mechanisms	Appoint national R2P Focal Point.	Very Weak	The Philippines currently has no R2P Focal Point. <sup>7</sup>
	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships.	Very Weak	There is no evidence of The Philippines incorporating atrocity crime risks and dynamics into either conflict analysis or development partnerships.

<sup>1</sup> Global Centre for the Responsibility to Protect (GCR2P), 2018. *Philippines*, <http://www.globalr2p.org/regions/philippines>; Asia Pacific Centre for the Responsibility to Protect (APR2P), 2018. *Atrocity Crimes Risk Assessment Series: The Philippines*, <https://r2pasiapacific.org/files/2497/Risk%20Assessment%20The%20Philippines%20FINALwith%20images%20opti%281%29.pdf>.

<sup>2</sup> dela Cruz, Enrico, 2018. 'Philippines informs U.N. of ICC withdrawal, court regrets move'. *Reuters*, 16 March. Available at: <https://www.reuters.com/article/us-philippines-duterte-icc-un/philippines-informs-u-n-of-icc-withdrawal-court-regrets-move-idUSKCNIGS0Y5>.

<sup>3</sup> Vaflor, Marcus, 2018. *8 Dark Chapters of Filipino-American History We Rarely Talk About*, <https://filipiknow.net/philippine-american-history/>; Mydans, Seth, 2001. 'Japanese Veteran Writes of Brutal Philippine War'. *The New York Times*, 2 September. Available at: <https://www.nytimes.com/2001/09/02/world/japanese-veteran-writes-of-brutal-philippine-war.html>.

<sup>4</sup> Palatino, Mong, 2014. 'Has Manila Forgotten Japan's War Atrocities?' *The Diplomat*, 29 January. Available at: <https://thediplomat.com/2014/01/has-manila-forgotten-japans-war-atrocities/>. For more information on Duterte's presidency, including his 'pivot' to China, see: Timberman, David G., 2019. *Philippine Politics Under Duterte: A Midterm Assessment*, <https://carnegieendowment.org/2019/01/10/philippine-politics-under-duterte-midterm-assessment-pub-78091>.

<sup>5</sup> Transitional Justice and Reconciliation Commission, 2016. *Report of the Transitional Justice and Reconciliation Commission*, [https://www.menschenrechte-philippinen.de/tl\\_files/aktionsbuendnis/dokumente/weiterfuehrende%20Dokumentensammlung/Transitional Justice and Reconciliation Commission - Report 2016.pdf](https://www.menschenrechte-philippinen.de/tl_files/aktionsbuendnis/dokumente/weiterfuehrende%20Dokumentensammlung/Transitional%20Justice%20and%20Reconciliation%20Commission%20-%20Report%202016.pdf).

<sup>6</sup> ABS-CBN News, 2018. 'Duterte signs Bangsamoro law'. *ABS-CBN News*, 26 July. Available at: <https://news.abs-cbn.com/news/07/26/18/duterte-signs-bangsamoro-law>.

<sup>7</sup> GCR2P, 2016. *Members of the Global Network of R2P Focal Points*, <http://www.globalr2p.org/media/files/regional-breakdown-global-network-of-r2p-focal-points.pdf>.

	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect.	Very Weak	There are no domestic policies or mechanisms in place to enable the government to be held accountable for its responsibility to protect.
International Human Rights Obligations	Sign, ratify and implement relevant instruments of international law.	Strong	<p>The Philippines have ratified eleven out of the twelve key pieces of international human rights law (IHRL) that are most relevant to R2P. It has signed the remaining treatise.<sup>8</sup></p> <ul style="list-style-type: none"> <li>• <i>Convention on the Prevention and Punishment of the Crime of Genocide</i> (Ratification/Accession: 1950)</li> <li>• <i>Geneva Conventions</i> (Ratification/Accession: 1952)</li> <li>• <i>Geneva Protocol I</i> (Ratification/Accession: 2012)</li> <li>• <i>International Covenant on Civil and Political Rights</i> [ICCPR] (Ratification/Accession: 1986)</li> <li>• <i>International Covenant on Economic, Social and Cultural Rights</i> [ICESCR] (Ratification/Accession: 1974)</li> <li>• <i>Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</i> [CAT] (Ratification/Accession: 1986)</li> <li>• <i>Convention on the Elimination of All Forms of Discrimination Against Women</i> [CEDAW] (Ratification/Accession: 1981)</li> <li>• <i>Convention on Elimination of All Forms of Racial Discrimination</i> [CERD] (Ratification/Accession: 1967)</li> <li>• <i>1951 Refugee Convention and the 1967 Protocol</i> (Ratification/Accession: 1981)</li> <li>• <i>Convention on the Rights of the Child</i> [CRC] (Ratification/Accession: 1990)</li> <li>• <i>Rome Statute of the International Criminal Court</i> (Ratification/Accession: 2011)</li> </ul> <p>It is a signatory to, but has not yet ratified, the <i>Arms Trade Treaty</i> [ATT] (Signature: 2013).<sup>9</sup> The Philippines has recently announced it intends to withdraw from the <i>Rome Statute</i> (see more below). In regard to all of the treaties it has acceded to, it has raised various but relatively minor reservations about some of them.</p>
	Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court.	Very Weak	In March 2018, The Philippines deposited a written notification of withdrawal from the <i>Rome Statute</i> following the International Criminal Court's announcement that they were opening preliminary

