



**COMMISSION ON HUMAN RIGHTS**  
REPUBLIC OF THE PHILIPPINES

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**HUMAN RIGHTS ADVISORY**  
**ON THE 4th PHILIPPINE NATIONAL HUMAN RIGHTS ACTION PLAN**  
**(NHRAP IV)**

**CHR (VI) No. A2024-003**

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***Introduction***

The Commission on Human Rights (CHR), as the country's national human rights institution<sup>1</sup> and in accordance with its constitutional mandates to promote and protect human rights,<sup>2</sup> issues this advisory in view of the ongoing process undertaken by the national government to develop and release the 4th National Human Rights Action Plan (NHRAP IV). In this advisory, the CHR stresses the need to incorporate the people's voice in the development, implementation, and monitoring of the NHRAP IV and remind the government of the most pressing issues that need to be addressed by this plan.

The NHRAP IV would be the fourth iteration of the country's national human rights action plans. The first and second NHRAPs covered the periods of 1996-2000 and 2010-2014, respectively, while the third and latest NHRAP covered the period of 2018-2022. The development, implementation, and monitoring of the third NHRAP was characterized by a lack of openness and transparency as the CHR and many human rights civil society organizations were never engaged in the process. It was only during the evaluation of the third NHRAP, as part of the development process for the NHRAP IV under the auspices of the United Nations Joint Programme on Human Rights (UNJP),<sup>3</sup> did the national government engage the CHR and concerned members of civil society. Also, both the second and third NHRAPs were not formally adopted due to changes of political leadership, yet the government claimed they have received some degree of validation and have served as reference for line ministries.<sup>4</sup>

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<sup>1</sup> The CHR is the country's national human rights institution (NHRI) and has been accredited "A" status NHRI by the Global Alliance of NHRIs (GANHRI) since 1999. An "A" status accreditation means that the CHR complies with the Principles relating to the Status of National Institutions (or "The Paris Principles"), which is the international standard for the effective functioning of NHRIs, as adopted by the United Nations General Assembly under resolution 48/134.

<sup>2</sup> In particular Article XII, section 18, para. 5, "establish a continuing program of research, education, and information to enhance respect for the primacy of human rights" and para. 7, "monitor the Philippine Government's compliance with international treaty obligations on human rights" (Phil. Const., art. XIII, sec. 18).

<sup>3</sup> Statement of the Commission on Human Rights recommending for the continuation of the UN Joint Programme, noting its valuable impacts to the human rights situation in the Philippines (Apr. 8, 2024), *available at* <https://chr.gov.ph/statement-of-the-commission-on-human-rights-recommending-for-the-continuation-of-the-un-joint-programme-noting-its-valuable-impacts-to-the-human-rights-situation-in-the-philippines/> (last accessed May 29, 2024).

<sup>4</sup> Sébastien Lorion, *National Human Rights Action Plans: An Inventory (Part 1: Norm Diffusion and State Practice)* (2022), Copenhagen: The Danish Institute for Human Rights, p.23, *available at* <https://www.humanrights.dk/publications/national-human-rights-action-plans-inventory> (last accessed May 29, 2024).

In this Advisory, the CHR will refer primarily to general principles on effective NHRAPs, based on the “Handbook on National Human Rights Plans of Action”<sup>5</sup> developed by the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the CHR’s institutional knowledge on the domestic human rights situation, informed by our regular work to monitor, protect, promote, and advocate human rights and prevent violations including our regular engagements with both duty-bearers and rights-holders.

### ***General principles on effective NHRAPs***

A NHRAP is a domestic tool for bridging the implementation gap between international human rights obligations and commitments on the ground. The concept of a NHRAP is based on the view that “lasting improvements in human rights ultimately depend on the government and people of a particular country deciding to take concrete action to bring about positive change.”<sup>6</sup> It recognizes that domestic human rights promotion and protection should be “realistic and pragmatic”<sup>7</sup> and “acknowledges that improving human rights is a public policy objective that can be implemented through the normal planning and resource allocation processes of government.”<sup>8</sup> It also recognizes that “triggering comprehensive and action-oriented dynamics of human rights implementation”<sup>9</sup> should be “grounded on national baselines and consultations identifying gaps in implementation and priorities,”<sup>10</sup> emphasizing the equal importance of both process and outcome.

