

Note No. 000358 - 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 the latter's Note Verbale LA/COD/2/1 dated 03 March 2020, has the honor to submit the enclosed inputs on the implementation of the Government of the Republic of the Philippines of the 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".

Following are the highlights of the inputs:

1. The Philippines complies with the Additional Protocols through the following:

*HQHYD &RQYHQWLRQV 3XWWLQJ :RUGV ,QWR \$FWLRQ

'HSDUWPHQW RUIBGRFLDYH:GQSDWQWXV RI

*HQHYD &RQYHQWLRQDQGH\$RWRFRJOV

WR SURHWIRFWLLRPU RHG FRQIOLFW

3ROLF\ 'HYHORS\$PQWLRQDQ%

* H Q H Y D & R Q Y H Q W L R Q Q : R U G V , Q W R \$ F W L R Q

5 D W L R Q D O H

Sixty years ago the formation of Geneva Convention sought for operative and global punishment for a set of war crimes known as grave breaches such as establishing universal jurisdiction to prosecute perpetrators of war crimes. Crimes such as willful killing, torture of captives, inhumane treatment and unjustified deportation and confinement should be punished when committed in armed conflicts. As the & R P P H Q W D U \ W R W K H * H Q H Y D & R Q Y universality of jurisdiction for grave breaches is some basis for the hope that they will not remain unpunished and the obligation to extradite ensures the universal punishment.¹ Geneva Convention was a succession of international diplomatic meetings that produced numerous agreements, in particular the Humanitarian Law of Armed Conflicts, a group of international laws for the humane treatment of wounded or captured military personnel, medical personnel non-military civilians during war. The entirety of Geneva Convention consists of critical laws that aim to limit the barbarity of war for prisoners of war (POWs), collateral damages and medical personnel.

The first and second convention for land and maritime warfare have only partially lived up to its promise of ending impunity and ensuring universality of punishment and security. It has often been noted that prosecutions for grave breaches are scarce, and that impunity still appears to be the norm. Thus, the third convention aimed to broaden the categories concerning people entitled to POWs status in accordance with protocol and II. It replaced the μ 3 U L V R Q H U V R I : D U & R G of 1929 and established the implementation of immediate return and repatriation without delay after the cessation of active hostilities. Conditions and places of captivity were refined, particularly with regard to the labor of POWs. Convention before 1949 were concerned with combatants only, events of World War II demonstrated destructive prowess of war to civilians. Thereafter, occupying power was established for humanitarian relief and protection for civilians. With the adoption of Additional Protocols, the grave breaches regime was expanded with a view to improving the effectiveness of the system. In 2012, the Philippines has signed and ratified more treaties relating to international humanitarian law than any other country in South Asia.

¹ J.S. Pictet (ed.), Commentary, The Geneva Conventions of 12 August, 1949 (Geneva: International Committee of the Red Cross (ICRC), 1958), at 587.

*HQHYD &RQYHQWLRQV 3XWWLQJ :RUGV ,QWR \$FWLRQ

'6:' \$FFRPSOLVKPHQWVDDGR²QJ 5\$

/HJUDRYLVLRQ '6:' 3URUDGRG 6HUY

\$FFRPSOLVKPHQW

6FWLRQRI 5\$)XO
LPSOHPHQW SURMH
JXDUDQWHHG XQH
1DWLRQVL&RQYHQW

RI WKH &KLOG
2SWLRQDO 3URWI '6:' LVVXHGL\$GPHQW ,Q &KLOGGRPH)QLHQGO\H&SMDFE
LQYRQYHFKLOG 1R V HQWLWOHG D LQVLGMDVFK&MQRGUFQLEW DIIHF
FRQIOLFW DQG DO WKH 3URYL\$VRKRLD
UKJWWUHD\$DUHLFX(%DVL 6RFLDO 6HUY \$ERXW
,QWHUQDWLRQDLY&KLOGUHQ LQ 'LVDVW
DQG WRDLO 5LJK
&RQYHQW\$JDLQHQ
2WKHU &UXHO
'HJUDGLQJ 7UHD
3XQLVKPHQW