<sup>8</sup> United Nations Human Rights Office of the High Commissioner (UNOHCHR), n.d. *View the ratification status by country or by treaty*. [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx); United Nations Treaty Collection (UNTC), 2019. *1. Convention on the Prevention and Punishment of the Crime of Genocide*, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-1&chapter=4&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-1&chapter=4&clang=en); UNTC, 2019. *8. Arms Trade Treaty*, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVI-8&chapter=26&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-8&chapter=26&clang=en); United Nations High Commissioner for Refugees (UNHCR), 2015. *States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol*, p. 3, <https://www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf>; International Committee of the Red Cross (ICRC), n.d. *Treaties, States Parties and Commentaries: Philippines*, [https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp\\_countrySelected=PH](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp_countrySelected=PH); International Criminal Court, n.d. *The States Parties to the Rome Statute*, [https://asp.icc-cpi.int/en\\_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#P](https://asp.icc-cpi.int/en_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#P).

<sup>9</sup> Department of Foreign Affairs, 2013. *Philippines Signs Historic Global Arms Trade Treaty*, <https://www.dfa.gov.ph/phl-embassies-and-consulates-news/891-philippines-signs-historic-global-arms-trade-treaty>.

Establish and maintain National Human Rights Institutions in accordance with the Paris Principles.	Very Strong	<p>examinations into the alleged killings associated with President Duterte's 'war on drugs'.<sup>10</sup></p> <p>Article XIII of the <i>Constitution of The Philippines</i> formally establishes an independent office called the Commission on Human Rights, to investigate all forms of human rights violations involved in civil and political issues. It also has the power to monitor the government's compliance with IHRL obligations.<sup>11</sup> Currently, it maintains its 'A' rating.<sup>12</sup> Yet The Philippines government under President Rodrigo Duterte has recently cut the organisation's annual budget.<sup>13</sup></p>
Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination.	Weak	<p>Article III and Article XIII of the constitution are designed to ensure the protection of human rights and mitigate against discrimination. However, NGOs, foreign governments and multilateral bodies have raised concerns about the state of human rights in the country. In particular, discrimination over issues of reproductive health rights, attacks on indigenous people, children's rights,<sup>14</sup> attacks on human rights defenders<sup>15</sup> and delays in enacting the <i>Anti SOGI (Sexual Orientation or Gender Identity Discrimination Act)</i> and its companion legislation, the <i>Anti-Discrimination Bill</i>.<sup>16</sup></p> <p>As well as these issues, attention has also focused on the number of extra-judicial killings carried out in the 'war on drugs', which contravenes numerous international treaties to which the State is party, including the ICCPR.<sup>17</sup> Police statistics show from 1 July to 3 November 2016, police killed an estimated 1,790 suspected "drug pushers and users".<sup>18</sup></p>
Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council.	Strong	<p>The Philippines has participated in the UPR since 2008.</p> <p>In this first review, the State accepted twelve recommendations, rejected four and took note of a further four.<sup>19</sup> During its second UPR, the State accepted 62 recommendations and took note of</p>

<sup>10</sup> International Criminal Court (ICC), 2018. *ICC Statement on The Philippines' notice of withdrawal: State participation in Rome Statute system essential to international rule of law*, <https://www.icc-cpi.int/Pages/item.aspx?name=pr1371>.

<sup>11</sup> Republic of The Philippines, Constitutional Commission, *The Constitution of The Philippines, Article XIII, Sections 17 and 18*. Manila: 1987.

<sup>12</sup> Global Alliance of National Human Rights Institutions (GANHRI), 2017. *Chart of the Status of National Institutions: Accreditation status as of 21 February 2018*, <https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/Status%20Accreditation%20Chart.pdf>.

<sup>13</sup> Porter, Barney, 2017. 'Philippines: Commission on Human Rights budget cut to almost nothing amid Duterte's drug crackdown'. *ABC News*, 13 September. Available at: <https://www.abc.net.au/news/2017-09-13/duterte-slashes-commission-on-human-rights-annual-budget-to-%2425/8941088>.

<sup>14</sup> For example: Amnesty International, 2017. *PHILIPPINES: Amnesty International Submission for The UN Universal Periodic Review 27TH Session of the UPR Working Group, April/May 2017*, [https://www.upr-info.org/sites/default/files/document/philippines/session\\_27\\_-\\_may\\_2017/ai\\_upr27\\_phl\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/philippines/session_27_-_may_2017/ai_upr27_phl_e_main.pdf); Human Rights Watch (HRW), 2017. *Philippines: Events of 2016*, <https://www.hrw.org/world-report/2017/country-chapters/philippines>.

