



COMMISSION ON HUMAN RIGHTS REPUBLIC OF THE PHILIPPINES

CHR: Dignity of all

VISION: A just and humane Philippine society of persons equal in opportunity, living a life of dignity, and forever vigilant against abuses and oppression.

MISSION: As conscience of government and the people, we seek truth in human rights issues. As beacon of truth, we make people aware of their rights, and guide government and society towards actions that respect the rights of all, particularly those who cannot defend themselves—the disadvantaged, marginalized, and vulnerable.

**Sharing local stories: experiences,
achievements, challenges and
alternative measures or actions for
human rights promotion and
protection with transborder issues**

PHILIPPINES

08 September 2018

Chiang Rai province, Thailand

OUTLINE

- Concept of extraterritorial obligations to respect, protect, and fulfill human rights
- Work of the Commission on Human Rights of the Philippines with transborder implications – National Inquiry on Climate Change
- Ways forward

(I.)

Concept of extraterritorial obligations to respect, protect, and fulfill human rights

**UNIVERSALITY
AND
CULTURAL RELATIVISM
OF
HUMAN RIGHTS**



CHR: Dignity of all

**Duty
Bearers**

**Claim
their
rights**

**Fulfil
their
obligations**

**Rights
Holders**

ETOs of States

Extraterritorial obligations arise when a State party may **influence situations located outside its territory**, consistent with the limits imposed by international law, **by controlling the activities of corporations domiciled in its territory and/or under its jurisdiction**, and thus may contribute to the effective enjoyment of economic, social and cultural rights outside its national territory. (Par.28, CESCR GC24, 10 Aug. 2017)

Human rights obligations

The Government has to:

Respect

Refrain from interfering with the enjoyment of the right

Protect

Prevent others from interfering with the enjoyment of the right

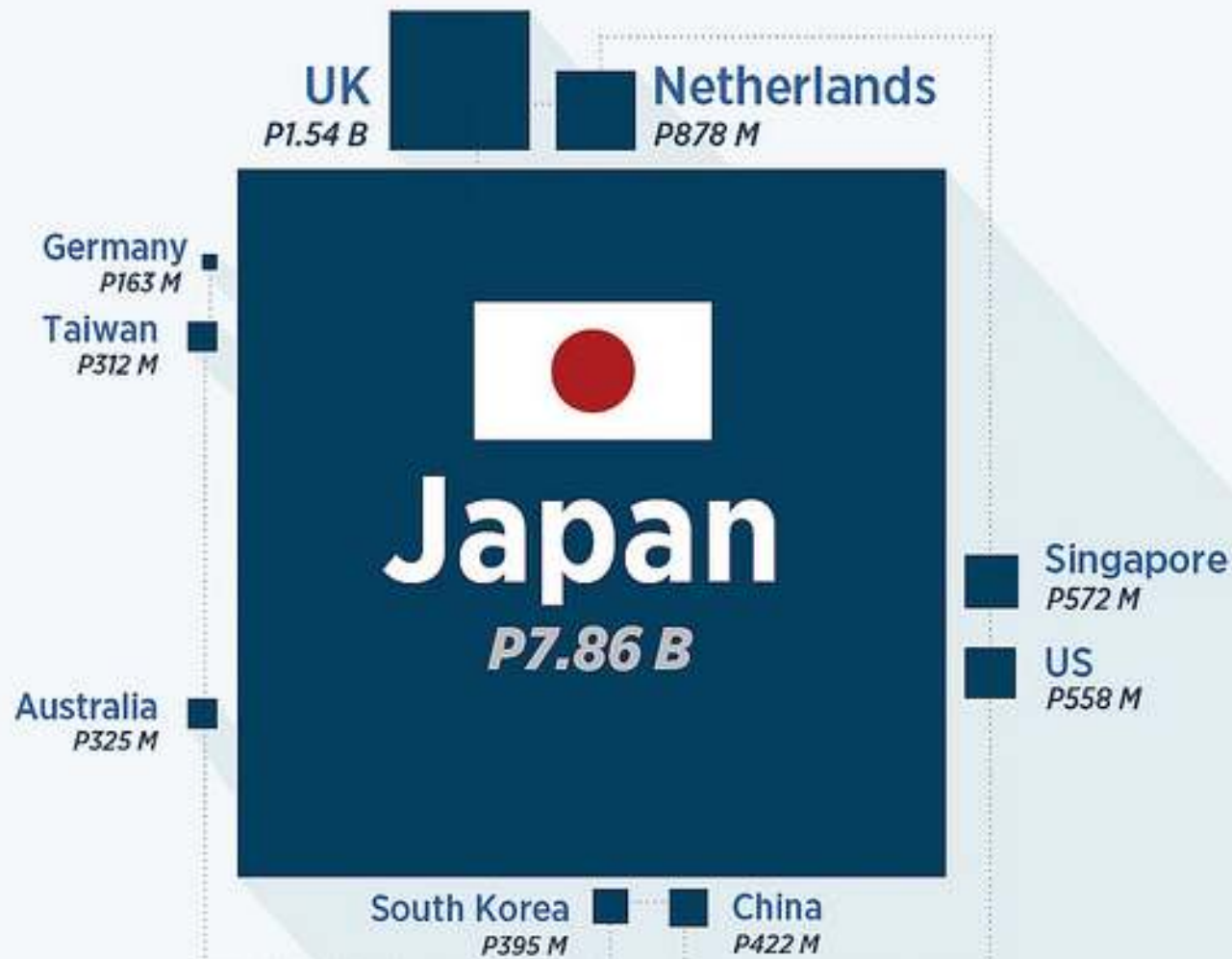
Fulfil

Adopt appropriate measures towards the full realization of the right

What makes us connected beyond territorial boundaries...



Which economies had the highest number of investment pledges in the Philippines?





APPROVED FOREIGN INVESTMENTS (AFI)

Second Quarter 2018

PhP 30.9 billion

TOTAL AFI



- Top Prospective Investing Countries for Q2 2018

Indonesia
PhP 6.4 billion

Japan
PhP 5.1 billion

USA
PhP 4.0 billion



- Regions to Receive the Highest Share of FI

41.6 percent
NCR

25.7 percent
CALABARZON

13.8 percent
CENTRAL LUZON

- Top Industries to Receive the Highest Share of FI

MANUFACTURING
41.5 percent

CONSTRUCTION
23.0 percent

ADMIN & SUPPORT
SERVICE ACTIVITIES
17.4 percent

Economic Zones

- Non-promotion of the workers' freedom of association and right to bargain collectively is a human rights violation by companies and government
- Government should encourage foreign investment with equal respect to the rights of workers



ECONOMY

PEZA angling for economic zones on tribal land

March 4, 2018 | 9:56 pm



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EU GSP+

- EU's trade preference programme for vulnerable developing countries; allows them to pay fewer or no duties on **exports to the EU** in return for improving the implementation of core human and labour rights principles and standards.
- Biennial report (2016-2017) on Philippines released in January 2018

EU GSP+ Biennial Report on Philippines

During the reporting period 2016-2017, national and international actors have expressed concern about the human rights situation in the country, notably as regards the high number of killings related to the Government's fight against illegal drugs, the lack of investigations of these killings, the situation of human rights defenders and the Government's intention to reintroduce the death penalty and to lower the age for criminal responsibility to 9 years

2,102 SHARES



PH trade perks: Duterte tells EU to 'go to hell'

By: Philip C. Tubeza - @inquirerdotnet Philippine Daily Inquirer / 07:00 AM February 14, 2018



A week before the European Parliament reviews the Philippines' trade perks, President Rodrigo Duterte on Monday scored the European Union (EU) for imposing "white, crazy values" on Filipinos, telling the EU it can "go to hell."

"These whites, they're crazy," Mr. Duterte said in a speech in Cebu City. "The problem here, this Europe now and these Americans, they want to

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BUSINESS

Domain of Private International Law

- Body of rules, or established practices, for making a choice of jurisdiction and choice of law in dealing with **foreign elements** in local litigation
- Foreign element - a factual situation that cuts across territorial lines and is thus affected by the diverse laws of two or more states

Requirement to Enforce ETO

- Know the domestic law in the country (Is the case about contracts, torts, citizenship, succession, corporation, pollution, etc.?)
- Know the proper forum that could properly and effectively decide on questions of fact and law (forum non conveniens; due process)
- Ensure that decisions of judicial and quasi-judicial forums could be properly implemented to the fullest extent either in favor or against a party to the case