*HQHYD &RQYXQWLRQ :RUGV ,QWR \$FWLRQ

/HJDRYLVLRQ

'6:' 3URUDDQG 6HUY

\$FFRPSOLWKPHQW

:RPHQ 3HDFH

DQBWKSHUWLQWQWR
LQVWUXQHVPKSHOPH
RI LWV WUHDW\ RE
\$FW

6HFWLRQI5\$ ±
&RQWRRIJH LW
UROH LQLQSURRYE\
SURWHFWLRQ DQG
VLWXDWLRQV RI DL

6HFWLRQI5\$ ±3ULSQ
37KH VWDWH YDOX
HYHU\ KXPdq S

* HQHYD & RQYXQWVLRQ :RUGV ,QWR \$FWLRQ

/HJDRYLVLRLQ

'6:' 3URUDQG 6HUY

\$FFRPSOLWKPHQW

ORUHRYHU WKH '6:' DVVVLVWHG
.DSDWLUDQURDUBVLEERQJPBDBOU
WKHLDLHVPURP WKH SURYLQFH
1HJURV %XNDLGG RQ DQG 'DYDR &

)RU)< RIVBRWDO IRU WKH
'HYHORSPHQWLVSUBB DWHG LQ
\$SSURSULDWLRQTKL\$FWWR\$ \$LPSOH
SURMHFWV

'6:' VXSSRUWV WKH (8QG MUKH (2 ,PSOHFWHZQRWDMWIZHEC
1R V WQGWVQW SURYLGHG
FRPPXQLVW DUPHG I 1. 3URYLVILBQVVLVWDQFH WR)RL
LVV\$BBLQUDWLYR 2V QRW OLPLWHIGDWRVWHOSVHU I
WR LPSOHPHQW FKLOGUHQ \$VVLVWDQFH W
VHUYLFHV WR YXOQH 6LWXDWLRQV 3URRWQGWLYE)
FRPPXQLWLHMQWRW\$)DPLOLHVHGOR&RQLGLWLRQDO
JHWWLQJ HQWLFHG E 6XVWDLQLEKORRGRYHDP &DVH
DVVQJWRUPHU 5HEH 5HFYHU\ DQG WILRQVHJRJUNDH
IDPLOLHV WR UHWXUC 3HUVRQV 6X\$BQJBIQRJUDP
6HUYLFHV IRU DQGVHVRQVHUKU'LV
DQG 6RFLDO 3HQVLRQ

2. &RPPXQLW\ 5HRJLQPHQV\$FSDS
.DOKL66 1&'3 6XVWDLQDE
3URJUDP 3URWHFWLYHOFQDU

*HQHYD &RQYXQWLRQ :RUGV ,QWR \$FWLRQ

/HJDRYLVLRQ

'6:' 3URUDQG 6HUY

\$FFRPSOLWKPHQW

)RU)< ERXW)RUPHU 5
5HJLRQV RI WKH FRXQWU\ ZL
SURJUDPV

6HFWLRQI 5\$ 7DN
LQWRXDFW WKH 8Q
*XLGLQJ 3ULQFLSC
'LVDFHPHQW

*HQHYD &RQYH QWLRQ :RUGV ,QWR \$FWLRQ

/HJDRYLVLQR

'6:' 3URJUDP QG 6HUY

\$FFRPSOLWKPHQW

6HFWRIRIQ5\$ VW 3DQWDZIQD3BRIOLSLQ \$ERXW SHDFH HGXFDWLRQ ZHI
 DV7DNHIHDOVLEOH P 3V)DPLO\ RSYHQW 6HVVLRQHEW HFC
 SUHYHQMF WXKDOVPH
 FKLOGUHQ LQ DUPH
 WDNH DOO QHFHV
 HQXUH WKHIHF\
 LPSOHPHQWQWRRI
 RI WKH SURYLVLQR

6HFWRIRIQ5\$ 2WK 3URJUDP ,Q DERXW FOLHQWQG/WH
 VHULRXV YLRODWL E\ WKH

FXVWRPV DSSOLF 7KH 5HVLGHQW5HDLG
 FRQIOLFW ZILWKL &DUH 3URJUDP RI WK
 IUDPHZRIUNQWHUQI WR YXOQHUEOH D
 QDPHO\ FKLOGUHQ \RXWK ZF
 SHUVRQWK ZGLVDEL
 LQGLYLGXDOV DQG
 VODYHU\ HQIRUF WKURXJK WKH RSHU
 IRUFHG SUHJQDQ FDUH IDFLOLWLHV D
 VWHULOW]DOLRQKI UHVLGHQWLDQ FDUH
 VH[XDO YLROHQFH LQFOXGHV VRFLDO K
 JUDYH EUHDFK R KHDOWK SV\FKROR
 &RQYHQWLRQV RU SURGXFWKMBWJK VNL
 RI FRPPRQ \$UWLF VRFLRFXOWXUDO
 *HQH&YDQYHQWLRQV PHGLFDO GHQWDO
 HQULFKPHQW VHUYLF

