

STATUS OF THE ADDITIONAL PROTOCOLS RELATING TO THE PROTECTION OF VICTIMS OF ARMED CONFLICTS

Summary

- *The Commission on Human Rights of the Philippines (CHRP) created the Center for Crisis, Conflict, and Humanitarian Protection (CCCHP), which acts as the CHRP's focal unit on IHL and protection of human rights in conflict settings and releases reports, information materials, and comments and inputs on issues in relation to IHL, including but not limited to displacements caused by armed conflict.*
- *It has been consistently participating in the creation of campaigns and programs of the National Ad Hoc Committee on International Humanitarian Law created under Presidential Executive Order No. 134, s. 1999. The CHRP currently supports the institutionalization of the Ad Hoc Committee that will provide its members better opportunities to mainstream the IHL advocacy.*
- *The CHRP is mandated to perform investigative functions as regards IHL violations in support of the country's obligation to uphold IHL under RA 9851.*
- *Relative to RA 9851, the CHRP also adopted in 2018 its "Policy Guidelines in the Advocacy for the Observance of International Humanitarian Law and in the investigation and monitoring of violations of IHL, genocide, and other crimes against humanity under RA 9851." These policy guidelines provide guidance to the different offices in the CHRP in conducting IHL-related investigations and advocacy activities.*
- *The CHRP has been actively campaigning for the achievement of the 2030 Agenda for Sustainable Development that seeks to strengthen universal peace, and commits to redouble efforts to resolve or prevent conflict. In this endeavor, the CHRP commits itself to a whole-of-agency approach in ensuring that human rights are protected, promoted, respected, and fulfilled even in situations of armed conflict.*
- *The CHR, with the Philippine Statistics Authority (PSA), has been coordinating closely to develop protocols for tracking the Philippine government's commitment to SDG 16.1.2 on measuring conflict related deaths per 100, 000 population.*
- *The Office of the High Commissioner for Human Rights has conducted a series of capacity building activities for both CHR and PSA staff to identify the methodologies and roles of the two agencies in developing the data ecosystem for the aforementioned SDG indicator.*

The Commission on Human Rights of the Philippines (CHRP), created by virtue of the 1987 Philippine Constitution is an independent national human rights institution primarily mandated to, among others, investigate all forms of human rights violations and monitor the Philippine Government's compliance with international human rights treaty obligations; to include persons in crisis and conflict situation, commends the United Nations General Assembly (UN GA) for adopting resolution A/RES/75/138 entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts." The resolution built upon previous motions from the UNGA to strengthen the 1949 Geneva Conventions and,

most recently, resolution 73/204 of 20 December 2018 related to the protection of victims of armed conflicts.

A form of institutionalizing protective measures for persons in armed conflict settings is the strengthening of the mandate of NHRIs to include International Humanitarian Law (IHL) as part of its human rights agenda. To fulfill this mandate, the CHRP created the Center for Crisis, Conflict, and Humanitarian Protection (CCCHP), which acts as the CHRP's focal unit on IHL and protection of human rights in conflict settings. The CCCHP releases reports, information materials, and comments and inputs on issues in relation to IHL, including but not limited to displacements caused by armed conflict.

The CHRP has also been consistently participating in the creation of campaigns and programs of the National Ad Hoc Committee on International Humanitarian Law created under Presidential Executive Order No. 134, s. 1999. This Committee convenes different government agencies and civil society organizations to craft projects aiming to promote IHL through the celebration of the IHL Day every 12th of August. The CHRP currently supports the institutionalization of the Ad Hoc Committee that will provide its members better opportunities to mainstream the IHL advocacy.

The CHRP also performs investigative functions as regards IHL violations, in support of the country's obligation to uphold IHL. In 2009, the Philippine Congress enacted Republic Act: 9851, or an "Act Defining and Penalizing Crimes Against International Humanitarian Law, Genocide, and other Crimes Against Humanity, Organizing Jurisdiction, Designating Special Courts, and for Related Purposes". Pursuant to this Republic Act, the CHRP is one of the national institutions/agencies in the country tasked to investigate violations of IHL, genocide, and other crimes against humanity.

In Section 18, paragraph 2 and 3 of RA 9851, it was specifically provided that "the Supreme Court shall designate special courts to try cases involving crimes punishable under this Act. For these cases, the COMMISSION ON HUMAN RIGHTS, the DEPARTMENT OF JUSTICE and the PHILIPPINE NATIONAL POLICE or other concerned law enforcement agencies shall designate prosecutors or investigators as the case may be. The State shall ensure that judges, prosecutors and investigators, especially those designated for purposes this Act, receive effective training in human rights, Humanitarian Law and International Criminal Law." This provides the CHRP with a legal mandate to actively be involved in IHL investigations.

In pursuit of its mandate under RA 9851, the CHRP adopted in 2018 its "Policy Guidelines in the Advocacy for the Observance of International Humanitarian Law, and in the investigation and monitoring of violations of IHL, genocide, and other crimes against humanity under RA 9851." Said Policy Guidelines provide guidance to the different offices in the CHRP in conducting IHL-related investigations and advocacy activities. At present, the CHRP, through its different units and regional offices, conduct IHL caravans which aim to popularize IHL in local areas.

The CHRP has also been actively campaigning for the achievement of the 2030 Agenda for Sustainable Development which seeks to strengthen universal peace, and commits to redouble

efforts to resolve or prevent conflict. It recognizes that there can be no sustainable development without peace and no peace without sustainable development. In this endeavor, the CHRP commits itself to a whole-of-agency approach in ensuring that human rights are protected, promoted, respected, and fulfilled even in situations of armed conflict. The CHR through its partnership with the Philippine Statistics Authority has been coordinating closely to develop protocols for tracking the Philippine government's commitment to SDG 16.1.2 on measuring conflict related deaths per 100, 000 population. The Office of the High Commissioner for Human Rights has conducted a series of capacity building activities for both CHR and PSA staff to identify the methodologies and roles of the two agencies in developing the data ecosystem for the aforementioned SDG indicator. In particular, the emerging partnerships foresees CHR as becoming the national data provided for SDG 16.1.2.

XXX

Permanent Mission of the Republic of the Philippines
to the United Nations, New York, 7 June 2022