While there is no universal definition of a NHRAP, it is to be expected that it is not only a foundational policy document that presents a situational analysis and a broad vision of priorities and objectives but also an action document that is “more precise and spell out a set of actions, and ideally distribute responsibilities for implementation, set time frames and indicators, and so forth,”<sup>11</sup> while also reflecting the interdependence and indivisibility of human rights. It should be a national undertaking, involving all elements of society.”<sup>12</sup>

The fundamental purpose of a NHRAP should therefore be to systematically and comprehensively enhance the promotion and protection of human rights of all persons in the country and Filipinos abroad, by ensuring that all governmental policies and practices are aligned with international standards, addressing identified gaps, and setting specific, measurable, attainable, realistic, and time-bound priority actions that reflect the nation’s specific human rights needs and context.

The credibility and, ultimately, the effectiveness and success of a NHRAP will depend in large part on the manner in which it was developed.<sup>13</sup> A development process

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<sup>5</sup> Office of the United Nations High Commissioner for Human Rights [OHCHR], Professional Training Series No. 10: Handbook on National Human Rights Plans of Action, *available at* <https://www.ohchr.org/Documents/Publications/training10en.pdf> (last accessed May 29, 2024).

<sup>6</sup> *Id.*, at p.8.

<sup>7</sup> *Id.*, at p.1.

<sup>8</sup> *Id.*

<sup>9</sup> Lorion, *supra* note 4, at p.7.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*, at p.15.

<sup>12</sup> OHCHR, *supra* note 5, at pp.20-21.

<sup>13</sup> *Id.*, at pp.13-14.

that is transparent and open is crucial to encourage broad understanding and acceptance of the final NHRAP.<sup>14</sup> This requires a broad, inclusive, and intensive consultation process that provides a central role for civil society,<sup>15</sup> while also involving all political forces “so that it is seen as a common endeavor around which all are united.”<sup>16</sup> Moreover, the end result of this process should be a NHRAP that is “widely disseminated and easily obtainable.”<sup>17</sup>

The NHRAP process also does not end in the development and implementation phases. The process should be seen as cyclical and continuous where the conclusion of one NHRAP will lead to the commencement of the next. This cyclical process places equal importance on an effective monitoring of progress and evaluation of achievements. The monitoring and evaluation process provides important input into the planning of the next NHRAP “by identifying to what extent problems have been overcome and by focusing attention on areas where further action needs to be taken.”<sup>18</sup> A continuous process also facilitates the reinvigoration of “the commitment of all stakeholders to the promotion of human rights and enhance the dissemination of information about human rights.”<sup>19</sup>

To summarize, the following general principles on an effective NHRAP should be emphasized and should guide the development, implementation, monitoring, and evaluation process for the PHRP IV:

- Process and outcome are equally important.
- There should be a broad and intensive consultation process with civil society and the general public.
- The plan should be a national undertaking, involving all elements of society.
- The plan should be a public document.
- The plan should incorporate a commitment to universal human rights standards and set out how these standards will be effectively implemented.
- The plan should be comprehensive in scope, reflecting the interdependence and indivisibility of human rights.
- The plan should be action-oriented.
- Effective monitoring and review of implementation is essential.
- The national action plan process should be continuous, with the conclusion of one plan leading to the commencement of another.
- National action plans have international dimensions.<sup>20</sup>

### ***Contextualizing the PHRP IV and recommendations for priority actions***

The drafting of the NHRAP IV must be informed by the complex and evolving human rights landscape in the Philippines from after the adoption of the third NHRAP to the present. This period has been marked by significant challenges, including extrajudicial killings, erosion of press freedom, shrinking civic spaces, systemic issues impacting indigenous peoples, and the COVID-19 pandemic's exacerbation of socio-economic inequalities. The new NHRAP must address these issues comprehensively by

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<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*, at p.22.

<sup>17</sup> *Id.*, at p.19.

<sup>18</sup> *Id.*, at p.20.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*, at pp.12-23.

building on past efforts while recognizing the current context and the future aspirations for human rights in the country.