&RQVFULSWL
 UHFUXLWLQJ FDUQ
 IRUFH RU JURXSKI
 QDWLRQDO DUPHG

*HQHYD &RQYXQWLRQ :RUGV ,QWR \$FWLRQ

* HQHYD & RQYB XQWLRQ :RUGV ,QWR \$FWLRQ

/HJ BDRYLVL RQ

'6:' 3URUD DQG 6HUY

\$FFRPSOLWKPHQW

7UDLQLQJ ZKLFK
FRPSXWHU OLWH
LQWHUHVWHG WU
HQKDQFH NQQZOV
DQG IDFLOLWDWH

6XSSRUW IRU
:LWQHVVHV RI 7U
LQFOXGHV DX[LO
WUDIILFNHG SHU
FDVHV L H ERD
GRFXPHQWDWLRQ
LQFLGHQWDO H[S

6KHOWHU 9LFWL
7UDIILFNLQJ ZKL
WKURXJK H[LVWL
YLFWLQV LQ VHD
VKHOWHU LQ RU
WUDXPDWLF H[SH
WKRVH ZLWK RQJ

2Q WKH RWKH, QWKH DQ
6RFLDO :HOIDUH 6HU
1DWLRQDOV the 6: DSWD
provides comprehensive social welfare
and social protection services i

distressed and irregular or undocument overseas Filipinos. Thus far, the ISWS is available in the following locations Malaysia; Hong Kong; Riyadh an Jeddah, Kingdom of Saudi Arabia; Dub and Abu Dhabi, United Arab rirates; Kuwait; and, Doha, Qatar.

The ISWSFN is established to provi timely and responsive or appropria social welfare and social protectio services to overseas Filipinos, as follow

Psychosocial Services (i.e., counseling, psychosocial processi critical incident stress debriefing an values orientation); Assistance ; Individuals in Crisis Situation (i.e., food transportation, medical and education assistance); Marriage Counselin Services (i.e., premarriage counseling marriage enrichment counseling and marital crisis counseling); Orientation o Alternative Parental Care (i.e., adoptio foster care, residential care and leg guardianship); Capability Building and Skills Training; Repatriation and Reintegration Services; and, Referr Services

Table 48: ISWSFN Distressed and/or Undocumented Filipinos Served by Clientele

Table 49: ISWSFN Distressed and/or Undocumented Filipinos Served by Age Category as of December 2019

Age Category	Male	Female	Total
Children (0 to below 18 years old)	2,692	3,047	

Table. Established Measures on IHL

	Protocol I	Protocol II	Protocol III	IHL
	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977.	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977.	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), 8 December 2005.	Other Measures taken by the Philippines to strengthen international humanitarian law (IHL), including dissemination and full implementation at the national level

		and Protection Act, RA 10821 and its Implementing Rules and Regulations		Emergency Program for Children (CEPC) 2. DILGCWC JMC 2020001 Dated 06 April 2020. Reiteration of Protocols on Reaching Out to Children including those in Street Situations, in Need of Special Protection, Children at Risk, and Children in Conflict with the Law During ECQ
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		and Protection Act, RA 10821 and its Implementing Rules and Regulations		<p>Emergency Program for Children (CEPC)</p> <p>2. DILGCWC JMC 2020001 Dated 06 April 2020.</p> <p>Reiteration of Protocols on Reaching Out to Children including those in Street Situations, in Need of Special Protection, Children at Risk, and Children in Conflict with the Law During ECQ</p>
INPUT FROM JJW				<p>1. Process Flow Chart is currently being developed in relation to RA 9344 as amended and RA 11188.</p> <p>Particularly the convergence of the two laws for children who are involved in armed conflict and have committed acts that will make them criminally liable under our laws. The flowchart will ensure that they the rights and benefits guaranteed under both laws are protected</p>

				and availed by the child.
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