



**International Convention on
the Elimination of all Forms
of Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Seventy-fifth session
Geneva, 3 - 28 August 2009

**LIST OF ISSUES OF THE COUNTRY RAPPOREUR IN CONNECTION WITH
THE CONSIDERATION OF THE FIFTEENTH TO
TWENTIETH PERIODIC REPORTS OF THE PHILIPPINES**

General information and legal framework

1. As requested by the Committee in its previous concluding observations, please provide detailed data or recent estimates regarding the ethnic and indigenous composition of the population including socio-economic and educational indicators. Please also indicate how ethnicity will be included as a variable for the 2010 national population census and whether ethnic or indigenous groups will be given the possibility of self-identification.
2. Please indicate whether non-governmental organisations have been consulted in the preparation of the State party's fifteenth to twentieth periodic reports to the Committee.
3. Please specify which status the Convention enjoys in the domestic legal order and whether it can be directly invoked before national courts. If so, kindly provide examples of court cases, if any, in which the Convention was invoked.

Article 1

4. Please inform the Committee on the legislative process to enact the "Anti-Religious and Racial Profiling Act of 2007" and on its provisions. Is the definition of racial discrimination contained in the draft law in line with the definition provided under article 1 of the Convention?

Article 2

5. According to information before the Committee, the full application of the Indigenous Peoples Rights Act is significantly undermined by the Republic Act 7942 (Mining Act of 1995), which allows foreign ownership over mineral resources of lands occupied by indigenous peoples. Please provide information on the steps taken to harmonise the implementation of both laws with particular regard to the Mineral Action Plan.

6. With reference to para. 122 of the State party report, please describe the measures which have been adopted and/or contemplated to harmonise the policies of the Department of Environment and Natural Resources (DENR), the Department of Agrarian Reform (DAR), and the Land Registration Authority (LRA) to address the problem of overlapping with regard to the issuance of Certificates of Ancestral Domain Titles. Are measures preceded by consultations with ethnic and indigenous groups? Please also specify what measures are undertaken to address existing land claims conflicts between the government and ethnic and indigenous groups.

7. Please explain why the City of Baguio is exempted from the application of the Republic Act 8371 (1997 Indigenous Peoples Rights Act), as provided in section 78 of the Act, although it forms part of the Cordillera Autonomous Region.

Article 5

8. What measures has the State party adopted to ensure the protection and security of ethnic and indigenous groups in zones of armed conflict? Please provide further information on the application and impact of Republic Act 9372 (Human Security Act, also known as Anti-Terrorism Act) and on the mandate of the Philippines Armed Forces Indigenous Peoples Affairs Desk. Since indigenous children are particularly at risk of becoming involved in armed conflict, please inform the Committee on the measures taken to enforce the provisions of the Indigenous Peoples Rights Act to ensure that indigenous children are not recruited by armed forces or armed groups?

9. Please provide further information on progress made in enhancing and ensuring equitable representation and participation of ethnic and indigenous groups in national and local governance, as well as in the police and armed forces and in the judiciary? Please specify the mandate and work of the Indigenous Peoples Consultative Body and the Provincial Consultative Bodies and on their involvement in national and local governance. With respect to non-Islamised indigenous peoples living in the Autonomous Region in Muslim Mindanao (ARMM), please explain how their representation and participation rights are upheld.

10. Please provide additional information on the implementation of the Ancestral Domains Sustainable Development and Protection Plans (ADSDPP).

11. According to information received, the implementation of extractive and other development projects is alleged to violate rights of indigenous peoples. Please specify if the Free, Prior and Informed Consent (FPIC) of the peoples concerned is regularly obtained for such projects, as required by the Indigenous Peoples Rights Act. Please comment on reports that, in

some cases, indigenous peoples' consent to projects within their territories was obtained by means of misinformation, misrepresentation, bribery and intimidation.

12. Please comment on the restrictions imposed on the exercise of priority rights since the adoption in 2006 of the revised Guidelines on Free, Prior and Informed Consent. Has the State party considered addressing this issue?

13. Please provide information on steps taken to protect and prevent indigenous peoples from being displaced due to armed conflict and eviction from their ancestral lands, to enforce their right to return and enhance access to basic services. What is the role of the National Disaster Coordinating Council in this regard? Has the State party undertaken a comprehensive assessment on this issue?

14. Please comment on progress made to protect the rights of the *Subanon* of Mount Canatuan as recommended by the Committee through its early warning procedure, and of the *Lumad* in Mindanao and the *Tumandok* on Panay Island, as highlighted by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, as well as the *Sama Dilaut* community and the *Bangsamoro*, whose situation was addressed by the former Working Group on Minorities.

15. What measures has the State party undertaken to develop a birth registration system covering the whole territory and to provide an improved access to birth registration for parents belonging to ethnic or indigenous groups? With reference to paras. 67 and 68 of the State party report, please provide further information on the implementation of the Administrative Order No. 3 of 14 May 2004 and on the implementation and achievements of the Unregistered Children Project of Plan Philippines (UCPPP).

16. Please provide further information on the Medium-Term Philippine Development Plan for Indigenous Peoples (MTPDP-IP) as well as its achievements. Please indicate what measures have been adopted to ensure equal access for indigenous and minority children to culturally appropriate services, including basic social and health services and education.

Article 6

17. According to the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, human rights defenders and members of indigenous and ethnic groups have allegedly been victims of extrajudicial executions, political killings, enforced disappearance, torture and ill-treatment committed by the Philippine Armed Forces (AFP) and the Philippine National Police (PNP). What follow-up measures have been taken to the recommendations contained in these reports, including the work of bodies established to investigate these issues, namely the Melo Commission, Taskforce Usig and the recourse to the Writs of Amparo and Habeas Data? Please specify the cases where perpetrators of these crimes have been prosecuted and convicted. What steps have been taken to ensure the right to an effective remedy for victims of such crimes or their family?

18. Please provide detailed information on complaints received by the National Commission on Indigenous Peoples (NCIP). Please indicate how its members are appointed and comment on allegations concerning its lack of independence and representativeness, as well as its low commitment to taking action on complaints.

19. What measures have been taken to ensure that indigenous and Muslim women living in Mindanao, in particular in conflict zones, have access to justice, and that acts of violence against them are investigated and prosecuted?

20. Please provide information on the activities of the Presidential Human Rights Committee, the Commission on Human Rights of the Philippines and the Ombudsman with regard to racial discrimination, in particular on the number and substance of complaints received in this respect, action taken as a result and measures taken to assist victims.

21. Please specify the conditions to be met by victims to benefit from the provisions of the Republic Act 7309 creating a Board of Claims under the Department of Justice for victims of unjust imprisonment or detention and victims of violent crimes, unjust imprisonment and detention. Please also indicate whether victims of violent crimes of racial discrimination have been able to benefit from these provisions.

Article 7

22. Please report on measures taken by the State party to ensure that law enforcement officials, judges, prosecutors and lawyers are trained in human rights, including the rights protected by the provisions of the Convention. Please also report on progress made to promote and strengthen knowledge of the rights recognised by the Convention among the general population, in particular among minority groups.

23. Please indicate to what extent children belonging to different ethnic, indigenous and linguistic groups are taught their culture, language and history at school. Kindly provide further information on the Indigenous Peoples Core Curriculum for Alternative Learning System and specify to what extent indigenous groups participated in its elaboration.

Article 14

24. Please indicate whether the State party intends to make the declaration under article 14 of the Convention to accept the competence of the Committee to receive individual complaints.

25. Does the State party consider ratifying the International Convention on the Protection of All Persons from Enforced Disappearance and the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries?

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