This period is also marked by a transition between two administrations with different stances on human rights in general. While these differing pronouncements do not fully translate into major improvements in practice, especially in areas that directly impact the rights-holders themselves, the promising and welcome attitude towards human rights of the present administration has led to the relative opening up of spaces for constructive engagement between the Government, civil society organizations, and other stakeholders. This has also led to increased engagement by the Government with international human rights mechanisms, as well as cognizance of the latter's recommendations that seek to bridge international standards and in-country practice.

***Extrajudicial killings and the war on drugs.*** The most prominent human rights issue during this period has been the human rights violations associated with the previous administration's war on drugs policy, particularly the widespread and systematic killings and impunity for perpetrators of these killings.<sup>21</sup> While the CHR's own monitoring of cases indicates a decrease in drug-related cases since the new administration took office in 2022,<sup>22</sup> extrajudicial killings committed by both State and non-State actors and impunity for these cases persist.<sup>23</sup> More importantly, policies that have facilitated this violent approach remain in effect. This includes the general punitive stance on small-time drug use and, specifically, Command Memorandum Circular No. 16-2016, known as "Project Double Barrel," implemented by the Philippine National Police. It is to be noted, however, that there has been a change in the rhetoric of high-level officials, shifting from unabashed dehumanization of individuals allegedly involved in the use and sale of illegal drugs to pronouncements recognizing the primacy of human rights even in the context of the war on drugs.

These issues call for a NHRAP IV that should prioritize the strengthening, if not establishment, of a functioning accountability mechanism and victim support system. Gains from the United Nations Joint Programme (UNJP), particularly the Technical Working Group on strengthening domestic investigative and accountability mechanisms, which includes the opening up of opportunities for dialogue and collaboration among the law enforcement sector, the United Nations, and civil society organizations must be sustained. Action points on establishing effective and responsive mechanisms to investigate and prosecute perpetrators of extrajudicial killings, including those under the context of the war on drugs, and in line with the recommendations by the Human Rights Committee,<sup>24</sup> should include:

- expanding the coverage of the Inter-Agency Committee On Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life,

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<sup>21</sup> Statement of CHR Spokesperson, Atty Jacqueline Ann de Guia, on the government's regression of commitment to fully open cases of alleged extrajudicial killings linked to the drug campaign to investigations (Jun. 2, 2021), available at <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-governments-regression-of-commitment-to-fully-open-cases-of-alleged-extrajudicial-killings-linked-to-the-drug-campaign-to-investiga/> (last accessed Jul. 18, 2024).

<sup>22</sup> Draft Talking Points for the CHR Diplomatic Briefing by CHR Policy Linkages Office (Mar. 7, 2024) (on file with author). These statistics refer to drug-related cases monitored by the CHR: 235 cases for the period July 2020 to June 2021; 19 cases for the period of July 2021 to July 2022; and 7 cases for the period of July 2022 to December 2023.

<sup>23</sup> CHR, Human Rights Advisory on the Accepted and Noted Recommendations from the Fourth Cycle Universal Periodic Review of the Philippines, CHR(VI)A2023-005, p.7, para. 2.

<sup>24</sup> Concluding observations on the fifth periodic report of the Philippines, CCPR/C/PHL/CO/5, Human Rights Committee, para. 28 (Nov. 30, 2022).

Liberty and Security of Persons, created in 2012 under Administrative Order No. 35;

- building the capacity of State actors in identifying, investigating and prosecuting extrajudicial killings; and
- increasing the resources of the CHR as the government's watchdog.

The NHRAP IV should also prioritize the provision of comprehensive support services for the families of victims, including legal aid, psychological counseling, and financial assistance.

In terms of policy reform, the NHRAP IV should prioritize the review and reform of law enforcement policies and practices to ensure adherence to human rights standards, including revisiting Command Memorandum Circular No. 16-2016 and the comprehensive shift from a punitive to a public health approach to handling illegal drugs.