Illustrative cases

- Saudi Arabian Airlines vs. Court of Appeals (G.R. No. 122191. October 8, 1998)
- Saudi Arabian Airlines vs. Rebesencio (G.R. No. 198587, January 14, 2015)

Sec. 48, Rule 39, Philippine Rules of Court

Effect of foreign judgments. - The effect of a judgment of a tribunal of a foreign country, having jurisdiction to pronounce the judgment is as follows:

(a) In case of a judgment upon a specific thing, the judgment is conclusive upon the title to the thing

Sec. 48, Rule 39, Philippine Rules of Court

(b) In case of a judgment against a person, the judgment is presumptive evidence of a right as between the parties and their successors in interest by a subsequent title;

In either case, the judgment or final order may be repelled by evidence of a want of jurisdiction, want of notice to the party, collusion, fraud, or clear mistake of law or fact.

Observations

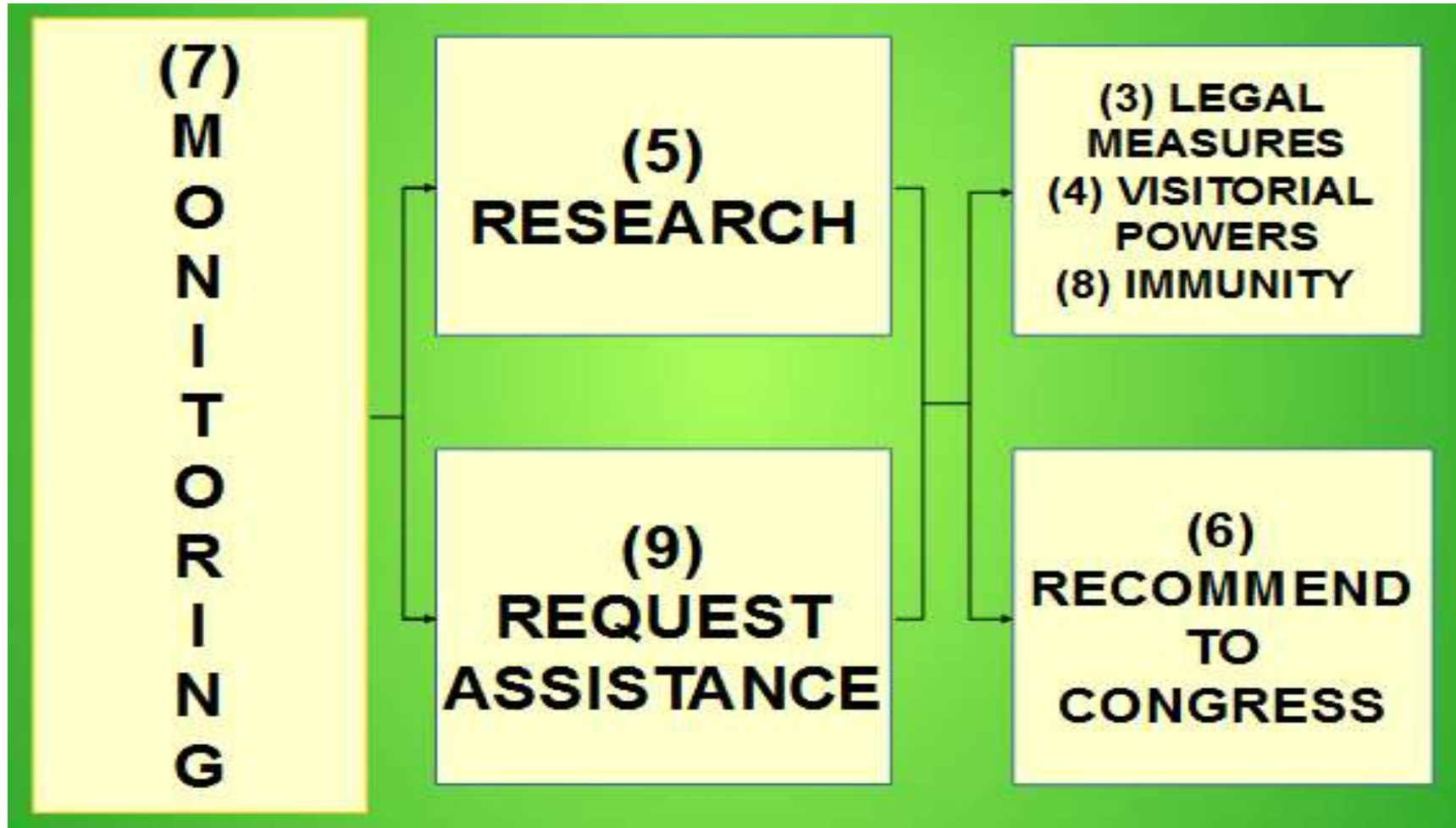
- Easier to appreciate ETOs if there is a codified domestic law on human rights to lessen cultural relativism
- ETOs emphasize accountability and remedies (state-based judicial, state-based non-judicial, non-state-based grievance mechanisms)
- ETOs in the SEA region are within the context of environmental, economic and development activities

