

To member and observer States of the United Nations Human Rights Council

Re: UN Human Rights Council should urgently launch an independent international investigative mechanism on the human rights situation in the Philippines

Geneva, 27 August 2020

Your Excellency,

We, the undersigned civil society organizations, write to express our continued grave concern over ongoing extrajudicial executions and other serious human rights violations in the context of the “war on drugs” in the Philippines, which continues to be fueled by incitement to violence and discrimination by the highest levels of government with near-total impunity. We urge your delegation to ensure that the United Nations Human Rights Council (HRC) responds robustly to the recent report on the situation in the Philippines by the UN High Commissioner for Human Rights when it convenes for its upcoming 45th session. Specifically, we urge you to actively work towards the adoption of a resolution establishing an independent international investigative mechanism on extrajudicial executions and other human rights violations committed in the Philippines since 2016, with a view to contributing to accountability. This would be in line with clear calls by the UN High Commissioner for Human Rights, a group of Special Procedures, the Commission on Human Rights of the Philippines, and national and international civil society.

The UN High Commissioner for Human Rights’ report on the Philippines, published on June 4, 2020, emphasized the need for “independent, impartial and effective investigations into the killings.”¹ On June 25, mandate holders from 23 Special Procedures reiterated a previous call from 2019 for the HRC to “establish an on-the-ground independent, impartial investigation into human rights violations in the Philippines.”² The Commission on Human Rights of the Philippines, during the interactive dialogue on the Philippines at the 44th session of the HRC, called on the HRC to consider options for international accountability measures.³ National, regional, and international civil society groups have also repeatedly called for an international investigation. The human rights situation in the Philippines meets the *objective criteria* or “guiding principles” supported by a large cross-regional group of States at the HRC to help the Council decide, in an objective and non-selective manner, when it should take action on the human rights situation in particular countries. The annex to this letter provides details of the status of the Philippines under each criterion.

Since President Rodrigo Duterte assumed office in June 2016, the human rights situation in the Philippines has undergone a dramatic decline. Extrajudicial executions committed in the context of the “war on drugs” continue to take place with total impunity. The High Commissioner’s report found, in line with previous findings from civil society, that the killings related to the anti-drug campaign were “widespread and systematic,” and that at least 8,663 people had been killed, with other estimates, including from the Commission on Human Rights of the Philippines, of more than triple that number.

¹ Report of the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in the Philippines, UN Doc. A/HRC/44/22, 4 June 2020, paras 85 & 88.

² UN Special Procedures joint statement on the Philippines, 25 June 2020: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25999&LangID=E>

³ Statement of the Philippines Commission on Human Rights on the UN OHCHR Report on the Human Rights Situation in the Philippines: <http://chr.gov.ph/statement-of-the-commission-on-human-rights-on-the-un-ohchr-report-on-the-human-rights-situation-in-the-philippines/>

Attacks against human rights defenders and critics of the government – including activists, journalists, church leaders, trade union leaders, indigenous and peasant leaders and individuals who are members of groups affiliated with the political left – are frequent and persistent. Human rights defenders who have spoken out in the HRC against the “war on drugs” and other human rights violations have faced reprisals from the government. The Office of the UN High Commissioner for Human Rights (OHCHR) “verified the killings of 208 human rights defenders, journalists and trade unionists, including 30 women, between January 2015 and December 2019.”⁴ More recently on 17 August gunmen shot dead Zara Alvarez, a legal worker for the human rights group Karapatan, and on 10 August assailants brutally murdered Randall Echanis, a leader of the peasant group Anakpawis and longtime activist.

The OHCHR also found that civil society organizations and the media faced constant intimidation, police raids, arbitrary arrests, criminal charges and prosecutions, and shutdowns.⁵ In June 2020, a Manila court convicted for libel journalists Maria Ressa and Reynaldo Santos Jr., both of the news website *Rappler*, which had been the subject of long-running harassment and threats from the Duterte government because of its reporting on the anti-drug campaign. Most recently, in early July, the Philippine Congress – most of whose members are allied with President Duterte – voted to deny the renewal of the broadcast franchise of *ABS-CBN*, the country’s largest TV and radio network, after years of explicit threats from President Duterte in part because of its critical reporting on the “war on drugs.” The recently passed Anti-Terrorism Law will institutionalize the government’s abuse of power and will create an environment in which attacks on civil society and media will be perpetuated. In his 2020 State of the Nation Address, President Duterte once again reiterated his intention to reimpose the death penalty. Bills to reintroduce the punishment are currently being reconsidered before Congress.

