



**JOINT SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE**

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Submitted by:

- Dominicans for Justice and Peace
- Legal Rights and Natural Resources Center -Kasama sa Kalikasan- Friends of the Earth Philippines
- Maryknoll Sisters of St Dominic
- Dominican Family for Justice, Peace and Care for Creation - Philippines
- National Council of Churches in the Philippines (NCCP)
- Rise Up
- Franciscans International
- Ateneo Human Rights Center
- JPIC Carmelite Philippines
- Franciscans Solidarity Movement of Justice, Peace and Integrity of Creation
- Justice, Peace and Integrity of Creation of OFM in the Philippines
- Task Force Detainee of the Philippines
- Philippines Alliance of Human Rights Advocates (PAHRA)
- Conference of Major Religious Superiors

12 September 2022

## Introduction

1. This report is a joint submission of the above-mentioned organisations.<sup>1</sup> The report highlights key concerns related to the human rights situation in the Philippines. The data and information obtained for this submission were documented through interviews and extended research by the submitting organisations.

## Corruption (art. 2, in conjunction with art. 19)

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<sup>1</sup> The **Legal Rights and Natural Resources Center -Kasama sa Kalikasan- Friends of the Earth Philippines** (LRC-KsK/FoE Ph) is a legal research, policy development and advocacy institution working for the recognition and protection of the rights of indigenous peoples and upland rural poor communities to land and other natural resources.

**Dominicans for Justice and Peace (Order of Preacher)** represents the Dominican Order at the UN. It is a non-profit NGO, with the UN ECOSOC Status since 2002. It is dedicated to the promotion of justice and peace in the world and to the promotion and protection of human rights for all.

**Maryknoll Sisters of St Dominic** is a women's religious congregation. The Sisters devote their lives in service in overseas missions as teachers, nurses, doctors, social workers, theologians, environmentalists and more. They are approximately 335 Sisters serving in 24 places around the world.

The **Justice and Peace and Care for Creation of the Dominican Family in the Philippines** aims to deliver the Gospel in a context that would be adaptable to the local Church setting and to the needs and rights of its members in particular.

The **National Council of Churches in the Philippines** is an ecumenical fellowship of 10 Protestant and non-Roman Catholic churches and nine service-oriented organisations that was founded in 1963. It is working in solidarity with other civil society organisations in the Philippines in the struggle for justice, peace and the integrity of creation.

**Franciscans International** is a faith-based International Non-Governmental Organisation (INGO) with General Consultative Status with the United Nations Economic and Social Council (ECOSOC). It was founded in 1982 to bring the concerns of the most vulnerable to the United Nations. FI relies on the expertise and first-hand information of Franciscans and other partners working at the local level around the world to advocate at the United Nations for structural changes addressing the root causes of injustice.

**Ateneo de Manila Human Rights Center (AHRC)** is a university-based institution engaged in the promotion and protection of human rights in the Philippines. With its vision to have a just and humane society and the mission to respect, protect and promote human rights most especially in the Philippines, the AHRC works to achieve its objectives through engagement with communities and partner organisations.

**Task Force Detainees for the Philippines (TFDP)** is a Philippines-based non-profit, national human rights organisation working on documenting human rights violations, assisting the victims and their families in their material and legal needs, and conducting human rights education work.

The **Justice, Peace and Integrity of Creation Commission (JPICC) of the Conference of Major Superiors of the Philippines (CMSP)** is a permanent commission of the Conference of Men and Women Catholic religious congregations in the Philippines. The members are composed of 362 religious institutes, societies of apostolic life, secular institutes out of 453 religious and secular institutes in the Philippines, representing 80 percent of the total institutes present in the country.

The **Philippine Alliance for Human Rights Advocates (PAHRA)** is a non-profit alliance of individuals, institutions, and organisations committed to the promotion, protection, and realisation of human rights.

The **Justice, Peace and Integrity of Creation of the Order Friars Minor (OFM JPIC - Philippines)** is the commission of the Order Friars Minor of the Philippines Province that works on the issues of human rights, social justice and climate justice in the Philippines.

The **Franciscans Solidarity Movement of Justice, Peace and Integrity of Creation (FSM JPIC)** is a movement of Franciscans religious congregations in the Philippines. FSM JPIC works to promote human rights, human dignity, social and environmental justice through pastoral and advocacy work throughout the Philippines.

**JPIC Carmelite Philippines** is a commission of the Carmelite in the Philippines. It works for the justice, peace, and integrity of creation in the Philippines.

