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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Human rights situations that require the Council's attention

Written statement* submitted by World Organisation Against Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2020]

* Issued as received, in the language(s) of submission only.



Ongoing human rights violations and widespread impunity worsen the Philippines government's response to the pandemic

Deteriorating state of human rights in the Philippines

The report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) at the 44th Session of the Human Rights Council shed light on the worsening state of human rights in the Philippines. Despite the government's promise to fully cooperate with local and international mechanisms, our organisations note with grave concern that extrajudicial killings associated with the government's war on illegal drugs persist, without substantial investigation and prosecution of perpetrators; the crackdown and vilification against human rights defenders (HRDs) have intensified; and repressive draft legislation and executive policies aimed to silence dissent have been fast-tracked.

The Covid-19 pandemic has exposed and added a new dimension at the already alarming human rights situation in the Philippines. Described as a "highly militarized response"¹, the government has utilized the pandemic to rationalize old and new forms of human rights violations while using it as barometer to reduce crime rather than addressing it as a public health issue. Our organisations have raised serious concern as the government's response is not grounded on human rights, rather, it poses further threat to basic rights and fundamental freedom of the people.

Crackdown on Human Rights Defenders

Human rights defenders and civil society organizations in the Philippines are subjected to "an alarming and shameful level of harsh reprisals and intimidation."² The United Nations Human Rights Office documented at least 248 human rights defenders, legal professionals, journalists and trade unionists that have been killed because of their work from 2015-2019. On August 10, Randy Echanis, a consultant in the national peace talks with rebels and peasant leader was brutally killed in his own home.³ On August 17, human rights activist Zara Alvarez was shot six times in Bacolod City in Negros Occidental.⁴ She was among the frequently red-tagged activists in Negros Island, and in 2018 she was tagged as "terrorist" along with more than 600 other individuals. Her name and that of many others were subsequently removed from the list, but the threats against her continued.

The Philippine Alliance of Human Rights Advocates (PAHRA) has also been targeted by dangerous and shameful attacks. On April 30, the 303rd Infantry Brigade of the Armed Forces of the Philippines based in Negros province published a post on their Facebook page accusing several civil society organizations (CSOs), including PAHRA and the Medical Action Group (a PAHRA member organization) of being linked to the Communist Party of the Philippines – New Peoples' Army - National Democratic Front (CPP-NPA-NDF), and likened them to terrorists and a virus that should be avoided.⁵

In June, Amnesty International Board member and Executive Director of BALAOD Mindanao (a legal assistance and advocacy group) Ritz Lee Santos III, posted an image allegedly disseminated online accusing him of being a member of a local communist group because he organized a rally which protested the Anti-Terrorism Law.⁶

¹ <https://www.cnnphilippines.com/news/2020/4/29/Philippines-COVID-19-quarantine-police-military.html>.

² <https://news.un.org/en/story/2018/09/1019082>.

³ <https://newsinfo.inquirer.net/1321158/anakpawis-justifies-forced-entry-in-apartment-of-slain-karandy>.

⁴ <https://www.omct.org/human-rights-defenders/urgent-interventions/philippines/2020/08/d26031/>.

⁵ See A/HRC/44/22 Advance Unedited Version 4 June 2020: Annex II, Image 3, pg. 24.

⁶ <https://www.forum-asia.org/?p=32048>.

Relentless killings, including of children, under the “war on drugs” campaign

Extrajudicial killings did not stop under these dire circumstances. Vera Files, a non-profit media organization, documented fifty-three (53) drug-related killings in different parts of the country during the imposed community quarantine. Forty-two (42) of these were committed by state agents.⁷ PAHRA monitored at least fifteen (15) people killed in Negros province where killings have been rampant even before the health crisis struck.

The OHCHR reports that official figures recorded at least 8,663 killings linked to drug trade.⁸ This number does not include “vigilante style killings” which puts the real record of deaths triple of that number. The OMCT and the Children’s Legal Rights and Development Centre (CLRDC) reported at least 129 children killed in the four-year war against illegal drugs.⁹ Despite credible allegations of widespread and systematic extrajudicial killings in the context of the campaign against illegal drugs, there has been near impunity for such violations. No additional conviction came after the case of 17-year-old K. d. S. – where three police officers were convicted of murder.¹⁰ OMCT and CLRDC’s report found that 38.5% of the documented killings of minors were carried out by members of the police and authorities while 61.5% were by unknown assailants.

Militarized approach resulted in torture, ill-treatment of quarantine violators, and jail congestion

The Philippine government’s increasingly militaristic response to the Covid-19 health crisis, including the use of “war on drugs” tactics to contain the pandemic is deeply concerning. The government appointed three former generals to lead the National Task Force against Covid-19 and deployed law enforcement agents and military to enforce lockdowns throughout the country. In July, the government announced that police would conduct house-to-house searches for Covid-19 cases to forcibly relocate them to government-run isolation facilities.¹¹

During the military-enforced lockdown, widespread arbitrary arrests, abuse and ill-treatment were reported against quarantine violators. In one instance, local authorities punished children by confining them in dog cages and forcing them to sit cramped together under the midday sun.¹² One police official also humiliated three LGBTQ+ accused of violating quarantine by forcing them to kiss and perform a “sexy dance” as punishment.¹³ In April, in a televised address, President Duterte ordered the police, military and local officials to shoot dead anyone who “creates trouble” during the lockdown.

Officials reportedly recorded more than 300,000 apprehended lockdown violators, mostly from impoverished communities, with 28% of these charged.¹⁴ Given the already extreme prison overcrowding – as of March 2020 the country’s prison facilities had overstretched to accommodate 534% of their normal capacity - it is particularly alarming that the Government is imposing prison sentences to enforce quarantine restrictions. Jail congestion has also contributed to the escalating number of Covid-19 cases in the country.