To date, there has been virtually no accountability for unlawful killings committed by police and their associates or for the other above-mentioned violations. As noted in the High Commissioner’s report, “persistent impunity for human rights violations is stark and the practical obstacles to accessing justice within the country are almost insurmountable.”⁶ Families of victims express total helplessness in describing their inability to obtain justice for their loved ones, citing the enormous obstacles to filing cases, the continued difficulty of obtaining police or autopsy reports, and the immense fear of retaliation they experience. The climate of total impunity leaves police and other unidentified gunmen, widely believed to be associated with law enforcement agencies, able to commit further extrajudicial executions without consequence.

President Duterte’s administration has undermined institutions that have attempted to address impunity at the national and international level and thwarted independent investigations, including in the Senate and the House of Representatives. The government’s withdrawal from the International Criminal Court, following the 2018 launch of a preliminary examination into crimes against humanity allegedly committed by the Philippine government in the context of the “war on drugs,” shows yet another way in which the authorities have sought to evade accountability.

Not only has the government sought to evade accountability, but the President and other high-level officials have continued to encourage killings and given assurances to perpetrators that they would enjoy impunity for such killings.⁷ The High Commissioner’s report found that rhetoric from the highest

⁴ OHCHR Report, 4 June 2020, para 50.

⁵ OHCHR Report, 4 June 2020, paras 49-59, and para 83.

⁶ OHCHR report, 4 June 2020, para 83.

⁷ In his 4th State of the Nation Address on 27 July 2020, President Duterte used human rights language to justify his war on drugs and violations seen under his administration. The President also threatened to kill suspected drug offenders, warning that he will be the enemy of criminals who harm the public, saying “bodies will pile up” if they “return to their ways.” In this context, the announcement that the Government will launch a domestic investigation at HRC44 lacks any kind of credibility.

levels of the government has been pervasive and deeply damaging, and that “some statements have risen to the level of incitement to violence.”⁸

During the interactive dialogue at the 44th session of the HRC, the Philippine Justice Secretary announced the creation of a government panel to review more than 5,600 cases of alleged extrajudicial killings in the country.⁹ Unfortunately, the Philippine government has failed to ensure this panel will be independent or impartial, notably because it will be led by the Department of Justice and will have among its members the very agencies – including the Philippine National Police and the Philippine Drug Enforcement Agency – accused of being behind these human rights violations and directly implicated in the “war on drugs.” Any review findings by the panel must also be evaluated and finalized by other government agencies involved in the anti-drug campaign. The well-documented fears of retaliation experienced by victims and their families in the Philippines will further undermine the credibility of government-led reviews. Accordingly, it is our organizations’ assessment that this panel is the latest attempt by the Duterte administration to evade international scrutiny for violations rather than a sincere attempt to put an end to these human rights violations and foster national accountability.

The HRC resolution A/HRC/41/2 on the Philippines adopted in July 2019 was an important first step to address the concerning human rights situation in the country, but a more robust response is necessary to deter further killings and other human rights violations and ensure a measure of accountability. In the absence of further Council action, the Philippine government will likely be emboldened to continue and escalate its violent anti-drug campaign and other serious rights violations, including reprisals against human rights defenders and civil society organizations, while the pervasive fear among victims and their families will only increase. Given the failure of the Philippine authorities to stop or effectively investigate crimes under international law and punish those responsible, we urge your delegation to work towards the adoption of a resolution to ensure that the Philippines remains on the agenda of the HRC and to create an independent, impartial, and effective investigation into extrajudicial executions in the context of the “war on drugs” and other human rights violations committed since 2016. The creation of such a mechanism is the only credible next step that the HRC can take to address the ongoing human rights crisis in the Philippines.

With assurances of our highest consideration,

1. African Centre for Democracy and Human Rights Studies
2. Aktionbündnis Menschenrechte - Philippinen
3. Amnesty International
4. Article 19
5. ASEAN Parliamentarians for Human Rights
6. Asia Democracy Network
7. Asian Federation Against Involuntary Disappearances
8. Asian Forum for Human Rights and Development (FORUM-ASIA)
9. Asian Legal Resource Centre
10. Association for the Rights of Children in Southeast Asia
11. Bahay Tuluyan
12. Cairo Institute for Human Rights Studies
13. Center for International Law (CenterLaw)

⁸ OHCHR Report, 4 June 2020, para 77.