2. The Philippine Government continues facing serious corruption allegations. These include the P15 billion Philippine Health Insurance Corporation (Philhealth) fraud, alleging mass scale corruption in the State health insurance agency.<sup>2</sup> This issue came into light after PhilHealth expressed concern of losing its reserve fund by 2021 amid the battle with the Covid-19 pandemic.<sup>3</sup>
3. The country's Covid response is also heavily weighed down by a string of corruption allegations. In 2021, the Commission on Audit (COA) showed deficiencies in how the Department of Health (DOH) managed its P67.32 billion Covid response fund in 2020. Reports of massive overpricing and anomalous transactions with unqualified suppliers surfaced.<sup>4</sup>
4. The COA also addressed the Department of Education in two instances: a) the P2.4 billion purchase of “outdated and pricey” laptops for teachers in the implementation of distance learning amid the Covid-19 pandemic; and b) the faulty procurement, delay, and lack of supporting documents that marred the spending of the P4.5 billion budget on the Basic Education Learning Continuity Plan.
5. In 2014, three senators were charged with plunder under the Priority Development Assistance Fund scam. Two of the three accused were re-elected to the Senate in the May 2022 elections. Many other politicians with corruption cases were also able to secure elective positions.<sup>5</sup>
6. Allegations of corruption primarily fall within the jurisdiction of the Ombudsman who has custody of the Statements of Assets, Liabilities, and Net Worth (SALN) of most public officials. Ombudsman Memorandum Circular 1 (series of 2020) restricts the public's access to SALNs. In a statement before the Congress, Ombudsman Samuel Martires also made a proposal that seeks to prohibit the public from making commentaries about SALNs at the risk of incurring jail time.<sup>6</sup>

### **Recommendations to the Government of the Philippines:**

- Ensure that there is more transparency and accountability in the government financial transactions.

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<sup>2</sup> Christia Ramos, “‘PhilHealth mafia’ pocketed P15-B worth of funds says ex-anti-fraud exec”, INQUIRER, Aug. 4, 2020, available at <https://newsinfo.inquirer.net/1316435/philhealth-mafia-pocketed-p15-b-worth-of-funds-says-ex-anti-fraud-exec>

<sup>3</sup> Cristina Baclig, “2021: Pharmally scandal rubs salt on pandemic wounds”, INQUIRER, Dec. 27, 2021, available at <https://newsinfo.inquirer.net/1532484/2021-pharmally-scandal-rubs-salt-on-pandemic-wounds#ixzz7cVjOgiRi>

<sup>4</sup> Jeanette Andrade and Jane Bautista, “COA flags DepEd purchase of ‘pricey, outdated’ laptop”, INQUIRER, Aug. 5, 2022, available at <https://newsinfo.inquirer.net/1641318/coa-flags-deped-purchase-of-pricey-outdated-laptops>

<sup>5</sup> “Right To Know Right Now Coalition, Duterte Senate bet among 545 tagged ‘perpetually disqualified’ from office”, INQUIRER, May 8, 2022, available at <https://www.rappler.com/nation/elections/duterte-senate-bet-greco-belgica-among-perpetually-disqualified-from-office-comelec/>

<sup>6</sup> Gabriel Lalu, “Martires wants jail term for people commenting on gov’t officials’ SALN”, INQUIRER, Sept. 9, 2021, available at <https://newsinfo.inquirer.net/1485754/martires-proposes-five-year-imprisonment-for-people-commenting-on-officials-salns#ixzz7capGi2Mv>

- Ensure that the Office of Ombudsman investigates and addresses the allegation of cases of corruption in an independent manner.

### **Right to life (art. 6 and 24) - Extrajudicial killings (EJK)**

7. According to the Philippine Drug Enforcement Agency (PDEA), one of the leading offices in administering the “War on Drugs”, there were 6,235 drug related killings between 1 July 2016 and 28 February 2022.<sup>7</sup> In contrast to this, human rights organisations estimate the number of drug related deaths between 27,000 and 30,000.<sup>8</sup> Despite the stark difference in the reports, there are similarities in trends between the data presented. First, it is evident that the majority of the recorded deaths occurred in buy-bust operations, where members of the police force pose as dealers or buyers and capture those who attempt to buy or deal with the alleged dealer. The *modus operandi* of the killings is very similar in all cases. Victims are beaten before being shot dead in the street or arbitrarily arrested, tortured, and killed by bullets. Evidence coming from the investigation carried out by the members of our coalition show that victims of the drug-related killings have been overwhelmingly from poor and marginalised communities. Many victims provided for a significant part of the families’ income, so their deaths forced the children and elderly to seek for employment in spite of their ages and the very poor prospects of finding decent work. The Government did not provide economic and psycho-social assistance to the victims’ families.

8. Between August 2015 and August 2018, 42 cases of killings were reported in Navotas City, which has the poorest urban communities in the National Capital Region of Manila. The vast majority of the victims were young men in their twenties and thirties. Navotas City is just one of the many areas with a growing number of killings.