<sup>15</sup> Front Line Defenders, 2017. *UPR Submission – Philippines*, <https://www.frontlinedefenders.org/en/statement-report-upr-submission-philippines>.

<sup>16</sup> Such a circumstance impacts LBGTI persons – the Philippines has the highest number of murders of transgender individuals in Southeast Asia, see: Mosbergen, Dominique, 2015. 'The Dangers of Being LGBT In 'Tolerant' Philippines'. *The Huffington Post*, 13 October. Available at: [https://www.huffingtonpost.com/entry/lgbt-philippines\\_us\\_5614f92fe4b021e856d2d870](https://www.huffingtonpost.com/entry/lgbt-philippines_us_5614f92fe4b021e856d2d870).

<sup>17</sup> Ateneo Human Rights Center, 2017. *Summary & Extrajudicial Killings in the Philippines: A Submission for the Philippines' UPR (3rd Cycle, 2017)*, [https://www.upr-info.org/sites/default/files/document/philippines/session\\_27\\_-\\_may\\_2017/ateneohrc\\_upr27\\_phl\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/philippines/session_27_-_may_2017/ateneohrc_upr27_phl_e_main.pdf).

<sup>18</sup> HRW, 2017. *Philippines: Events of 2016*.

<sup>19</sup> UPR Info, 2008. *Responses to Recommendations: The Philippines*, [https://www.upr-info.org/sites/default/files/document/philippines/session\\_01\\_-\\_april\\_2008/recommendations\\_to\\_philippines\\_2008.pdf](https://www.upr-info.org/sites/default/files/document/philippines/session_01_-_april_2008/recommendations_to_philippines_2008.pdf).



		<p>28.<sup>20</sup> The Philippines undertook its third UPR in 2017, but a summary of its final response has not yet been published.<sup>21</sup> Extra-judicial killings were a prominent issue amongst the 109 countries that commented on The Philippines during this UPR.<sup>22</sup></p> <p>The Philippines currently has three overdue reports, two overdue by less than five years (ICCPR and CRC) and the other overdue by less than 10 years (CERD).<sup>23</sup></p>
Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations.	Fair	The Philippines has not given a standing invitation to UN mandate holders. They have allowed some to complete their work and subsequently publish their reports. Yet the majority of requests from the UNOHCHR Special Procedures remain unfulfilled. <sup>24</sup>
Ensure equal access to justice.	Strong	<p>Section 1 of Article III of the constitution states that “No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied the equal protection of the laws”.<sup>25</sup> Section 14 of Article II states that The Philippines “... recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.”<sup>26</sup></p> <p>There are concerns these constitutional rights are not upheld in practice. Since President Duterte came to power in 2016, equal access to an impartial judicial system has been compromised.<sup>27</sup></p> <p>The government passed the <i>Republic Act No. 9999</i> in 2010, which grants lawyers up to a 10 percent deduction from their taxable income to encourage them to render free legal service.<sup>28</sup> This service has helped many, yet the requirement of indigency has been criticised.<sup>29</sup></p> <p>Elsewhere, the UN Committee on Economic, Social and Cultural Rights have raised concerns about “direct, indirect and multiple forms of discrimination”,<sup>30</sup> while Amnesty International and</p>

<sup>20</sup> UPR Info, 2012. *Recommendations & Pledges: Philippines*, [https://www.upr-info.org/sites/default/files/document/philippines/session\\_13\\_-\\_may\\_2012/recommendations\\_to\\_philippines\\_2012.pdf](https://www.upr-info.org/sites/default/files/document/philippines/session_13_-_may_2012/recommendations_to_philippines_2012.pdf).

<sup>21</sup> But see: United Nations, Human Rights Council (HRC), Report of the Working Group on the Universal Periodic Review Philippines, 18 July 2017, A/HRC/26/12.

<sup>22</sup> Cf. Foundation for Media Alternatives (FMA), 2017. *3rd Cycle of the Philippines' Universal Periodic Review (UPR)*, <http://www.fma.ph/?p=1070>.

<sup>23</sup> See: UNOHCHR, n.d. *Late and non-reporting states*, [https://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/LateReporting.aspx](https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/LateReporting.aspx).

<sup>24</sup> UNOHCHR, n.d. *View Country visits of Special Procedures of the Human Rights Council since 1998*, [https://spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=PHL](https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=PHL).

<sup>25</sup> Republic of The Philippines, Constitutional Commission, *The Constitution of The Philippines, Article III, Section 1*.

<sup>26</sup> *Ibid.*, *Article II, Section 14*.