⁹ https://www.rappler.com/nation/265308-duterte-administration-creates-panel-probe-deaths-police-operations?utm_source=twitter&utm_medium=social&utm_campaign=nation

14. Center for Legal and Social Studies/CELS
15. Center for Media Freedom and Responsibility
16. Center for Migrant Advocacy Philippines
17. Child Alert Mindanao
18. Children's Legal Rights and Development Center
19. Children's Rehabilitation Center
20. CIVICUS: World Alliance for Citizen Participation
21. Civil Rights Defenders
22. Coalition Against Summary Executions
23. Commission of the Churches on International Affairs of the World Council of Churches
24. Conectas Direitos Humanos
25. Consortium on Democracy and Disinformation
26. Dakila - Philippine Collective for Modern Heroism
27. DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
28. Dominicans for Justice and Peace
29. Families of Victims of Involuntary Disappearance (FIND) - Philippines
30. Focus on the Global South
31. Foundation for Media Alternatives
32. Franciscans International
33. Franciscan Sisters of the Immaculate Conception of the Holy Mother of God
34. Free Legal Assistance Group
35. Frontline Defenders
36. Harm Reduction International
37. Human Rights Watch
38. In Defense of Human Rights and Dignity Movement (iDefend)
39. International Coalition for Human Rights in the Philippines
40. International Commission of Jurists
41. International Drug Policy Consortium
42. International Federation for Human Rights
43. International Service for Human Rights
44. Justice and Compassion Essential Ministries Team of the California-Pacific Annual Conference of The United Methodist Church
45. Kalitawhan Network
46. Karapatan (Alliance for the Advancement of People's Rights)
47. Lawyers' Rights Watch Canada
48. Medical Action Group
49. National Union of Journalists of the Philippines
50. Network Against Killings in the Philippines (NakPhil)
51. Ontario Committee for Human Rights in the Philippines
52. Philippine Alliance of Human Rights Advocates (PAHRA)
53. Philippine Human Rights Information Center (PhilRights)
54. Philippinenbüro e.V. (Cologne, Germany)
55. Philippine Misereor Partnership Inc.
56. Protection International
57. Reporters Without Borders
58. Resbak
59. Rise Up for Life and for Rights
60. Salinlahi Alliance for Children's Concerns
61. Tambayan Center for Children's Rights

62. World Organization Against Torture (OMCT)

ANNEX: ASSESSMENT OF SITUATION IN THE PHILIPPINES AGAINST THE OBJECTIVE CRITERIA FOR HRC ACTION

During the thirty-second session (HRC32) of the UN Human Rights Council in June 2016, Ireland delivered a statement¹⁰ on behalf of a cross-regional group of States (building upon a previous joint statement by the Maldives) proposing objective criteria – or “guiding principles” – to “help [the Human Rights Council] decide, in an objective and non-selective manner, when the Council should usefully engage with a concerned State, to prevent, respond to, or address violations and to assist in de-escalation of a situation of concern.” Application of these *objective criteria for HRC action* has been further reaffirmed in cross-regional joint statements delivered by the Netherlands at the 35th session of the Council on behalf of 49 States, and the incoming members pledges delivered by Australia (2018), Fiji (2019) and the Marshall Islands (2020) on behalf of 30 of the 47 current HRC members.

The criteria are useful as indicators not only of the seriousness of the human rights situation in a particular country, but also of the willingness (or lack thereof) of the state concerned to address the challenges faced. Analysis by our organisations, set out below, shows that all of the criteria identified in the joint statement have been partially or fully met in the case of the Philippines.

<p>Call for action by the UN SG, HC or another relevant UN organ, body or agency?</p>	<p>In her report to HRC44, the High Commissioner urged the HRC to “mandate OHCHR to continue monitoring and documenting the situation of human rights in the Philippines, and to regularly report to the Human Rights Council.” She also recommended that “in the absence of clear and measurable outcomes from domestic mechanisms” a more robust approach is needed, and that the HRC should “consider options for international accountability measures.”¹¹</p> <p>In her address to the Human Rights Council, the High Commissioner underlined these two recommendations and added she hoped the report would “mark the beginning of the end of impunity for serious human rights violations in the Philippines,” noting that “the families of victims, and the country's courageous human rights defenders, count on the international community for help to address these ongoing and serious human rights issues – and for the Council to rise up to its prevention mandate.”¹²</p>
<p>Recommendation for action by a group of Special Procedures?</p>	<p>In June, a group of Special Procedures renewed their call for “an on-the-ground independent, impartial investigation” into the human rights situation in the Philippines, “given the scale and seriousness of the human rights violations.”¹³ In the joint statement, they noted that the OHCHR report “confirmed [their] findings and warnings issued over the last four years: widespread and systematic killings and arbitrary detention in the context of</p>

¹⁰ <https://www.dfa.ie/our-role/policies/international-priorities/human-rights/ireland-and-the-human-rights-council/irelands-statements-hrc-32nd-session/preventingrespondingtoandaddressinghumanrightsviolations-jointconcludingstatement/>.