***Freedom of expression and press freedom.*** The past administration saw a significant erosion of press freedom.<sup>25</sup> Major news outlets, Rappler and ABS-CBN, faced legal challenges and eventual shutdown for the latter, which some parties argued to be politically motivated.<sup>26</sup> Rappler's CEO, Maria Ressa, faced multiple charges, which international observers viewed as attempts to silence critical journalism.<sup>27</sup> There have been concerns about the potential continuation of these practices under the present administration, which may create a chilling effect on free expression and dissent. While there has been some easing of direct attacks on the press, systemic challenges and legal threats to journalists remain, including under Republic Act No. 11479 or the Anti-Terrorism Act of 2020<sup>28</sup> and present libel and cyber libel laws.<sup>29</sup> Reports of red-tagging and killings of journalists continue,<sup>30</sup> thereby contributing to the stifling of constructive dissent in society.

These issues call for the strengthening of legal protections for journalists and media organizations to operate without fear of retribution, including the amendment of the Anti-Terrorism Act and libel and cyber libel laws to prevent misuse, and the swift administration of justice for victims of targeted killings against journalists.

***Civic space and human rights defenders.*** The civic space in the Philippines has experienced a marked decline, characterized by increased repression and legal

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<sup>25</sup> Statement of CHR Spokesperson, Atty Jacqueline Ann de Guia, on the worsening state of press freedom in the country (Apr. 22, 2021), available at <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-worsening-state-of-press-freedom-in-the-country/> (last accessed Jul. 18, 2024).

<sup>26</sup> Statement of the Commission on Human Rights on the decision of the House of Representatives to deny ABS-CBN's franchise application (Jul. 11, 2020), available at <https://chr.gov.ph/statement-of-the-commission-on-human-rights-on-the-decision-of-the-house-of-representatives-to-deny-abs-cbns-franchise-application/> (last accessed Jul. 18, 2024).

<sup>27</sup> Statement of the Commission on Human Rights on the court's guilty verdict on the cyber libel case against Maria Ressa (Jun. 17, 2020), available at <https://chr.gov.ph/statement-of-the-commission-on-human-rights-on-the-courts-guilty-verdict-on-the-cyber-libel-case-against-maria-ressa/> (last accessed Jul. 18, 2024).

<sup>28</sup> Statement of CHR Spokesperson, Atty Jacqueline Ann de Guia, on the decision of the Supreme Court on the constitutionality of the Anti-Terrorism Act (Dec. 12, 2021), available at <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-decision-of-the-supreme-court-on-the-constitutionality-of-the-anti-terrorism-act/> (last accessed Jul. 18, 2024).

<sup>29</sup> Statement of the Commission on Human Rights on the cyber libel conviction of journalist Frank Cimatu, and Senate Bill No. 1593, decriminalizing libel (Dec. 21, 2022), available at <https://chr.gov.ph/statement-of-the-commission-on-human-rights-on-the-cyber-libel-conviction-of-journalist-frank-cimatu-and-senate-bill-no-1593-decriminalizing-libel/> (last accessed Jul. 18, 2024).

<sup>30</sup> Briefer: United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression: Official Visit to the Commission on Human Rights by CHR Policy Linkages Office (Jan. 30, 2024) (on file with author).

harassment of civil society organizations, activists, and media outlets.<sup>31</sup> The Government's approach towards dissent and criticism has been notably oppressive, which could contribute to a climate of fear and self-censorship. While the present administration has made some attempts to soften the rhetoric, significant challenges remain.

The practice of red-tagging, or labeling individuals and groups as communists or terrorists without substantial evidence, continues.<sup>32</sup> Human rights defenders, journalists, and activists are frequently targeted, facing threats, intimidation, and violence. This practice not only endangers the lives of those labeled but also undermines legitimate advocacy and dissent.

Human rights defenders have been particularly vulnerable, facing a range of threats and abuses.<sup>33</sup> There have been numerous reports of extrajudicial killings of activists, particularly those involved in land and environmental rights.<sup>34</sup> Activists have also faced arbitrary arrests, harassment, and smear campaigns aimed at discrediting their work.<sup>35</sup> The passage of the Anti-Terrorism Act in 2020 raised significant concerns among human rights advocates.<sup>36</sup> The law's broad and vague definitions of terrorism can be misused to target human rights defenders, critics, and opposition figures. Despite calls for its repeal or amendment, the law remains in force, posing a continuous threat to civic space and human rights work.

