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مجلس حقوق الإنسان

الدورة السادسة والأربعون

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البند 3 من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية

والاجتماعية والثقافية، بما في ذلك الحق في التنمية

رسالة خطية من لجنة حقوق الإنسان* في الفلبين

مذكرة من الأمانة

تتشرف الأمانة بأن تحيل إلى مجلس حقوق الإنسان الرسالة الخطية المقدمة من لجنة حقوق الإنسان في الفلبين**، التي تُعمَّم وفقاً للفقرة (ب) من المادة 7 من النظام الداخلي للمجلس (انظر قرار المجلس 1/5، المرفق) واستناداً إلى الترتيبات والممارسات التي وافقت عليها لجنة حقوق الإنسان في قرارها 74/2005.

* مؤسسة وطنية لحقوق الإنسان معتمدة من جانب التحالف العالمي للمؤسسات الوطنية لتعزيز وحماية حقوق الإنسان ضمن الفئة ألف.

** عُممت بالصيغة التي وردت بها، وباللغة التي قُدمت بها فقط.



الرجاء إعادة الاستعمال

Statement of the Commission on Human Rights of the Philippines on the Situation of Human Rights Defenders

1. The Commission on Human Rights of the Philippines would like to bring to the Council's attention the current issues pertinent to the situation of human rights defenders in the Philippines.

2. The Commission, as a National Human Rights Institution, emphasizes the duty of the State to respect the civil and political rights of its citizens, and consistently acknowledges the legitimacy of the work of human rights defenders. We constantly remind the Philippine government of its duty to protect, respect, and uphold the human rights of all. We continue to publicly denounce the practice of red-tagging¹ activists and labeling them as terrorists. We remind the government that defending human rights, such as by calling for the respect of civil and political rights of all, is neither terrorism nor destabilization.²

3. Defending human rights in the Philippines has become more dangerous, in the face of increasing political repression and impunity. Under the pretext of threats to security, high government officials have been tagging human rights defenders and activists as "terrorists" and "insurgents." The President's public statements to the effect that he does not care about human rights,³ that human rights defenders should be blamed if the country's drug problem worsens,⁴ that human rights defenders should be shot if they are obstructing justice,⁵ that lawyers defending drug suspects will be the next target of his war on drugs,⁶ among others, have greatly endangered the lives of human rights defenders.⁷ In certain regions, streamers accusing human rights defenders of membership in the New People's Army⁸ have been posted in public places.⁹ 134 human rights defenders have reportedly been killed since the beginning of the Duterte Administration's term.¹⁰ From January 2019 to March 2020, the

¹ "Red-tagging" refers to the practice of tagging individuals and groups that are critical of the government as "communists" or "terrorists." Such practice puts the lives of human rights defenders in danger.

² Statement of CHR Spokesperson, Atty. Jacqueline de Guia, in response to the UN High Commissioner for Human Rights' call for independent probe on recent killings of human rights advocates, 29 August 2020, available at <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-de-guia-in-response-to-the-un-high-commissioner-for-human-rights-call-for-independent-probe-on-recent-killings-of-human-rights-advocates/> (Last accessed: 7 October 2020).

³ Rodrigo Duterte: 'I don't care about human rights', ALJAZEERA, 8 August 2016, available at <https://www.aljazeera.com/news/2016/08/rodrigo-duterte-human-rights-160806211448623.html> (last accessed 10 May 2020).

⁴ Marlon Ramos, Duterte threatens to kill rights activists if drug problem worsen, INQUIRER.NET, 29 November 2016, available at <https://newsinfo.inquirer.net/848933/duterte-threatens-to-kill-human-rights-activists-if-drug-problem-worsen> (last accessed 10 May 2020).

⁵ Oliver Holmes, Human rights group slams Philippines president Duterte's threat to kill them, THE GUARDIAN, 17 August 2017, available at <https://www.theguardian.com/world/2017/aug/17/human-rights-watch-philippines-president-duterte-threat> (last accessed 10 May 2020).

⁶ Tetch Torres-Tupas, IBP: Duterte remark on drug suspects' lawyers 'very dangerous', INQUIRER.NET, 9 December 2016, available at <https://newsinfo.inquirer.net/852229/ibp-duterte-remark-on-drug-suspects-lawyers-very-dangerous> (last accessed 10 May 2020).