<sup>27</sup> U.S. Department of State, 2016. *Philippines 2016 Human Rights Report*, p. 13, <https://www.state.gov/documents/organization/265578.pdf>.

<sup>28</sup> The LawPhil Project, 2010. *Republic Act No. 9999: An Act Providing A Mechanism For Free Legal Assistance And For Other Purposes*, [https://www.lawphil.net/statutes/repacts/ra2010/ra\\_9999\\_2010.html](https://www.lawphil.net/statutes/repacts/ra2010/ra_9999_2010.html); PhilStar, 2010, ‘GMA signs law giving free legal assistance to poor clients’. *PhilStar*, 25 February. Available at: <http://www.philstar.com/headlines/552415/gma-signs-law-giving-free-legal-assistance-poor-clients>.

<sup>29</sup> Canlas, Jomar, 2014. ‘Free legal aid a universal human right—PAO chief’, *The Manila Times*, 26 October. Available at: <http://www.manilatimes.net/free-legal-aid-universal-human-right%C2%AD-pao-chief/137166/>

<sup>30</sup> United Nations, Committee on Economic, Social and Cultural Rights, Concluding Observations on the Combined Fifth and Sixth Periodic Reports of the Philippines, 26 October 2016, E/C.12/PHL/CO/5-6, para. 20.

		other human rights organisations have campaigned against plans to reintroduce the death penalty. <sup>31</sup>
Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity.	Fair	The <i>Republic Act 9851</i> was passed by Congress on 11 December 2009, which criminalised war crimes, crimes against humanity and genocide. <sup>32</sup>
Take measures to counter and prevent violent extremism.	Strong	The Philippines has a myriad of domestic security threats given to violent extremism, especially on the island of Mindanao and hence strongly condemns the use of terrorism and violent extremism. Duterte's government has increased its efforts to combat the violence, including receiving help from members of the international community. <sup>33</sup>
Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence.	Strong	Equality is provided for under the constitution and several Sections explicitly concern vulnerable groups. For example, Section 14, Article XIII notes that "The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation." <sup>34</sup>  There are numerous national laws further designed to protect vulnerable groups, especially women. Examples include: <ul style="list-style-type: none"> <li>• Republic Act 9262 <i>Anti-Violence Against Women and Their Children Act</i><sup>35</sup></li> <li>• Republic Act 9710 <i>Magna Carta of Women</i><sup>36</sup></li> <li>• Republic Act 7610 <i>Special Protection of Children Against Abuse, Exploitation and Discrimination Act</i></li> <li>• Republic Act 8353 <i>Revision of Anti-Rape Law</i></li> <li>• Republic Act 8369 <i>The Family Courts Act</i></li> <li>• Republic Act 8505 <i>Rape Victims Assistance Act</i></li> <li>• Republic Act 8371 <i>Indigenous People's Rights Act</i></li> </ul> <p>Abortion remains criminalised in The Philippines.<sup>37</sup> Moreover, the UN Committee on Economic, Social and Cultural Rights has raised concerns about the delay in adopting a comprehensive anti-discrimination law.<sup>38</sup></p>

<sup>31</sup> Amnesty International, n.d. *Stop the return of the death penalty in the Philippines*, <https://www.amnesty.org/en/get-involved/take-action/stop-reintroduction-of-death-penalty-philippines/>.

<sup>32</sup> Republic of the Philippines, 2009. *Republic Act No. 9851*, <http://pro10.pnp.gov.ph/index.php/download/finish/10-republic-act/34-ra-9851-philippine-act-on-crimes-against-international-humanitarian-law-genocide-and-other-crimes-against-humanity/0>.

<sup>33</sup> For more information, see: Counter Extremism Project, 2019. *The Philippines: Extremism & Counter-Extremism*, <https://www.counterextremism.com/countries/philippines>.

<sup>34</sup> Republic of The Philippines, Constitutional Commission, *The Constitution of The Philippines, Article XIII, Section 14*.

<sup>35</sup> The law allows women and their children to secure a barangay protection order and/or temporary or permanent protection order from the courts. They can also file an independent civil action for damages and criminal action for the violation of the anti-VAWC Act. See: Philippine Commission on Women, 2009. *Republic Act 9262*, <http://pcw.gov.ph/law/republic-act-9262>.

<sup>36</sup> The MCW is a comprehensive women's human rights law that seeks to eliminate discrimination through the recognition, protection, fulfilment and promotion of the rights of Filipino women, especially those belonging in the marginalized sectors of society. See: Philippine Commission on Women, 2009. *Republic Act 9710*, <http://pcw.gov.ph/law/republic-act-9710>.

<sup>37</sup> United Nations, Committee on Economic, Social and Cultural Rights, E/C.12/PHL/CO/5-6, para. 51.

<sup>38</sup> *Ibid.*, para. 19.

	Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law.	Fair	There is a long history of acceptance and hospitality towards refugees in The Philippines. <sup>39</sup> Yet the current government's stance on the situation of Rohingya refugees is more ambiguous. President Duterte mentioned the situation in Rakhine state in Myanmar constituted a genocide, and a few days later apologised for saying so. <sup>40</sup> Regardless, Duterte's government has said they will take in some of the Rohingya.
Domestic Implementation	Conduct a national assessment of risk and resilience.	Very Weak	The Philippines has not undertaken a national assessment of risk and resilience using the analysis framework on the prevention of genocide.
	Cultivate and protect an active, diverse and robust civil society.	Strong	<p>The Philippines is often described as having one of the most vibrant civil societies in Asia.<sup>41</sup></p> <p>The Philippines has a long tradition of active and vibrant civil society engagement, but this has come under threat in recent times and its rating may need to be reconsidered. The constitution provides for the freedom of speech and press<sup>42</sup> and "...respects the role of independent people's organisations to enable people to pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means".<sup>43</sup></p> <p>In 2013, Congress passed Senate Bill No. 1091 – <i>Magna Carta for Philippine Internet Freedom</i> – which promotes freedom of expression, universal access to the internet and the right to develop new information.<sup>44</sup></p> <p>Nevertheless, The Philippines remains one of the most dangerous places in the world to practice journalism.<sup>45</sup> A few weeks after his election, President Duterte stated that 'corrupt' reporters "are not exempted from assassination".<sup>46</sup></p>
	Ensure a legitimate, effective and civilian controlled security sector.	Strong	Civilian authorities maintain control over the security sector and this is overseen by parliament and the judiciary. Judicial action against security personnel is not uncommon. The conduct of security personnel in the ongoing 'war on drugs', however, does show a degree of impunity within the sector.
	Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness.	Strong	Section 1, Article XIV of the constitution says "The State shall protect and promote the right of all citizens to quality education at all levels, and shall

<sup>39</sup> For example, see: Penamante, Laurice. 2017. *Nine Waves of Refugees in the Philippines*, <https://www.unhcr.org/ph/11886-9wavesrefugees.html>.

<sup>40</sup> Lema, Karen, 2018. 'Philippines' Duterte cites 'genocide' in Myanmar, will take refugees'. *The Sydney Morning Herald*, 10 April. Available at: <https://www.smh.com.au/world/asia/philippines-duterte-cites-genocide-in-myanmar-will-take-refugees-20180410-p4z8rm.html>; Reuters, 2018. 'Philippine President Duterte apologises to Myanmar's Suu Kyi over Rohingya 'genocide' remark'. *The Straits Times*, 13 April. Available at: <https://www.straitstimes.com/asia/se-asia/philippine-president-duterte-apologises-to-myanmars-suu-kyi-over-rohingya-genocide>.

<sup>41</sup> Wurfel, David. 2004. "Civil Society and Democratization in the Philippines", in Y. Sato, ed. *Growth and Governance in Asia*. Honolulu, HI: Asia-Pacific Centre for Security Studies, p.215-224.

<sup>42</sup> Republic of The Philippines, Constitutional Commission, *The Constitution of The Philippines, Article XVI, Section 10*.

<sup>43</sup> *Ibid.*, Article XIII, Section 15.

<sup>44</sup> Senate of the Philippines, 2013. *An Act Establishing A Magna Carta For Philippine Internet Freedom, Cybercrime Prevention And Law Enforcement, Cyberdefense And National Cybersecurity*, [https://www.senate.gov.ph/lis/bill\\_res.aspx?congress=16&q=SBN-1091](https://www.senate.gov.ph/lis/bill_res.aspx?congress=16&q=SBN-1091).

<sup>45</sup> Reporters Without Borders (RSF), 2016. *Philippines*, <https://rsf.org/en/philippines>.

<sup>46</sup> Freedom House, 2017. *Freedom of the Press 2017: Philippines Profile*, <https://freedomhouse.org/report/freedom-press/2017/philippines>.

			<p>take appropriate steps to make such education accessible to all”.<sup>47</sup></p> <p>In 1987, an executive order was signed directing schools to integrate human rights in school curricula at all levels,<sup>48</sup> and in 2006 peace education was launched in public schools.<sup>49</sup> The <i>Enhanced Basic Education Act</i> of 2013 ensures kindergarten as the mandated first stage of compulsory formal education, and in 2015 the government passed an education reform bill that, among other things, promotes diversity through teaching in the mother tongue of a local area.<sup>50</sup></p> <p>UNESCO reported improvements in primary participation rates and gender equity gaps, although secondary school participation rates were 35% away from the 100% target for 2012-2013.<sup>51</sup></p>
	Prevent nationals committing atrocity crimes overseas.	Fair	Nationals can be convicted for enacting atrocity crimes overseas. <sup>52</sup>
Bilateral and Multilateral Relations	Participate in international, regional, and national discussions on the further advancement of R2P.	Strong	<p>The Philippines has been one of the region’s most overt supporters of the R2P and has encouraged efforts to strengthen the promotion of human rights amongst ASEAN members. It was one of the last member states to ratify the ASEAN Charter due to concerns about the weakness of the proposed human rights mechanism, and because of the lack of progress on human rights in Myanmar.<sup>53</sup></p> <p>The Philippines has participated in international, regional and national dialogues on R2P. Internationally, the State has participated in the UN General Assembly Informal Interactive Dialogues and debates on R2P in 2009, 2014, 2015, 2016 and 2017.<sup>54</sup> It also provided a statement at the 2016 UN General Assembly Thematic Panel Discussion on the 10th anniversary of R2P.<sup>55</sup> Along with Switzerland, The Philippines co-hosted the</p>