¹¹ OHCHR, Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Philippines, 4 June 2020, UN Doc. A/HRC/44/22, para 88.

¹² 44th session of the Human Rights Council: Enhanced interactive dialogue on the situation of human rights in the Philippines, Statement by Michelle Bachelet, UN High Commissioner for Human Rights, 30 June 2020, available at : <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26016&LangID=E>.

¹³ Philippines: UN human rights experts renew call for an on-the-ground independent, impartial investigation, 25 June 2020, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25999&LangID=E>.

	<p>the war on drugs, killings and abuses targeting farmers and indigenous peoples, the silencing of independent media, critics and the opposition.”</p>
<p>Does the State concerned have an “A status” NHRI? If so, has that institution drawn the attention of the international community to an emerging situation and called for action?</p>	<p>The Commission on Human Rights (CHR) of the Philippines (A-Status NHRI) has continued to raise concern and draw the attention of the international community to the situation, for which it has been attacked, including through alleged surveillance and threats against their lives and security, as highlighted in the OHCHR report.</p> <p>During HRC44, CHR Commissioner Karen Gomez Dumpit noted how the “harmful rhetoric of inciting hatred, vilifying legitimate dissent, and incentivizing violence” has allowed impunity to “acutely persist” in the country. The Commissioner reiterated the High Commissioner’s call on the HRC to give the OHCHR the continued mandate to monitor the situation in the country and report progress on the High Commissioner’s recommendations, and “in the absence of timely and measurable outcomes, to consider options for other international accountability measures.”</p>
<p>Has the State concerned been willing to recognise that it faces particular human rights challenges and laid down a set of credible actions, including a timetable and benchmarks to measure progress, to respond to the situation?</p>	<p>While the Philippine authorities have acknowledged that police and other unknown persons have killed thousands of people in the so-called “war on drugs,”¹⁴ they have refused to accept that the killings are a problem that need to be halted, or to acknowledge that the anti-drug campaign is driving widespread human rights violations.</p> <p>As noted in the OHCHR report to HRC44, despite credible allegations, “there has been near impunity” for the killings with just one case resulting in the conviction of three police officers following public outrage over the killing of 17-year-old Kian delos Santos” (para 26). Addressing HRC44, the High Commissioner noted that the near-total impunity “[indicates] an unwillingness by the State to hold to account perpetrators of extrajudicial killings,” and that “families of the victims, understandably, feel powerless, with the odds firmly stacked against justice.”¹⁵</p> <p>Not only has there been almost no accountability for unlawful killings by police and their associates, but President Duterte has explicitly encouraged police to commit extrajudicial executions and promised them immunity, while implicated police officers have received promotions.¹⁶ The OHCHR noted that “harmful rhetoric from the highest levels of the Government has been pervasive and deeply damaging,” in some cases “[rising] to the level of incitement to violence” (para 77).</p> <p>In his 4th State of the Nation Address on 27 July 2020, President Duterte used human rights language to justify the anti-drug campaign and violations seen under his administration, suggesting some human rights should be upheld at the expense of others. The President simultaneously vowed to uphold human rights and later threatened to kill suspected drug offenders,</p>

¹⁴ <http://newsinfo.inquirer.net/988352/pnp-admits-4251-killed-in-war-on-drugs>.

¹⁵ 44th session of the Human Rights Council: Enhanced interactive dialogue on the situation of human rights in the Philippines, Statement by Michelle Bachelet, UN High Commissioner for Human Rights, 30 June 2020, available at : <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26016&LangID=E>.

¹⁶ See for example, <https://www.rappler.com/nation/224501-rise-drug-killings-central-luzon-pnp-says-commanders-hardworking>.