Despite some efforts at mitigation, human rights defenders who dare to speak out against abuses continue to face significant risks to their right to life and security. The persistence of extrajudicial killings, the harassment of activists, and restrictive laws highlight the urgent need for comprehensive reforms and stronger protections for human rights and civic freedoms. This includes the need to implement comprehensive protection programs that incorporate the provision of safe houses, legal aid, and emergency response teams. These issues also call for an urgent need to conduct a thorough review of the Anti-Terrorism Act to ensure it aligns with international human rights standards and does not infringe on civil liberties. Finally, there is a need to launch public awareness campaigns to highlight the importance of human rights defenders and their work, as well as the risks they face so as to foster a culture of support and solidarity in defending human rights.

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<sup>31</sup> Statement of the Commission on Human Rights on a study's assessment of a 'repressed' civic space in the Philippines (Dec. 13, 2020), available at <https://chr.gov.ph/statement-of-the-commission-on-human-rights-on-a-study-assessment-of-a-repressed-civic-space-in-the-philippines/> (last accessed Jul. 18, 2024).

<sup>32</sup> Statement of the Commission on Human Rights of the Philippines, Delivered by Chairperson Richard P. Palpalatoc at the 55th Regular Session of the United Nations Human Rights Council, Item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development / Interrelation of human rights and human rights thematic issues / Terrorism and human rights, Interactive Dialogue with the Special Rapporteur on Counter-terrorism and Human Rights (Mar. 12, 2024) (transcript on file with author).

<sup>33</sup> Statement of the Commission on Human Rights on the opposition against the bill protecting human rights defenders (Mar. 16, 2023), available at <https://chr.gov.ph/statement-of-the-commission-on-human-rights-on-the-opposition-against-the-bill-protecting-human-rights-defenders/> (last accessed Jul. 18, 2024).

<sup>34</sup> Statement of CHR Spokesperson, Atty Jacqueline Ann de Guia, on the 23rd Anniversary of the passage of the Indigenous Peoples' Rights Act (Oct. 29, 2020), available at <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-23rd-anniversary-of-the-passage-of-the-indigenous-peoples-rights-act/> (last accessed Jul. 18, 2024). Statement of CHR Spokesperson, Atty. Jacqueline Ann de Guia, on the violent attacks and unlawful harassment against human rights defenders in the country (Feb. 8, 2020), available at <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-violent-attacks-and-unlawful-harrassment-against-human-rights-defenders-in-the-country/> (last accessed Jul. 18, 2024). Statement of CHR spokesperson, Atty. Jacqueline Ann de Guia, on the recent study naming the Philippines as the most dangerous for land and environmental defenders (Aug. 2, 2019), available at <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-recent-study-naming-the-philippines-as-the-most-dangerous-for-land-and-environmental-defenders/> (last accessed Jul. 18, 2024).

<sup>35</sup> *Id.*

<sup>36</sup> CHR, Advisory on the Human Rights Implication of the Anti-Terrorism Act of 2020, CHR(V)A2020-015.

**Rights of indigenous peoples.** The rights of indigenous peoples in the Philippines have been another significant area of concern. Indigenous cultural communities have faced displacement due to development projects, mining operations, and militarization.<sup>37</sup> The Bangsamoro Organic Law, which was ratified in 2019, created the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), promising greater autonomy and addressing historical injustices. However, challenges in implementation and integration of indigenous rights within BARMM remain.<sup>38</sup> Further, violent encounters between the military and indigenous groups, particularly in Mindanao, have resulted in human rights violations.<sup>39</sup> The displacement of Lumad communities, targeted killings of indigenous leaders, and the harassment of indigenous rights activists have been reported, exacerbating the marginalization of these communities.<sup>40</sup>

These issues call for a NHRAP IV that will give particular attention to the rights of indigenous peoples and the recognition of their ancestral domains, including through ensuring the effective implementation of Republic Act No. 8371 or the Indigenous Peoples' Rights Act, as well as the accessibility of mechanisms for genuine consultation and participation of indigenous communities in decision-making processes, particularly in development projects affecting their lands.