(II.)

Work of the Commission on Human Rights of the Philippines with transborder implications



CHRP's Mandate



CHRP's Monitoring Mandate

“Monitoring” is a broad term describing the active collection, verification and immediate use of information to address human rights problems. Human rights monitoring includes gathering information about incidents, observing events (elections, trials, demonstrations, etc.), visiting sites such as places of detention and refugee camps, discussions with Government authorities to obtain information and to pursue remedies and other immediate follow-up

CHRP's Mandate

- Provide appropriate legal measures for the **protection of human rights of all persons within the Philippines, as well as Filipinos residing abroad**, and provide for preventive measures and legal aid services to the underprivileged whose human rights have been violated or need protection;



NATIONAL INQUIRY ON CLIMATE CHANGE

"First of its kind in the world"

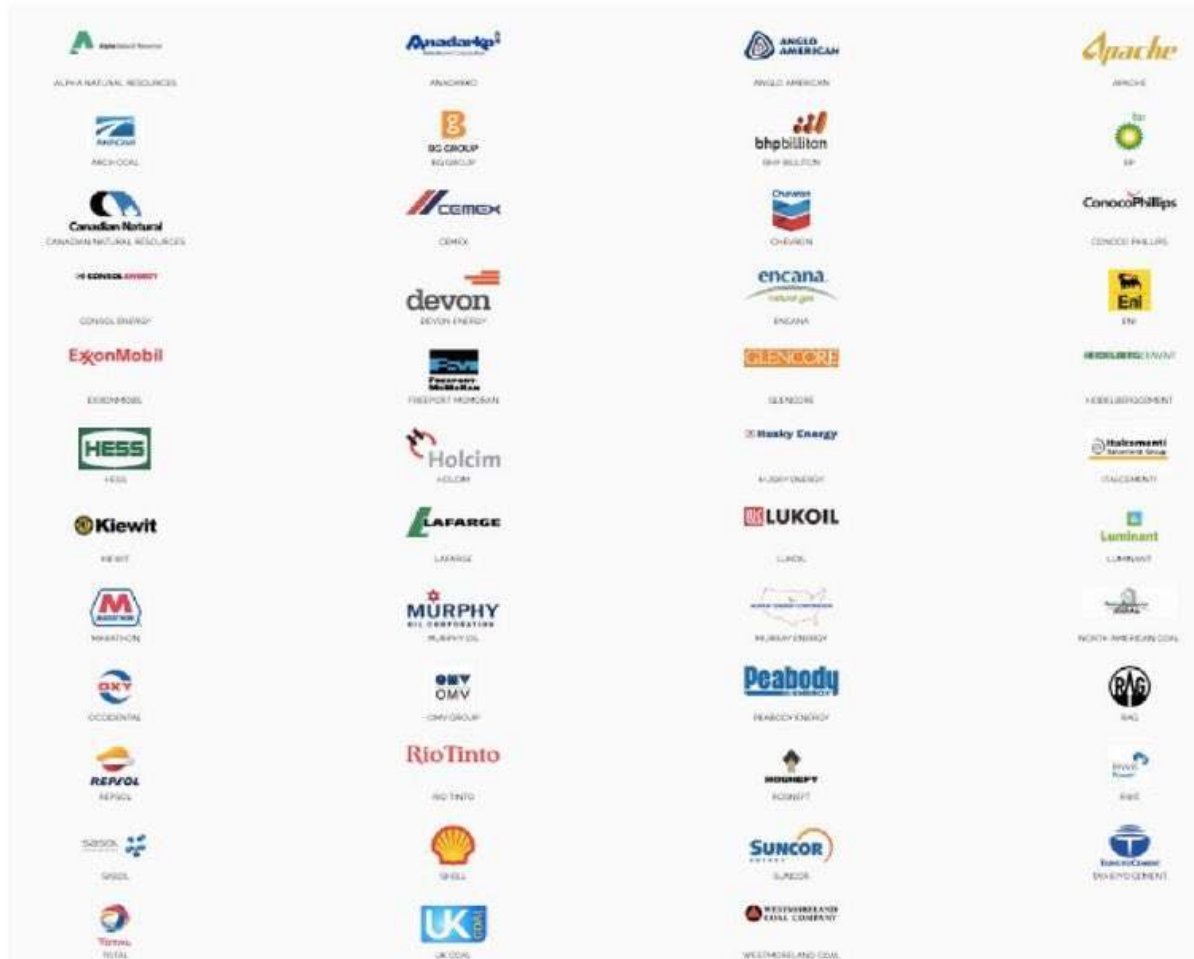
A petition was filed with the Commission on Human Rights of the Philippines seeking to establish how climate change is related to the increasing frequency and severity of natural disasters and how the human rights of Filipinos are affected by it.