	<p>warning that he will be the enemy of criminals who harm the public, saying “bodies will pile up” if they “return to their ways.”¹⁷</p> <p>In this context, the announcement that the Government will launch a domestic investigation into unlawful killings lacks any kind of credibility.</p>
<p>Is the State concerned engaging in a meaningful, constructive way with the Council on the situation?</p>	<p>The HRC resolution was a result of the failure of the Philippines to engage constructively with the Council in the past and the government has continued to block scrutiny. Following the adoption of Council resolution 41/2 in July 2019, various government officials, including President Duterte, publicly attacked Council members who supported the resolution.¹⁸ The Philippines has refused access to the OHCHR in the fulfilment of the mandate provided by the HRC.</p>
<p>Is the State concerned effectively cooperating with HRC Special Procedures, including by allowing country visits?</p>	<p>Not one Special Procedures country visit to the Philippines has taken place since President Duterte took power in June 2016, despite 14 outstanding visit requests.¹⁹ In March 2017, the High Commissioner criticised President Duterte’s statements to the Philippine National Police that they should not cooperate with UN Special Procedures or international investigators who may probe human rights violations if they were to visit the Philippines.²⁰ The Philippines have not answered any communications from the Special Procedures since April 2019.</p> <p>Not only has the Government refused to cooperate with Special Procedures, but on several occasions has threatened or attacked them: In November 2017, the High Commissioner was forced to comment in response to “the repeated insults and threats of physical violence against the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Agnes Callamard, by the President of the Philippines and his supporters.” Specifically, the President “threatened to slap Ms. Callamard if she investigates him for alleged extrajudicial killings. He made the same threat against her in June 2017 after she criticised the “war on drugs” campaign which has left thousands dead.”²¹ Attacks on Ms. Callamard, who notably holds the mandate most relevant to addressing the spate of unlawful killings, have continued.²²</p> <p>The Office was forced to speak out again when, in February 2018, the Department of Justice filed a petition before the Supreme Court that sought to designate human rights defenders, including the UN Special Rapporteur on the rights of Indigenous peoples, Ms. Victoria Tauli-Corpuz (a Philippine national that had spoken out against the government, criticizing the displacement of Indigenous peoples during military operations in the south of the country), as “terrorists” under the country’s anti-terrorism law.²³ Ms.</p>

¹⁷ <https://rappler.com/nation/full-text-duterte-sona-speech-2020>

¹⁸ See for example: <https://www.reuters.com/article/us-philippines-drugs-duterte/duterte-mocks-ice-eating-iceland-over-un-vote-on-philippine-war-on-drugs-idUSKCN1U71FM>; <https://globalnation.inquirer.net/177789/locsin-warns-of-far-reaching-consequences-for-nations-in-favor-of-un-resolution>

¹⁹ <https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&lang=en>.

²⁰ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22772&LangID=E>

²¹ See for example: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22421&LangID=E>

²² E.g. <https://www.aljazeera.com/news/2018/03/duterte-attacks-rights-officials-callamard-bensouda-180309091927105.html>; <https://www.gmanetwork.com/news/news/nation/740664/palace-questions-callamard-s-credentials-after-remarks-on-covid-19-crisis/story/>.

²³ <https://news.un.org/en/story/2018/03/1004622>.

	<p>Tauli-Corpuz was again singled out and subjected to renewed accusations by the government in March 2019, a move that was also condemned by a group of UN Special Procedures.²⁴</p>
<p>Is the State concerned engaging with OHCHR, including in the field of technical assistance...</p>	<p>The authorities have continued to refuse access to the OHCHR. In its report, the OHCHR noted “several exchanges with representatives of the Government of the Philippines, including detailed discussions on 13 and 14 February 2020 in Bangkok, Thailand.” It noted, however, that OHCHR “did not receive permission from the Government to conduct a visit to the Philippines.”²⁵</p> <p>In response to the OHCHR report released in June 2020, the Government responded that it “cannot commit to [the] full implementation [of the recommendations therein] given the faulty conclusions on which they were premised,” alluding in particular to the concerns raised related to the killings, arbitrary detention, right to health and the crackdown on civic space. These conclusions, the Government confirmed, it “firmly reject(s).”²⁶</p>
<p>... and effective engagement with the UN Human Rights Treaty Bodies?</p>	<p>The Philippines has failed to implement recommendations from human rights treaty bodies on extrajudicial killings and associated human rights violations.</p> <p>Concerns were raised about the extrajudicial execution of people suspected of using or selling drugs at the review of the Committee on Economic, Social and Cultural Rights in 2016. During its review, the Committee urged “the State party to put a stop to extrajudicial killings and all forms of violence against drug users; to promptly and thoroughly investigate all reported cases and punish the perpetrators with sanctions commensurate with the gravity of the crime; and to take all measures necessary to ensure that the fight against drug trafficking does not have a discriminatory impact on the poor and marginalized.”²⁷</p> <p>The Government has not implemented any of the Committee’s other recommendations to credibly investigate the killings “and punish the perpetrators with sanctions commensurate with the gravity of the crime”. To date, police officers have been convicted of murder in just one high-profile case, that of Kian de los Santos, and reported killings by police and other unknown gunmen, many of them suspected of having links to the police, continue and have expanded beyond the “war on drugs.”²⁸</p> <p>The Government did temporarily remove police from anti-drug operations. However, police were later reassigned and those previously involved in deadly police operations were transferred or even promoted to higher positions.</p>