**Economic and social rights and the COVID-19 pandemic.** The COVID-19 pandemic has exposed and exacerbated existing socio-economic inequalities particularly for those living under the poverty line with low and insecure incomes, lack of decent work, lack of education, insufficient nutrition and poor health, poor housing, lack of clean water, sanitation and electricity, lack of assets, inadequate livelihood opportunities, and overall vulnerability to exploitation and violence.<sup>41</sup> The government's response to the pandemic included strict lockdowns, which, while necessary for public health, disproportionately affected the poor, senior citizens, and other disadvantaged, marginalized and vulnerable sectors.<sup>42</sup> Reports of human rights abuses by law enforcement in enforcing lockdowns, including arbitrary arrests and the use of force, were prevalent.<sup>43</sup> Economic recovery efforts have been uneven, with marginalized communities facing the brunt of economic hardships.

Systemic issues that prevent the full realization of economic and social rights, as well as the debilitating and enduring effects of the COVID-19 pandemic call for the

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<sup>37</sup> Statement of CHR Commissioner, Gwendolyn Ll. Pimentel-Gana, Focal Commission on Indigenous People's Rights, on the National Indigenous Peoples Month and 24th IPRA commemoration (Oct. 15, 2021), available at <https://chr.gov.ph/statement-of-chr-commissioner-gwendolyn-ll-pimentel-gana-focal-commission-on-indigenous-peoples-rights-on-the-national-indigenous-peoples-month-and-24th-ipra-commemoration/> (last accessed Jul. 18, 2024).

<sup>38</sup> Statement of Commissioner Faydah Maniri Dumarpa at the 109th Session of the UN Convention on the Elimination of All Forms of Racial Discrimination (11 April 2023), available at <https://chr.gov.ph/statement-of-commissioner-faydah-maniri-dumarpa-at-the-109th-session-of-the-un-convention-on-the-elimination-of-all-forms-of-racial-discrimination-11-april-2023/> (last accessed Jul. 19, 2024).

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> Presentation by Mr. Sonny Africa, IBON Foundation at the CHR Consultation on the Development of the National Human Rights Action Plan IV, *NHRAP's error: Economic, Social and Cultural Rights (ESCR) will never trickle down* (Dec. 11, 2023) (on file with author).

<sup>42</sup> Statement of CHR spokesperson, Atty. Jacqueline Ann de Guia, on the clarifications of arresting citizens in time of community quarantine due to COVID-19 (Mar. 15, 2020), available at <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-clarifications-of-arresting-citizens-in-time-of-community-quarantine-due-to-covid-19/> (last accessed Jul. 18, 2024).

<sup>43</sup> Written Statement of the Commission on Human Rights of the Philippines on the High Commissioner's report on State response to pandemics (res. 44/2) for the 47th Session of the Human Rights Council (Jun. 21, 2021), available at <https://chr.gov.ph/written-statement-of-the-commission-on-human-rights-of-the-philippines-on-the-high-commissioners-report-on-state-response-to-pandemics-res-44-2/> (last accessed Jul. 18, 2024).

prioritization of inclusive economic recovery in the NHRAP IV. Programs and specific action points in this regard must prioritize the needs of marginalized, vulnerable, and disadvantaged sectors to ensure their access to healthcare, education, and social services. There is also a need to strengthen the public health system, which should be stable and ready for any future health emergencies, that can provide equitable access to healthcare services, particularly in rural and underserved areas, as well as to enhance social protection programs to provide adequate support, including unemployment benefits, food security initiatives, housing assistance, and old age pension.

***Recommendations from international human rights mechanisms.*** A credible NHRAP must be founded on a commitment to universal human rights standards. This is best achieved by incorporating the recommendations from international human rights mechanisms - Treaty Bodies, the Human Rights Council and its Special Procedures and the Universal Periodic Review, and the United Nations High Commissioner for Human Rights, as these mechanisms are designed to fill the gaps in the implementation at the ground level of standards from the Universal Declaration of Human Rights, the core human rights treaties, and other sources of international human rights law. Incorporating recommendations from international human rights mechanisms ensures alignment with globally recognized norms. Recommendations from these mechanisms provide a comprehensive and informed analysis of the country's human rights situation, offering valuable insights and guidance for addressing systemic issues and gaps. Adhering to these recommendations also demonstrates a commitment to constructive dialogue and cooperation with the international community, potentially attracting support and resources for human rights initiatives. Overall, integrating these recommendations helps create a more effective NHRAP that addresses both domestic and international human rights concerns.

