



556 FIFTH AVENUE
NEW YORK, N.Y. 10036
TEL NO. (212) 764-1300

Note No. 000392 - 2020

The Permanent Mission of the Republic of the Philippines to the United Nations presents its compliments to the United Nations Office of Legal Affairs, and, with reference to its Note No. 000358-2020 dated 01 June 2020 transmitting inputs on the implementation of the Government of the Republic of the Philippines of General Assembly resolution 73/204 on "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts," has the honor to submit the following additional comments:

1. The Philippine Army has taken several measures to strengthen the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts, such as:
 - In 2010, it activated the Army Human Rights Office to plan, implement and supervise programs, measures and mechanisms to uphold, protect and promote the respect of and adherence to human rights, international humanitarian law, and their other related instruments. The Office also acts on alleged human rights / international humanitarian law violations of Philippine Army personnel, and conducts lectures on international humanitarian law to its units.
 - In 2017, it published a handbook as a guide for soldiers on human rights, international humanitarian law, and the rule of law, and distributed pocket-size leaflets for soldiers in Mindanao.
 - It has institutionalized the international humanitarian law module for basic soldiery to advance courses of both officers and enlisted personnel.
 - It is a member of the team that crafted the Department of National Defense - Armed Forces of the Philippines Circular Directive Number 1 dated 04 February 2016 entitled "Child Protection During Armed Conflict Situations," now being revised to conform with Republic Act No.11188 on Special Protection of Children in Situations of Armed Conflict Act (2019).
 - Per Executive Order No. 134, s. 1999, it is part of the international humanitarian law ad hoc Committee, which formulates and implements the annual international humanitarian law activities of the Government.

- It collaborates with the International Committee of the Red Cross in Manila, the Philippine Red Cross, and non-governmental organizations and people's organizations in the country for the institutionalization of international humanitarian law in the Philippine Army and international humanitarian law awareness on the general public.

2. The Philippine National Police notes that:

- A range of new treaties has been ratified by States, international courts and tribunals have produced judgments on the basis of international humanitarian law, States and non-State armed actors have been trained in this body of law, and that international humanitarian law is integrated into domestic legal orders of States more than ever before.
- However, at present, international humanitarian law still lacks effective means in identifying, preventing and halting violations while they are occurring. The mechanisms within international humanitarian law that do exist are rarely, if ever, used. Moreover, they are only applicable to international armed conflict, whereas the majority of conflicts are now regional/local. Hence, there is a need to undertake a major consultation process on how to improve compliance with international humanitarian law by developing stronger international monitoring mechanisms.
- As a party to the four Geneva Conventions, the Philippines has a legally binding commitment to adopt national measures of implementation, specifically national legislation for the punishment of serious violations of international humanitarian law. In this regard, the Government adopted Republic Act No. 9851 entitled "Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity" in 2009, which was considered a milestone in the national implementation of international humanitarian law, and Republic Act No.11188 on Special Protection of Children in Situations of Armed Conflict Act in 2019. These laws provide comprehensive protection for both civilians and combatants, and ensure that those who violate the law are appropriately sanctioned.

3. The Philippine National Police has taken several measures to strengthen the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts, such as:

- Its School for Investigation and Detective Development of the Directorate for Investigation and Detective Management has included the provisions of Republic Act No. 9851 in one of the modules of the Investigation Officer's Basic Course and Criminal Investigation Course to ensure that its investigators will be knowledgeable and familiar with them.

- The Philippine National Police Human Rights Affairs Office is a member of the Technical Working Group for the crafting of the International Humanitarian Law Manual, which is a project spearheaded by the Philippine Judicial Academy of the Supreme Court, in partnership with the International Committee of the Red Cross, to develop a reference material for the use in training of judges, prosecutors, public attorneys, human rights officers and law enforcers in the proper interpretation and application of the provisions of Republic Act No. 9851.

The Permanent Mission of the Republic of the Philippines to the United Nations avails itself of this opportunity to renew to the United Nations Office of Legal Affairs the assurances of its highest consideration.

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United Nations Office of Legal Affairs

Email: 6thcommittee@un.org