²⁴ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24538&LangID=E>.

²⁵ OHCHR, Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Philippines, 4 June 2020, UN doc. A/HRC/44/22, para 4.

²⁶ For official government response see <https://pcoo.gov.ph/OPS-content/on-the-ph-governments-comprehensive-reaction-to-the-latest-report-of-the-united-nations-office-of-the-high-commissioner-for-human-rights/>.

²⁷ E/C.12/PHL/CO/5-6, Committee on Economic, Social and Cultural Rights, Concluding observations on the combined fifth and sixth periodic reports of the Philippines* 26 October 2016, para 54.

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=E/C.12/PHL/CO/5-6&Lang=En.

²⁸ <https://www.amnesty.org/en/countries/asia-and-the-pacific/philippines/report-philippines/>

<p>Has a relevant regional mechanism or institution identified the situation as requiring the attention of the international community? Is the State concerned cooperating with relevant regional organisations?</p>	<p>N/A. The ASEAN Intergovernmental Commission on Human Rights (AICHR) lacks a formal system to receive complaints and does not publicly comment or criticize the human rights situation/violation in an ASEAN member state unless it has the explicit permission from the commissioner of that state to do so. Civil society organisations and parliamentarians from the region have, however, expressed their deep concern about the situation in the Philippines, including the ASEAN Parliamentarians for Human Rights,²⁹ FORUM-ASIA – a collective of regional NGOs,³⁰ and the ASEAN Peoples Forum.³¹</p>
<p>Is the State concerned facilitating or obstructing access and work on the part of humanitarian actors, human rights defenders and the media?</p>	<p>The OHCHR report raised significant concern over killings of human rights defenders, journalists and trade unionists and the increased crackdown on civil society and independent media, among other human rights issues. Key points in the report on this matter include:</p> <ul style="list-style-type: none"> - OHCHR “has itself verified the killings of 208 human rights defenders, journalists and trade unionists, including 30 women, between January 2015 and December 2019” (para 50) and is deeply concerned over the “‘red-tagging’ – or labelling individuals and groups as communists or terrorists – [which] has been a persistent and powerful threat to civil society and freedom of expression” (para 49, see also paras 51-52 for examples of the impact of this). - “Police and military visits and raids on NGOs are reportedly used to intimidate civil society, including during the COVID-19 lockdown” (para 54). - “Human rights advocacy is routinely equated with insurgency and the focus diverted to discrediting the messengers rather than examining the substance of the message” (para 83). - “Ongoing threats to freedom of expression, with legal charges and prosecutions being brought against journalists and senior politicians critical of the Government, as well as actions to shut down media outlets.”ⁱ - “OHCHR and various United Nations Special Rapporteurs” have “raised concerns about what appears to be ‘a pattern of intimidation’ of independent news sources” (para 59). The report raises concern specifically over the attacks on Rappler and its CEO Maria Ressa, and the recent shutdown of media network ABS-CBN (para 59). - “Senators Leila de Lima and Risa Hontiveros are among other women officials critical of Government policy who faced reprisals. Senator de Lima has been arbitrarily detained for three years and Senator Hontiveros faces various criminal charges” (para 58). -

³ OHCHR, Philippines: UN report details widespread human rights violations and persistent impunity, 4 June 2020, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25924&LangID=E>.

²⁹ <https://aseanmp.org/2017/08/25/release-senator-de-lima-end-extrajudicial-killings-philippines/>

³⁰ <https://www.forum-asia.org/?p=25920>

³¹ http://www.acsc-apf.org/pages/summaryl_statement%20ACSC_AFP_2017.html