The CHR therefore strongly recommends the inclusion in the NHRAP IV list of priority actions of all recommendations emanating from international human rights mechanisms, particularly those issued within the last six to seven years. These include the recommendations found in the:

1. 2018 Concluding Observations by the Committee on the Rights of Persons with Disabilities (CRPD/C/PHL/CO/1);
2. 2019 Human Rights Council Resolution 41/2 on the Promotion and Protection of Human Rights in the Philippines;
3. 2020 Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in the Philippines (A/HRC/44/22);
4. 2020 Human Rights Council Resolution 45/33 on Technical Cooperation and Capacity-Building for the Promotion and Protection of Human Rights in the Philippines;
5. 2022 Report of the United Nations High Commissioner for Human Rights on the Implementation of Human Rights Council Resolution 45/33 and on the Progress and Results of Technical Cooperation and Capacity Building for the Promotion and Protection of Human Rights in the Philippines (A/HRC/51/58);
6. 2022 Concluding Observations by the Committee on the Rights of the Child (CRC/C/PHL/CO/5-6);
7. 2022 Concluding Observations by the Human Rights Committee (CCPR/C/PHL/CO/5);

8. 2022 Report of the Working Group on the Universal Periodic Review (4th cycle review of the Philippines) (A/HRC/52/13);
9. 2023 Concluding Observations by the Committee on Migrant Workers (CMW/C/PHL/CO/3);
10. 2023 Concluding Observations by the Committee on the Elimination of Racial Discrimination (CERD/C/PHL/CO/21-25);
11. 2023 Concluding Observations by the Committee on the Elimination of Discrimination against Women (CEDAW/C/PHL/CO/9);
12. 2023 Country Visit Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material (A/HRC/55/55/ADD.1);
13. 2024 Country Visit Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change (A/HRC/56/46/Add.2); and
14. Forthcoming 2025 Country Visit Report of the Special Rapporteur on freedom of expression and opinion. Reference can be made from her submitted preliminary report.<sup>44</sup>

### ***Bringing the people's voices to the fore***

It must be noted that the recommendations for priority actions outlined above are generic and incomplete, and may not fully reflect the priorities of all relevant stakeholders, particularly the disadvantaged, marginalized, and vulnerable sectors, whose needs should be prioritized in the next NHRAP. Although these recommendations outline the broader context, they are less specific and require more context for effective implementation resulting in a direct impact on the realization of human rights on the ground.

As such, the CHR reiterates the principles of human rights-based approach, which demands a participatory and transparent approach to public policy-making. A NHRAP must provide a central role for civil society. It should embrace the broadest range of participants from all sectors of society through an effective and inclusive consultation process. An effective consultation process during the development of the plan will encourage broader understanding and acceptance. The consultation process is crucial for the credibility and, ultimately, the effectiveness of the plan. It is from this premise that the CHR sees the development of the NHRAP as an important process, almost as important as the outcome document itself.

It is also in this premise that the CHR proposed to have an independent consultative process with a broad range of stakeholders, including civil society. The independent consultation process that the CHR is undertaking is in parallel with the series of consultations that the Government is organizing with the support of the OHCHR. By conducting these parallel consultations, the CHR hopes to offer all stakeholders more opportunities to voice out their concerns and priorities.