9. Enforced disappearance has always been a tool to stifle political dissent and was also used as a tool in the War on Drugs. For the period of 2016-2019, the Families of Victims of Enforced Disappearances (FIND) has investigated 28 out of the 68 reported cases of enforced disappearance. Out of these 28 cases, 9 were politically motivated while 18 were related to the War on Drugs and anti-terrorism initiatives. Still according to our investigation, 4 resurfaced alive, 10 were found dead, while 14 are still missing.<sup>9</sup>

10. Impunity relating to the War on Drugs is enabled by the harmful rhetoric from top level officials. Since the beginning of his term, former president Rodrigo Duterte made numerous statements encouraging the police to kill drug suspects if they fight back and assuring them of

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<sup>7</sup> Republic of the Philippines, Office of the President, Philippines Drug Enforcement Agency, #REALNUMBERSPH, From July 1, 2016 to February 28, 2022, <https://pdea.gov.ph/2-uncategorised/279-realnumbersph>

<sup>8</sup> Rappler, “Duterte gov’t tally: Drug war deaths top 5,500 before SONA 2019”, Sofia Tomacruz, 18 July 2019, <https://www.rappler.com/nation/duterte-government-tally-drug-war-deaths-before-sona-2019>

<sup>9</sup> Task Force Detainees of the Philippines - Mid-term Human Rights Situationer Report.

rewards for every killing.<sup>10</sup> In this context, many affected families refuse to file cases in fear of retaliation. Rise Up families<sup>11</sup> also experienced difficulties in obtaining police reports.

11. In addition, there is a clear lack of interest and an unwillingness by the Government to ensure impartial investigation and prosecution despite the acknowledgment of massive violations of the law.<sup>12</sup> In a statement before the UN Human Rights Council, former Department of Justice Secretary Menardo Guevarra admitted that “[i]n more than half of the records reviewed, the law enforcement agents involved failed to follow standard protocols pertaining to coordination with other agencies and the processing of the crime scene.”<sup>13</sup>

12. Secretary Guevarra in his speech also announced the creation of a government panel to review the cases of alleged extrajudicial killings. However, the structure is headed by the Department of Justice (DOJ) along with the Department of Interior and Local Government, which controls and supervises the police force, and the PDEA, who are directly linked to the War on Drugs campaign.

13. In 2019, pending the investigation against Rodrigo Duterte’s War on Drugs, the Philippines withdrew from the Rome Statute that places it within the jurisdiction of the International Criminal Court (ICC). In response to this withdrawal, the ICC stated that “[a] withdrawal has no impact on on-going proceedings or any matter which was already under consideration by the Court prior to the date on which the withdrawal became effective; nor on the status of any judge already serving at the Court.”<sup>14</sup> In 2022, after the ICC’s request to resume with the investigation, President Ferdinand Marcos Jr. announced that the Philippines will not be rejoining the ICC.

### **Recommendations to the Government of the Philippines:**

- Take the necessary concrete measures to end and prevent extrajudicial killings and enforced disappearances, and ensure that alleged perpetrators of these crimes are

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<sup>10</sup> During Duterte’s Inauguration; during the June 2016 Thanksgiving party in Davao City promoting “do it yourself Arrest”, according to which civilians could arrest drug suspects, and if they resisted the civilian was permitted to kill the suspect; in September 2016, Duterte told the soldiers that criminals should be killed whether or not they fight back; on 27 September 2018, he stated in his meeting with Career Service Officers in Presidential place that his only sin is EJK.

<sup>11</sup> Rise Up For Life and for Rights is an organisation of the families of the victims of the war on drugs and a network of human rights advocates against drug-related extrajudicial killings and other human rights violations.

<sup>12</sup> Rise Up For Life and for Rights, Submission to the OHCHR for HRC report 41/2, 9 December 2019

<sup>13</sup> Philstar, “PNP failed to follow protocols in many drug operations, Guevarra tells UN rights body”, 4 February 2021, available at <https://www.philstar.com/headlines/2021/02/24/2080190/pnp-failed-follow-protocols-many-drug-operations-guevarra-tells-un-rights-body>

<sup>14</sup> ICC, Statement on The Philippines’ notice of withdrawal: State participation in Rome Statute system essential to international rule of law, available at <https://www.icc-cpi.int/news/icc-statement-philippines-notice-withdrawal-state-participation-rome-statute-system-essential>

effectively investigated, prosecuted and, if convicted, punished with appropriate sanctions.

