

PHILIPPINES

Follow-up - State Reporting Action by State Party

CERD A/52/18 (1997)

Annex VIII

Comments of the Government of the Philippines on the concluding observations adopted by the Committee on the Elimination of Racial Discrimination

In connection with paragraphs 12 and 13 of your observations, we would like to call your attention to our Presidential Decree 1350-A of 1978 which we forwarded to you on 12 August 1997 and which clearly provides that:

" ...

"SECTION 1. All organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, are hereby illegal and prohibited.

"SECTION 2. All public authorities or public institutions, national or local, are hereby prohibited to promote or incite racial discrimination.

"SECTION 3. Any violation of this Decree, as well as of article 4, paragraphs 5 (a), (b) and (c), of the International Convention on the Elimination of All Forms of Racial Discrimination, is hereby declared contrary to law and the violator shall, upon conviction suffer ..."

In view of Presidential Decree 1350-A of 1978, we believe that a statement that there is no specific legislation prohibiting racial discrimination is not accurate. As we have explained, Presidential Decrees enacted during Martial Law declared in 1972 are, in effect, legislation because during that time the President had both executive and legislative powers.

With respect to article 7 of the Convention, the Executive Order regarding education on human rights includes the Convention. With respect to article 2 of the Convention, there is no discrimination law that needs to be repealed. Moreover, a treaty which is clear enough is part of the law of the land per opinion of the Secretary of Justice.

* CERD/C/304/Add.34. See also paras. 409-438 of the present report.