⁷ <https://verafiles.org/articles/no-let-tokhang-even-during-lockdown>.

⁸ See A/HRC/44/22 Advance Unedited Version 4 June 2020, para. 22 pg. 5.

⁹ <https://www.reuters.com/article/us-philippines-rights/scores-of-children-killed-in-philippines-war-on-drugs-report-idUSKBN2401BZ>.

¹⁰ <https://rappler.com/nation/calocan-court-verdict-cops-lied-kian-delos-santos-helplessly-killed>

¹¹ <https://www.reuters.com/article/us-health-coronavirus-philippines/philippines-to-use-police-in-house-to-house-searches-for-covid-cases-idUSKCN24F1NN>.

¹² <https://www.hrw.org/news/2020/03/26/philippines-curfew-violators-abused>.

¹³ <https://www.hrw.org/news/2020/04/08/philippines-uses-humiliation-covid-curfew-punishment>.

¹⁴ <https://www.youtube.com/watch?v=9ZkLUIqSM1M>.

The Anti-Terrorism Law and the Revival of Death Penalty

In the midst of the country's battle against the pandemic, President Duterte pushed to fast-track the Anti-Terrorism Law 2020¹⁵ through the legislature. The law creates an environment prone to torture and abuse and undermines fundamental rights and freedoms, including the right to freedom of expression and peaceful assembly. There are concerns that the vague and overly broad definition of terrorism will give the government even further latitude to crack down on activists, opposition groups, and the media. There is also unlimited and unfettered discretion given to the President to determine who can be considered as a suspected terrorist under the said law. HRDs are particularly vulnerable to attacks as the country lacks HRDs protection mechanisms such as a specific Law protecting HRDs and preventing human rights violations and abuses against them.

Since the enactment of the Anti-Terrorism Law on July 22, at least 23 incidences of terrorist-tagging, killings by the security sector and vigilante groups have been documented by PAHRA. Following demonstrations against the law, many protesters have found their social media accounts cloned.

In his 2020 State of the Nation Address (SONA), President Duterte once again called on Congress to reinstate death penalty as capital punishment for crimes specified under the Comprehensive Dangerous Drugs Act of 2002. This was the third SONA where Duterte pushed for the reinstatement of the capital punishment as a national priority. The House of Representatives hurriedly sought to make this a reality by reviving nearly a dozen draft bills seeking to reinstate capital punishment.

Threats to Freedom of Expression and Freedom of the Press

Online threats have intensified as digital platforms became the only venue to express dissent during the lockdown. The threats now extend to those who raise criticism of the quarantine situation. Section 6 (f) of Republic Act No. 11469¹⁶ otherwise known as the Bayanihan to Heal as One Act (Covid-19 response law) is being used against critics.¹⁷

On May 5, 2020, the largest media network ABS-CBN application for franchise renewal was denied by the House of Representatives, which effectively forced its shutdown after twenty-five years of nationwide operations. The shutdown of the broadcast giant left 12,000 employees jobless which added to the rising unemployment rate due to the pandemic. Rappler CEO Maria Ressa and former writer Reynaldo Santos Jr. were found guilty of 'cyberlibel' and are facing up to six years in prison.¹⁸ Both ABS-CBN and Rappler have been publicly criticized and threatened by the President for their very critical stance against his administration.

Recommendations:

Our organisations support the report and recommendations of the High Commissioner for Human Rights and urge members of the Human Rights Council to intensify engagement with the government of the Philippines towards more concrete measures to address widespread impunity in the country, and particularly to:

¹⁵ Republic Act No. 11479 <https://www.officialgazette.gov.ph/downloads/2020/06jun/20200703-RA-11479-RRD.pdf>.

¹⁶ Republic Act No. 11469 <https://www.officialgazette.gov.ph/downloads/2020/03mar/20200324-RA-11469-RRD.pdf>.

¹⁷ At least two (2) teachers and an artist/activist have been summoned and detained. One of the teachers who work in a public school was immediately arrested by the National Bureau of Investigation (NBI) and charged with inciting to sedition despite his show of remorse and public apology to the President. Many others were called by Local Executives and had to publicly apologize for what they posted online.

¹⁸ <https://www.omct.org/human-rights-defenders/urgent-interventions/philippines/2020/06/d25897/>.

- Urge the Philippines government to end any policy supporting the “war on drugs”, to immediately put an end to any extrajudicial killings, torture and arbitrary arrest, including of children, and to hold perpetrators accountable for these acts;
- Create an independent, impartial, and effective investigation mechanism into extrajudicial executions in the context of the “war on drugs” and other human rights violations committed since 2016, including attacks against HRDs;
- Immediately cease any attacks against HRDs and encourage the Philippines to enact the Human Rights Defenders Protection Bill filed in Congress;
- Encourage the Philippines, as a member of the Human Rights Council, to fully cooperate with the OHCHR and with its mechanisms by facilitating country visits and by refraining from all acts of intimidation and reprisal;
- Urge the Philippines government to provide reparation and psycho-social intervention for victims of human rights violations;
- Encourage and support technical cooperation between the Government and OHCHR to implement the recommendations of its report, with the participation of the Commission on Human Rights and civil society;
- Mandate OHCHR to continue monitoring and documenting the situation of human rights in the Philippines, and to regularly report to the Human Rights Council, including on progress in technical cooperation.

The Philippine Alliance of Human Rights Advocates (PAHRA) and In Defense of Human Rights and Dignity Movement (iDEFEND), NGO(s) without consultative status, also share the views expressed in this statement.