<sup>47</sup> Republic of The Philippines, Constitutional Commission, *The Constitution of The Philippines, Article XIV, Section 1*.

<sup>48</sup> Yeben, Felice I., 1998. *Human Rights Education in a Teacher Training Institution: A Philippine Normal University Experience*, ‘Human Rights Education in Asian Schools, Vol. I’, [https://www.hurights.or.jp/archives/human\\_rights\\_education\\_in\\_asian\\_schools/section2/1998/03/human-rights-education-in-a-teacher-training-institution-a-philippine-normal-university-experience.html](https://www.hurights.or.jp/archives/human_rights_education_in_asian_schools/section2/1998/03/human-rights-education-in-a-teacher-training-institution-a-philippine-normal-university-experience.html).

<sup>49</sup> PhilStar, 2005. *Government launches peace education in public schools*, <https://www.philstar.com/headlines/2005/09/20/297683/government-launches-peace-education-public-schools>; Cf: Australian Government Department of Foreign Affairs and Trade (DFAT), 2006. *The Philippines: Annual program performance update 2006-2007*, p.8, [https://dfat.gov.au/about-us/publications/Documents/phil\\_appr\\_2007.pdf](https://dfat.gov.au/about-us/publications/Documents/phil_appr_2007.pdf)

<sup>50</sup> Garbes, Laura, 2012. *Mother Tongue Based Education In The Philippines*, ‘News & Articles’, <https://www.culturalsurvival.org/news/mother-tongue-based-education-philippines>.

<sup>51</sup> United Nations Educational, Scientific and Cultural Organisation (UNESCO), 2015. *The Philippine Education for All 2015 Review Report*, <http://unesdoc.unesco.org/images/0023/002303/230331e.pdf>.

<sup>52</sup> Library of Congress, 2016. *Genocide, Crimes Against Humanity, and War Crimes Jurisdiction*, <https://www.loc.gov/law/help/genocide/chart.php#Philippines>.

<sup>53</sup> APR2P, 2009, *The Responsibility to Protect in Southeast Asia*, p. 39-46, [https://r2pasiapacific.org/filething/get/1338/r2p\\_in\\_southeast\\_asia%202009.pdf](https://r2pasiapacific.org/filething/get/1338/r2p_in_southeast_asia%202009.pdf).

<sup>54</sup> Cf. GCR2P, 2015. *Philippines: 7<sup>th</sup> Interactive Dialogue on the Secretary General’s Report, United Nations General Assembly, Tuesday 8<sup>th</sup> December 2015*, <http://responsibilitytoprotect.org/philippines.pdf>; GCR2P, 2017. *Summary of the Informal Interactive Dialogue of the UN General Assembly on the Responsibility to Protect, 6 September 2017*, <http://www.globalr2p.org/publications/568>.

<sup>55</sup> GCR2P, 2017. *The Philippines’ Statement at the 2016 UN General Assembly Thematic Panel Discussion, From Commitment to Implementation: Ten Years of Responsibility to Protect, 26 February 2016*, <http://responsibilitytoprotect.org/philippines.pdf>.