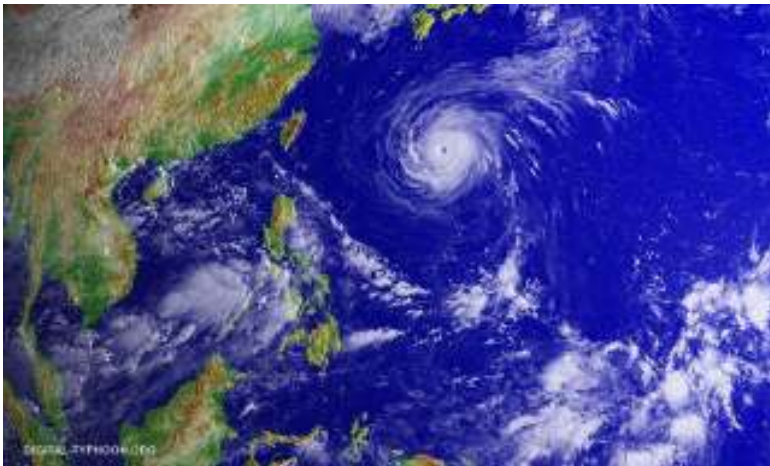


The case is novel in its attempt to haul “**carbon majors**” in one “**global petition**” involving human rights.

It seeks to promote, as well, the notion that **businesses have an obligation to respect human rights**, as enunciated under the UN Guiding Principles on Business and Human Rights.

Only 90 companies in the world are to blame for most of climate change. 47 of which are being investigated in the Climate Change & Human Rights Inquiry in the Philippines:







SIGNIFICANCE OF THE NATIONAL INQUIRY ON CLIMATE CHANGE



LOCALLY

Determination of the impact of climate change on the human rights of the Filipino people



INTERNATIONAL

The **first case in the world** inquiring into the nexus between human rights and climate change.



PROCEDURAL

The Inquiry seeks to contribute to the development of mechanisms for addressing the adverse impacts of climate change.



NATIONAL INQUIRY ON CLIMATE CHANGE

SCHEDULE OF PUBLIC HEARINGS 2018

WHAT	WHEN	WHERE
3 rd Round of Hearing	29 - 30 August	CHR Session Hall
4 th Round of Hearing	24 - 29 September	New York, USA
5 th Round of Hearing	16 - 17 October	CHR Session Hall
6 th Round of Hearing	04 - 09 November	London, UK
7 th Round of Hearing	11 - 12 December	CHR Session Hall

(III.)

Ways Forward



WAYS FORWARD

- Enforcement of ETOs would still rely on effective and efficient domestic legal system (policy and remedies)
- Need to apply practicable approach to ETOs from the vantage point of NHRIs, due to less exposure to ETOs
- Enhance methods of fact-finding, particularly in supply-chain mapping
- Harmonize private international law with human rights law