The CHR stresses the importance of consulting various stakeholders as a way to collect accurate information on the measures undertaken by the Government, especially on whether laws and policies are actually implemented on the ground, the manner of

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<sup>44</sup> Available at <https://www.ohchr.org/sites/default/files/documents/issues/expression/statements/20240202-eom-philippines-sr-freedex.pdf> (last accessed on Aug. 26, 2024)

implementation of such laws and policies, whether access to justice for victims of human rights violations are guaranteed, and if intended rights-holders are reached and protected by these actions of the State. Consulting various stakeholders also ensures all perspectives are brought to the attention of the Government, whose obligation is to ultimately decide on the prioritization for budgeting and scheduling, on the basis of informed decision-making and equitable resource allocation. As such, the CHR emphasizes the need to consult legitimate representatives of the following stakeholders: women; children; persons with disabilities; indigenous peoples and minorities; older people; farmers and fisherfolks; labor sector; urban or rural poor dwellers; homeless persons; LGBTQI persons; migrant workers; the youth; persons deprived of liberty; journalists and other media workers; and human rights defenders and activists, among others.

Finally, the CHR reiterates the following key messages and recommendations from the OHCHR Handbook:

1. “Consultations with stakeholders should aim to reach out to people at all levels of society and in the various regions of the country. Efforts should be made to avoid a situation in which the plan becomes an exercise focused narrowly on government and civil society elites.”
2. “Public meetings can make a significant contribution to the process of consultation and to the development of a plan that enjoys broad support. They will be more effective where they are set up in partnership with civil society organizations, properly organized and funded adequately. There will be many situations in which it will be desirable to take public meetings to the people. For example, many persons belonging to vulnerable groups may live in areas distant from the capital. Other members of vulnerable groups may feel greater confidence in the process if public meetings are held within the framework of their own organizations. In addition, the general public will accord greater credibility to the process if it is seen to make an effort to reach out directly to ordinary people.”<sup>45</sup>
3. A public hearing “in which members of the general population, civil society organizations and government officials can be invited or required to provide information on relevant issues” may also be implemented. “Such hearings can inquire into issues in a systematic way, calling for submissions or the appearance of witnesses, analyzing information provided and making recommendations. Public hearings on human rights themes can be very effective when they are brought locally to the people” and these activities can give “the poor a unique opportunity to tell their compelling stories and to be heard directly by decision-makers and the general populace .”<sup>46</sup>
4. “Members of vulnerable groups or persons who have been victims of human rights violations may not always feel comfortable expressing their views in public contexts. If this is the case, those involved in consultations with the public should provide facilities for more private exchanges and may even wish

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<sup>45</sup> OHCHR, *supra* note 5, at pp. 58-59.

<sup>46</sup> *Id.*

to ensure confidentiality in some situations. It may also be necessary to invite advocates or legal representatives of the affected people, as appropriate.”<sup>47</sup>

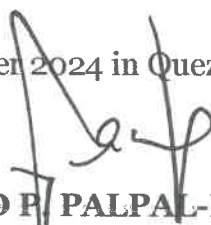
### **Conclusion**

In this advisory, the CHR emphasizes the importance of incorporating the voice of the people in the development, implementation, and monitoring of NHRAP IV and highlights the general principles for effective NHRAPs based on the United Nations guidelines, stressing that it should be comprehensive, action-oriented, and involve inclusive, transparent, and broad consultations with all elements of society. Such an approach will ensure the plan’s credibility, effectiveness, and alignment with international human rights standards and the priority needs of the most vulnerable, marginalized, and disadvantaged sectors of society.

This advisory also contextualizes the current human rights landscape in the Philippines, identifying key issues such as extrajudicial killings, the erosion of press freedom, shrinking civic spaces, indigenous peoples’ rights, and the socio-economic impacts of the COVID-19 pandemic. By addressing key human rights issues and incorporating diverse perspectives, PHRP IV can significantly enhance the promotion and protection of human rights in the Philippines.

By issuing this advisory, the CHR reiterates its commitment to work with the Government and all stakeholders for the successful development, implementation, monitoring, and evaluation of the PHRP IV.

Issued this 10<sup>th</sup> day of September 2024 in Quezon City, Philippines.



**RICHARD P. PALPAL-LATOC**  
Chairperson



**BEDA A. IPRES**  
Commissioner

(on Leave)  
**FAYDAH M. DUMARPA**  
Commissioner



**Justice MONINA A. ZENAROSA (ret.)**  
Commissioner

ATTESTED BY:



**MARIA ASUNCION I. MARIANO-MARAVILLA**  
Commission Secretary

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<sup>47</sup> *Id.*