		second meeting of the Global Action Against Mass Atrocity Crimes in Manila in 2016. <sup>56</sup>
		The Philippines has also participated in several regional atrocity prevention workshops, whilst domestically it has participated in various R2P focused events. <sup>57</sup>
Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect.	Fair	<p>The Philippines has been a member of the Human Rights Council from 2006-2007; 2007-2010; and 2011-2014.<sup>58</sup></p> <p><b>UN General Assembly Resolutions<sup>59</sup></b> In resolutions that have referenced R2P, The Philippines has voted as follows:</p> <ul style="list-style-type: none"> <li>• 2013: The situation in the Syrian Arab Republic A/RES/67/262: <b>N/A</b></li> <li>• 2014: Situation of human rights in the Democratic People’s Republic of Korea A/RES/69/188: <b>yes</b></li> <li>• 2014: Situation of human rights in the Syrian Arab Republic A/RES/69/189: <b>abstained</b></li> <li>• 2015: Situation of human rights in the Democratic People’s Republic of Korea A/RES/70/172: <b>yes</b></li> <li>• 2015: Situation of human rights in the Syrian Arab Republic A/RES/70/234: <b>abstained</b></li> <li>• 2016: The situation in the Syrian Arab Republic A/RES/71/130: <b>abstained</b></li> <li>• 2016: Situation of human rights in the Syrian Arab Republic A/RES/71/203: <b>abstained</b></li> <li>• 2017: Situation of human rights in the Democratic People’s republic of Korea A/RES/72/188: <b>adopted without vote</b></li> <li>• 2017: Situation of human rights in the Syrian Arab republic A/RES/72/191: <b>no</b></li> </ul>
Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy.	N/A	No information found.
Strengthen regional and international networks for atrocity crime prevention.	Fair	The Philippines led the engagement of the ACWC on atrocity prevention and has indicated its support for strengthening regional efforts. <sup>60</sup>
Strengthen the role and capacity of regional organisations.	Fair	The Philippines has called for deeper cooperation between ASEAN and the UN Security Council and the establishment of formal arrangements to codify more efficient cooperation. The Philippines has also argued that the granting of General Assembly

<sup>56</sup> See: APR2P, 2016. *Spotlight on R2P: The Second International Meeting of the Global Action Against Mass Atrocity Crimes (GAAMAC II) on Preventing Atrocities*, [https://r2pasiapacific.org/files/2352/spotlight\\_may2016\\_issue29\\_GAAMACII.pdf](https://r2pasiapacific.org/files/2352/spotlight_may2016_issue29_GAAMACII.pdf).

<sup>57</sup> For example: International Coalition for the Responsibility to Protect (ICRtoP), 2015. *Advancing Atrocities Prevention in Southeast Asia*, <http://responsibilitytoprotect.org/SE%20Asia%20Report%20Web%20Version.pdf>.

<sup>58</sup> Explore past memberships by regional group or year: UNOHCHR, 2018. *List of past members of the Human Rights Council*, <http://www.ohchr.org/EN/HRBodies/HRC/Pages/PastMembers.aspx>.

<sup>59</sup> GCR2P, 2018. *UN General Assembly Resolutions Referencing R2P*, <http://www.globalr2p.org/resources/1133>. (Voting records for UN General Assembly Resolutions can be found at: <http://www.un.org/en/ga/documents/voting.asp>).

<sup>60</sup> GCR2P, 2009. *Statement of H.E. MR. HILARIO G. DAVIDE, JR. Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the Republic of the Philippines to the United Nations in New York, Thematic Debate on the Report of the Secretary-General on Implementing The Responsibility to Protect (A/63/677)*, <http://www.globalr2p.org/media/files/philippines-2009-r2p-debate.pdf>

			Observer Status to ASEAN in 2006 has created further opportunities for collaboration, though it has not identified specific areas for such collaboration. <sup>61</sup>
	Support the development and work of regional human rights and other preventive capacities.	Fair	In the past The Philippines has been an ardent supporter of the R2P principle and the furtherance of human rights throughout the Asia Pacific. They consistently wanted greater weight placed on the importance of human rights in ASEAN, and pushed the organisation to do more about the situation in Myanmar. <sup>62</sup>
	Support atrocity prevention through development and assistance partnerships.	Fair	The Philippines has received a large amount of funding from both the Asian Development Bank <sup>63</sup> and other countries, such as Canada <sup>64</sup> and Australia. <sup>65</sup> The work these partnerships carry out allow for the mitigation of atrocity crime risks, yet there is no specific focus on prevention.
United Nations, prevention, Peacekeeping, and assistance	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P.	Fair	The Philippines has expressed support for the Office but abstained from voting in support of the Fifth committee of the General Assembly to fund additional posts. <sup>66</sup>
	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system.	Fair	The Philippines has won another term on the UN Human Rights Council, claiming it was the State's adherence and value for human rights that had it elected to the position again. <sup>67</sup> Membership of the Council means The Philippines is obligated to comply with all human rights pledges it has made. <sup>68</sup> It is as yet unclear whether this new position on the Council will influence The Philippines' steady decline of human rights.
	Support preventive actions on atrocity crimes.	Fair	The Philippines has strongly supported Pillar I of R2P; that the prevention of atrocities lies primarily with the state and its associated structures. Yet there is some acknowledgement that the principle is not as widely known as it could be within the country, creating a gap between rhetoric and concrete action. <sup>69</sup>
	Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate).	Fair	The Philippines has been a regular and significant contributor to UN peacekeeping missions. In 2013, it was one of the most active troop contributors in the Asia Pacific, ranked the 33 <sup>rd</sup> largest contributor in the world. <sup>70</sup> The Philippines contributed to a number of missions with a protection of civilians mandate, including UNMISS, MONUSCO and

<sup>61</sup> APR2P, 2009. *The Responsibility to Protect in Southeast Asia*, p. 45.