⁷ Commission on Human Rights of the Philippines, Report on the Situation of Human Rights Defenders in the Philippines, July 2020, available at http://chr.gov.ph/wp-content/uploads/2020/07/CHRP-2020-Report-on-the-Situation-of-Human-Rights-Defenders.pdf?fbclid=IwAR21gKP_XSIM8vkq2n9E4b8KcKtphF6kShS4gPL_FMwtqq-4dP9C5wNrrDQ.

⁸ Designated as a foreign terrorist organization by the United States State Department and the European Union; See: Mapping Militant Organizations. "Communist Party of the Philippines-New People's Army." Stanford University. Last modified August 2018. <https://cisac.fsi.stanford.edu/mappingmilitants/profiles/communist-party-philippines-new-peoples-army>

⁹ Commission on Human Rights of the Philippines, Region X Office, 2019 Human Rights Situation Report.

¹⁰ Commission on Human Rights of the Philippines, Report on the Situation of Human Rights Defenders in the Philippines, July 2020, available at http://chr.gov.ph/wp-content/uploads/2020/07/CHRP-2020-Report-on-the-Situation-of-Human-Rights-Defenders.pdf?fbclid=IwAR21gKP_XSIM8vkq2n9E4b8KcKtphF6kShS4gPL_FMwtqq-4dP9C5wNrrDQ; Catherine Gonzales, 134 human rights defenders killed since Duterte assumed office –

Commission recorded a total of 62 cases of human rights violations committed against human rights defenders. From 1 June 2019 to 30 June 2020 alone, the Commission investigated seven (7) killings of human rights defenders.

4. From 9 to 12 September 2019, the Commission on Human Rights, pursuant to its constitutional mandate, conducted a National Inquiry on the Situation of Human Rights Defenders¹¹ in the country. The decision to launch this Inquiry was prompted by letters received from individuals and organizations alleging human rights violations on the part of State officials.¹² The Commission also took cognizance of reports from various media concerning attacks against the civil, political, economic, social, and cultural rights of certain groups and individuals and those who defend them. These allegations were similarly echoed in the complaints received by the Commission's regional offices.¹³

5. The findings from the Inquiry¹⁴ reveal a broad, general pattern of violence: Human rights defenders are first vilified and/or red-tagged in public. This is then followed by surveillance, threats, or other forms of harassment. Far too often, this leads to arbitrary detention or worse, death.

6. The Commission released a report,¹⁵ calling on the government to immediately investigate attacks against human rights defenders, prosecute the perpetrators of attacks, and provide remedies and reparation to human rights defenders and/or members of their families.

7. The Commission reiterates that it does not condone violence, whether committed by State or non-State actors. The Commission also equally emphasizes the responsibility of non-State actors to respect the rule of law.¹⁶ The report includes a set of recommendations addressed to Congress for the enactment of policies and the establishment of preventive mechanisms to uphold the rule of law, provide effective protection to human rights defenders, and grant redress to victims of human rights violations.

8. The Inquiry was replete with testimonies about human rights defenders across all sectors who, prior to being killed, injured, illegally arrested, charged with trumped-up cases, or otherwise put in harm's way, have first been red-tagged. Illustrative of these were the cases of Brandon Lee, Amelia Pond, and Atty. Ben Ramos.¹⁷

9. The Inquiry also revealed that numerous trumped-up charges have been filed against human rights defenders across all sectors. Among those which were proven false and dismissed are the cases of Atty. Katherine Panguban, Ireneo Udarbe, and Rachel Mariano.¹⁸ Many other human rights defenders suffer under false criminal charges. The Commission notes the various schemes that may be employed to abuse the criminal justice system. These may include the issuance of warrants of arrests from far-flung areas and planting of manufactured evidence on the arrestees; abusing the doctrine of "presumption of regularity in the performance of official duties" in the conduct of arrests, searches and seizures; using

Lagman, Inquirer.net, 5 June 2019, available at <https://newsinfo.inquirer.net/1127091/134-human-rights-defenders-killed-since-duterte-assumed-office-lagman> (last accessed 10 May 2020).

¹¹ Public hearings were held, involving human rights defenders, civil society organizations, government agencies, and security forces.

¹² Commission on Human Rights En Banc Resolution No. CHR- V- AM 2019-095.

¹³ Commission on Human Rights Citizen's Help and Action Division Memoranda: CHAD-M-26C1900309, CHAD-M-13C19-00234, CHAD-M-17F19-00561, CHAD-M-13C19-00237, CHAD-M-26C1900304, CHAD-M13C19,00233.

