

PHILIPPINE STATEMENT

Reports of the Special Rapporteur on independence of judges and lawyers and the
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and
related intolerance

5th session of the Human Rights Council
Geneva, 11 June 2007

Mr. President,

We thank Special Rapporteurs Leandro Despouy and Doudou Diène for their reports and we would like to comment on both.

Report of Mr. Despouy

On Mr. Despouy's report, we welcome its focus on, *inter alia*, challenges faced by judicial systems, threats to judicial personnel which diminish their independence, and the impact of states of emergency. The report covers important concerns that illustrate the essential nature of the mandate, as it covers major pillars of a democratic system, namely, administration of justice and the rule of law. The recommendations

We will limit our specific comments to the reference in the report to the state of emergency that was declared in the Philippines last year. This extraordinary measure was declared in accordance with the constitution and the law, of short duration, limited to address an exceptional threat, and promptly ended as soon as the threat dissipated. It is also noteworthy that subsequent events after the measure was ended highlighted the independent stature of the judiciary. The Philippine Supreme Court, pursuant to its power of judicial oversight, used its authority to declare the constitutionality of presidential decrees and other issuances. In effect, the Supreme Court was shown to be not simply a court, but an important part of the Philippine political process.

Finally, we wish to know the Special Rapporteur's views, with regard to his recommendations, on priority areas that should be addressed first in the proposed strengthening of the mandate and in the request for more resources for its more effective implementation.

Report of Mr. Diène

We agree with Special Rapporteur Diène's dual strategy – that racism has to be fought not only on the political and legal fronts, but also on the cultural and ethical fronts, in the "hearts and minds" of people.

Of particular concern for the Philippines is the equal treatment and fair treatment of migrants, and ensuring that migrant are not viewed as threats from a racial or ethnic viewpoint. We strongly endorse the Special Rapporteur's view that integration efforts should not undermine religious or cultural values of migrant communities, not to mention their contribution to economic growth and development.

The Philippines rejects the association of and use of religion for violent ends and the defamation of any religion. For this matter, we attach great importance to your recommendation to strengthen the role of inter-religious and intercultural dialogue for promoting reciprocal understanding and joint action to meet challenges of development, peace and promotion and protection of human rights.

Inter-religious dialogue is important not only within societies, but between countries. The Philippines has been particularly active in this field with partners within the Asia-Pacific region, within the context of the Asia-Europe Meeting, and also within the framework of the United Nations.

Lastly, Mr. Diène, we note that in your report you mentioned few activities in the Asian region in connection with your mandate. Would you have any specific recommendations, taking into account the vast diversity of countries in the Asian region, on possible regional activities to promote the fight against racism?

Thank you, Mr. President.

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