<sup>62</sup> Ibid., p. 41.

<sup>63</sup> Asian Development Bank, 2019. *ADB-Philippines Partnership Strategy*, <https://www.adb.org/countries/philippines/strategy>.

<sup>64</sup> Devex, 2019. *Philippine Development Assistance Programme Inc. (PDAP)*, <https://www.devex.com/organizations/philippine-development-assistance-program-inc-pdap-47286>.

<sup>65</sup> DFAT, n.d. *Overview of Australia's aid program to the Philippines*, <https://dfat.gov.au/geo/philippines/development-assistance/Pages/development-assistance-in-philippines.aspx>.

<sup>66</sup> United Nations, General Assembly, Harmonizing Staff Working Conditions, Strengthening UN Information Technology among Issues, as Budget Committee Approves 18 Texts, Concludes Session, 23 December 2010, GA/AB/3980. Cf. ICRtoP, 2011. *UN GA votes to fund three additional staff in the Office of the Special Adviser on the Prevention of Genocide*, <http://www.responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/3150-un-ga-votes-to-fund-three-additional-staff-in-the-office-of-the-special-adviser-on-the-prevention-of-genocide>.

<sup>67</sup> Mateo, Janvic, 2018. 'Philippines wins seat in UN human rights body'. *PhilStar*, 14 October. Available at: <https://www.philstar.com/headlines/2018/10/14/1859947/philippines-wins-seat-un-human-rights-body>.

<sup>68</sup> Viray, Patricia Lourdes, 2018. 'With seat in UN Human Rights Council, Philippines obligated to uphold human rights'. *PhilStar*, 15 October. Available at: <https://www.philstar.com/headlines/2018/10/15/1860278/seat-un-human-rights-council-philippines-obligated-uphold-human-rights>.

<sup>69</sup> ICRtoP, 2015. *Advancing Atrocities Prevention in Southeast Asia*, p. 6-7, <http://responsibilitytoprotect.org/SE%20Asia%20Report%20Web%20Version.pdf>.

<sup>70</sup> United Nations Peacekeeping, n.d. *Ranking of Military and Police Contributions to UN Operations*, [https://peacekeeping.un.org/sites/default/files/dec13\\_2.pdf](https://peacekeeping.un.org/sites/default/files/dec13_2.pdf).

		UNOCI. <sup>71</sup> As of January 2019, they had fallen to 89 <sup>th</sup> place. <sup>72</sup>
Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping.	Fair	The Philippines has an <i>Armed Forces of the Philippines Peacekeeping Operations Center</i> , tasked with the training, deployment and management of Filipino peacekeepers on UN missions. In a ministerial meeting on UN peacekeeping capabilities, The Philippines reiterated its commitment to effective peacekeeping operations. It surmised success of peacekeeping operations is best measured "... by how well we protect civilians, especially the children, and the prevention of sexual exploitation and abuse." <sup>73</sup>
Support the Kigali Principles.	Very Weak	The Philippines has not signed the Kigali Principles on the Protection of Civilians. <sup>74</sup>
Support UN Security Council veto restraint on issues relating to atrocity prevention.	Very Strong	The Philippines is a supporter of the Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes. <sup>75</sup> Additionally, The Philippines has signed the declaration in support of the "French/Mexican initiative on Veto restraint in case of Mass atrocities." <sup>76</sup>

<sup>71</sup> Morada, Noel, 2013. *Peacekeeping Contributor Profile: The Philippines*, <http://www.providingforpeacekeeping.org/2014/04/03/contributor-profile-philippines/>.

<sup>72</sup> United Nations Peacekeeping, 2019. *Summary of Troop Contributing Countries By Ranking*, [https://peacekeeping.un.org/sites/default/files/2\\_country\\_ranking\\_9.pdf](https://peacekeeping.un.org/sites/default/files/2_country_ranking_9.pdf).

<sup>73</sup> United Nations Peacekeeping, 2019. *United Nations Peacekeeping Ministerial Meeting on Uniformed Capabilities, Performance and Protection: Philippine Statement (SND)*, p. 2, <https://peacekeeping.un.org/sites/default/files/philippines-performance.pdf>.

<sup>74</sup> APR2P, 2018. *The Kigali Principles on the Protection of Civilians*, [https://r2pasiapacific.org/files/2942/2018\\_kigali\\_principles.pdf](https://r2pasiapacific.org/files/2942/2018_kigali_principles.pdf).

<sup>75</sup> GCR2P, 2017. *List of Supporters of the Code of Conduct regarding Security Council action against genocide, crimes against humanity and war crimes, as elaborated by ACT*, <http://www.globalr2p.org/media/files/2017-01-25-coc-list-of-supporters.pdf>.

<sup>76</sup> GCR2P, 2016. *Support to the French Mexican initiative on veto restraint in case of mass atrocities*, <http://www.globalr2p.org/media/files/veto-list.pdf>.