¹⁴ Commission on Human Rights of the Philippines, Report on the Situation of Human Rights Defenders in the Philippines, July 2020, available at http://chr.gov.ph/wp-content/uploads/2020/07/CHRP-2020-Report-on-the-Situation-of-Human-Rights-Defenders.pdf?fbclid=IwAR21gKP_XSIM8vkq2n9E4b8KcKtphF6kShS4gPL_FMwtqq-4dP9C5wNrrDQ.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Commission on Human Rights of the Philippines, Report on the Situation of Human Rights Defenders in the Philippines, July 2020, available at http://chr.gov.ph/wp-content/uploads/2020/07/CHRP-2020-Report-on-the-Situation-of-Human-Rights-Defenders.pdf?fbclid=IwAR21gKP_XSIM8vkq2n9E4b8KcKtphF6kShS4gPL_FMwtqq-4dP9C5wNrrDQ.

¹⁸ *Id.*

perjured witnesses; abusing the use of John Doe warrants; filing of non-bailable charges; and ignoring the political offense doctrine, among others.¹⁹ Overly-broad security issuances and legislation are used to justify attacks against human rights defenders and criminalize legitimate human rights work and activities.²⁰

10. Since the enactment of the Anti-Terrorism Act in July 2020,²¹ there has been an escalation in arrests, red-tagging, and killings of human rights defenders and protesters. The attacks have become more pronounced and blatant, with some threats being issued through social media by agents of the State.²²

11. The Anti-Terrorism Act of 2020²³ expands the definition of terrorism to include acts that provoke or intimidate the government. The Commission worries that the over-broad definition of terrorism gives the government unbridled power to determine who are “suspected terrorists” – which may include ordinary citizens and human rights defenders.²⁴ The law also allows the ex parte designation of organizations as terrorist groups and penalizes recruitment to and membership in such organizations. The Commission finds that the law does not have sufficient safeguards against abuse and can be easily used to commit human rights violations.²⁵ Thirty-seven petitions have been filed before the Supreme Court against the Anti-Terrorism Act²⁶ by various sectors, from the academe, youth, human rights groups, 1987 Philippine Constitution framers, and retired magistrates, among others.

12. Notably, reports of attacks against human rights defenders have not stopped amid the COVID-19 pandemic. Among those reported are the killings of peasant leader Randall

¹⁹ Commission on Human Rights of the Philippines, Report on the Situation of Human Rights Defenders in the Philippines, July 2020, available at http://chr.gov.ph/wp-content/uploads/2020/07/CHRP-2020-Report-on-the-Situation-of-Human-Rights-Defenders.pdf?fbclid=IwAR21gKP_XSIM8vkq2n9E4b8KcKtphF6kShS4gPL_FMwtqq-4dP9C5wNrrDQ.

²⁰ *Id.*

²¹ Republic Act No. 11479; See the full text of the law here: <https://www.officialgazette.gov.ph/downloads/2020/06jun/20200703-RA-11479-RRD.pdf>.

²² Commission on Human Rights of the Philippines, Report on the Situation of Human Rights Defenders in the Philippines, July 2020, available at http://chr.gov.ph/wp-content/uploads/2020/07/CHRP-2020-Report-on-the-Situation-of-Human-Rights-Defenders.pdf?fbclid=IwAR21gKP_XSIM8vkq2n9E4b8KcKtphF6kShS4gPL_FMwtqq-4dP9C5wNrrDQ.

²³ Republic Act No. 11479; See the full text of the law here: <https://www.officialgazette.gov.ph/downloads/2020/06jun/20200703-RA-11479-RRD.pdf>

²⁴ Commission on Human Rights of the Philippines, Report on the Situation of Human Rights Defenders in the Philippines, July 2020, available at http://chr.gov.ph/wp-content/uploads/2020/07/CHRP-2020-Report-on-the-Situation-of-Human-Rights-Defenders.pdf?fbclid=IwAR21gKP_XSIM8vkq2n9E4b8KcKtphF6kShS4gPL_FMwtqq-4dP9C5wNrrDQ.

²⁵ Commission on Human Rights of the Philippines, Report on the Situation of Human Rights Defenders in the Philippines, July 2020, available at http://chr.gov.ph/wp-content/uploads/2020/07/CHRP-2020-Report-on-the-Situation-of-Human-Rights-Defenders.pdf?fbclid=IwAR21gKP_XSIM8vkq2n9E4b8KcKtphF6kShS4gPL_FMwtqq-4dP9C5wNrrDQ.

²⁶ Mike Navallo, “Manila police stops protest action at SC during filing of 37th petition vs. anti-terror law,” ABS-CBN News, 21 September 2020, available at <https://news.abs-cbn.com/news/09/21/20/manila-police-stops-protest-action-at-sc-during-filing-of-37th-petition-vs-anti-terror-law> (Last accessed: 21 September 2020).

Echini's,²⁷ activist Zara Alvarez,²⁸ and peace consultants Eugenia Magpantay and Agaton Topacio.²⁹ To date, their cases are unresolved.

13. Amanda Echanis, the daughter of murdered peasant leader Randall Echanis, was arrested over claims of illegal possession of firearms and explosives. She was brought to a detention facility along with her newborn son.³⁰

14. Other incidents of red-tagging, harassment, and violence against human rights defenders documented by the Commission are as follows:

(a) On 8 April 2020, 22 political detainees filed a petition before the Supreme Court of the Philippines, asking for the grant of temporary liberty anchored on humanitarian grounds.³¹ The Supreme Court decided to treat the petition as applications for bail and referred the same to the trial courts where the petitioners' cases were pending.³² Among the political detainees who filed the petition was Reina Mae Nasino, a young mother who was arrested along with fellow activists during a night-time police raid. Nasino gave birth in prison. She filed motions before the trial court to allow her and her newborn baby, River, to remain together in the hospital or at the Manila City Jail where she was detained. However, her pleas were denied. On 13 August 2020, River was separated from her mother, despite advice from doctors and calls from various human rights groups. River died when she was a little over three months old.³³

(b) In May 2020, the Facebook page of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) uploaded a series of infographics, red-tagging activists, women's, human rights defenders', indigenous peoples', farmers', labor leaders', artists', lawyers', and religious groups, and media.³⁴ It accused the organizations of being established by the CPP-NPA-NDF,³⁵ "disguising themselves as defenders and protectors of the Filipino people but who are in fact, its most brutal, and savage oppressors and most cruel

²⁷ In August 2020, longtime peasant leader and activist Randall Echanis was killed in his own home in Quezon City. The results of his autopsy revealed that he had been stabbed and hit multiple times; Rambo Talabong, "Stab to aorta killed Randy Echanis 'at once,'" Rappler, 21 August 2020, *available at* <https://www.rappler.com/nation/cause-of-death-randy-echanis> (Last accessed: 27 December 2020).

²⁸ Activist Zara Alvarez, who had previously asked the court for protective writs, was gunned down in Bacolod City in August 2020; Lian Buan, "Zara Alvarez asked for protection, but she died before the court could give it," Rappler, 20 August 2020, *available at* <https://www.rappler.com/nation/zara-alvarez-petition-writ-amparo-habeas-data-court> (Last accessed: 27 December 2020).

²⁹ In November 2020, spouses and peace consultants Eugenia Magpantay and Agaton Topacio, both 69 years old, were killed inside their home after allegedly resisting police arrest at 3:00 a.m.; Franco Luna, "Rights group slams police claims of 'nanlaban' and possession of firearms," The Philippine Star, 6 December 2020, *available at* <https://www.philstar.com/headlines/2020/12/06/2061899/rights-group-slams-police-claims-nanlaban-and-possession-firearms> (Last accessed: 27 December 2020); ABS-CBN News, "'Para hindi matiktikan': Sinas defends predawn serving of search warrants vs peace consultants," 3 December 2020, *available at* <https://news.abs-cbn.com/news/12/03/20/para-hindi-matiktikan-sinas-defends-predawn-serving-of-search-warrants-vs-peace-consultants> (Last accessed: 27 December 2020).

³⁰ Franco Luna, "Rights group slams police claims of 'nanlaban' and possession of firearms," The Philippine Star, 6 December 2020, *available at* <https://www.philstar.com/headlines/2020/12/06/2061899/rights-group-slams-police-claims-nanlaban-and-possession-firearms> (Last accessed: 27 December 2020).

³¹ Commission on Human Rights of the Philippines, Advisory on protecting the rights of Persons Deprived of Liberty (PDLs) during the COVID-19 crisis, and early release of older persons, low risk inmates, and persons with medical conditions or bailable offenses, CHR (V) A2020-011, *available at* http://chr.gov.ph/wp-content/uploads/2020/05/SIGNED_Policy_Advisory_on_PDL_Rights_and_Early_Release_of_OP_Lo_w.pdf.

³² In the matter of the urgent petition for the release of prisoners on humanitarian grounds in the midst of the COVID-19 pandemic, G.R. No. 252117, 28 July 2020, <https://sc.judiciary.gov.ph/14045/>.

³³ BBC News, "Philippines: Anger over death of baby separated from jailed mother," 14 October 2020, *available at* <https://www.bbc.com/news/world-asia-54519788> (Last accessed: 27 December 2020).

³⁴ See the link to the Facebook post: <https://www.facebook.com/ntfelcac/posts/244467236991668>.

³⁵ Designated as a foreign terrorist organization by the United States State Department and the European Union; See: Mapping Militant Organizations. "Communist Party of the Philippines-New People's Army." Stanford University. Last modified August 2018. <https://cisac.fsi.stanford.edu/mappingmilitants/profiles/communist-party-philippines-new-peoples-army>.

of persecutors.”³⁶ The Chairperson and a Commissioner of the Commission on Human Rights have also been red-tagged through Facebook pages run by the AFP and branded as “termites trying to destroy our homes from the under.”³⁷

(c) In June 2020, then Presidential Communications Operations Office (PCOO) Undersecretary Lorraine Badoy, a staunch supporter of President Duterte, tagged Sister Mary John Mananzan, an activist Catholic nun, as a supporter of a “communist terrorist organization.” Badoy, through Facebook, accused Sister Mananzan of being “given a place of honor in a communist terrorist organization” and of aiding and abetting rape, pillage, mass murders, and other horrific crimes. Badoy's false accusations have put Sister Mananzan's life and liberty in peril.³⁸

15. On 2 September 2020, the Administrative Order No. 35 Secretariat under the Secretary of Justice and the Commission on Human Rights signed a Data Sharing Agreement to facilitate the sharing of investigation reports in cases covered by A.O. No. 35.³⁹ Furthermore, the Commission continues to advocate and push for the enactment into law of the Human Rights Defenders Bill. The bill seeks to define the rights and fundamental freedoms of human rights defenders, institute effective mechanisms for the protection and promotion of their rights and freedoms, and declare State responsibilities. The House and Senate versions of the bill have been pending at their respective committee levels since 2019.⁴⁰

16. The Commission continues to appeal to the Philippine government to strengthen its victim support services and to provide reparations to families of victims of human rights violations. Amidst all these, the Commission, as the NHRI of the Philippines, underscores its willingness to work with the government in ensuring respect for human rights.⁴¹

³⁶ See the link to the Facebook post: <https://www.facebook.com/ntfelcac/posts/244467236991668>.

³⁷ See the link to the Facebook post: <https://www.facebook.com/SouthernLuzonCommandAFP/posts/2698584067068316>.

³⁸ Kyle Aristophere Atienza, “Group slams gov't official for 'hysterical red-tagging' of activist nun,” Rappler, 20 June 2020, *available at*

³⁹ A.O. No. 35 is limited to cases involving political violence; Department of Justice, “DOJ, CHR sign Data Sharing Agreement vital to AO 35 cases of extra-legal killings, enforced disappearances, torture, and other grave human rights violations” 2 September 2020, *available at* <https://www.doj.gov.ph/files/2020/news%20articles/DOJ%2C%20CHR%20Data%20Sharing%20Agreement.pdf> (Last accessed: 10 September 2020).

⁴⁰ HB00015 authored by Rep. Edcel C. Lagman, pending with the House Committee on Human Rights since July 2019; HB00161 authored by Rep. Jose Christopher Y. Belmonte, pending with the House Committee on Human Rights since July 2019; HB00240, authored by Rep. Carlos Zarate, Rep. Ferdinand Gaité, Rep. Eufemia Cullamat, Rep. France Castro, Rep. Arlene Brosas, and Rep. Sarah Elago, pending with the House Committee on Human Rights since July 2019; Senate Bill No. 179, otherwise known as the proposed “Human Rights Defenders Protection Act,” filed on 2 July 2019 by Senator Leila de Lima and Senator Risa Hontiveros, pending at the committee level since July 2019.

⁴¹ Commission on Human Rights of the Philippines, Report on the Situation of Human Rights Defenders in the Philippines, July 2020, available at http://chr.gov.ph/wp-content/uploads/2020/07/CHRP-2020-Report-on-the-Situation-of-Human-Rights-Defenders.pdf?fbclid=IwAR21gKP_XSIM8vkq2n9E4b8KcKtphF6kShS4gPL_FMwtqg-4dP9C5wNrrDQ.