- Ensure access to justice for the families of victims and to effective remedies and reparation, including satisfaction, truth, guarantee of non repetition, and compensation.
- Ensure adequate assistance for families of victims of drug-related killings, including legal support and psychosocial services.
- Fully cooperate with the investigation process of the ICC.
- Reconsider the criminalization of the possession and use of drugs, adopt a right-to-health approach to drug abuse with harm reduction strategies, and increase the availability of treatment services that are evidence-based and respectful of the rights of drug users.

### **Counter-Terrorism and National Security (arts. 2, 4, 7, 9, 14, 17, 19, 20, 21, 22, 24)**

14. In recent years, the State has scaled up its action for countering terrorism and conflicts. Among the recent national security laws are the 2018 Executive Order No. 70 (EO 70)<sup>15</sup> and the 2020 Anti-Terrorism Act.<sup>16</sup>

15. In 2018, former President Duterte issued the EO 70 institutionalising the Government’s “Whole of Nation” approach to attain “inclusive and sustainable peace” through the creation of a “national task force to end local communist armed conflict” (ELCAC) and the adoption of a “National Peace Framework”. In practice, the EO 70 serves to legitimise the witch-hunt for critics of the Administration, to intensify political persecution, and to red-tag individuals and organisations with greater impunity. Political dissenters are vilified and tagged as communists or as members of the New People’s Army. Participating community members to ELCAC consultations have reported that it encourages intelligence gathering for the anti-insurgency campaign of the military.

16. In addition, the Securities and Exchange Commission (SEC), traditionally only a corporate registry entity, issued Memorandum Circular No. 15 in 2018, instructing all non-profit entities to comprehensively divulge their operational network and fund sources especially from overseas.<sup>17</sup> NGOs are to be categorised as either high-risk, medium-risk or low-risk from terrorist funding using unknown processes or criteria.<sup>18</sup> Failing to comply with the circular risks revocation of the groups’ SEC registration. Banks and financial services were likewise urged to look into NGO accounts. In July 2019, the Philippine Alliance of Human Rights Advocates (PAHRA) was warned of account closure within 30 days from failure to submit NGO information requested by the bank.

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<sup>15</sup> Executive Order No. 70, s. 2018: <https://www.officialgazette.gov.ph/2018/12/04/executive-order-no-70-s-2018/>

<sup>16</sup> Officially designated as the Republic Act No. 11479: <https://www.officialgazette.gov.ph/2020/07/03/republic-act-no-11479/>

<sup>17</sup> The Securities and Exchange Commission (SEC) Memorandum Circular No. 15, s. 2018

<sup>18</sup> The Securities and Exchange Commission (SEC) Memorandum Circular No. 15, s. 2018

17. Finally, signed into law as a matter of urgency by former President Duterte on 3 July 2020, the Anti-Terrorism Act (ATA) replaces the Human Security Act of 2007. The Act seeks to provide the Government with greater breadth of police powers by imposing tougher sanctions on perpetrators, easing penalties for law enforcement elements who commit human rights violations, and expanding the definition of terrorist acts. The adoption process of the bill was conducted during the Covid-19 lockdown.

18. The law was met with several contentions from civil society organisations, members of the law community, academics, lawmakers, former justices of the Supreme Court, constitutional framers, and citizens in general. More than 30 petitions questioning the constitutionality of the law have been filed with the Supreme Court. Problematic provisions stand to contravene rights enshrined in the International Covenant on Civil and Political Rights and the 1987 Constitution. Additionally, there is a concern about the credibility of the State actors who will implement the law given the increasing number of extrajudicial killings and reported abuses committed by the military and police personnel. Cases of red-tagging of activists, filing of cases against members of opposing political parties, and attacks and killings against lawyers, judges, and human rights defenders have become more prevalent.

19. Below is a list of some major problematic sections of the ATA:

- Section 12: To avoid being charged for the crime under this section, NGOs and organisations essentially need to seek prior clearance and recognition for their projects. NGOs who fail to do so risk being red-tagged and having their assets frozen by the Anti-Money Laundering Council. Even funding organisations may be held criminally liable for extending funding to an “unrecognised” NGO;
- Section 13: It institutes control over the work of civil society and their activities;
- Sections 16 and 17: They give the Anti-Terror Council (ATC) increased power to tap into anyone’s conversations and fish for evidence. Specifically, the provisions give the ATC the possibility to tap and conduct surveillance for sixty (60) days. There are no restrictions with respect to the use of the evidence gathered. In effect, even if the tapped conversation has no relation to the crime of terrorism, it may still be used as evidence for another case. The requirement to inform individuals under surveillance has also been removed;
- Section 29: It provides the executive branch with blanket authority for detention without judicial warrant and extends the period of detention to twenty-four (24) days.

20. On 7 December 2021, the Philippine Supreme Court affirmed the constitutionality of the Act, with exception of some provisions.<sup>19</sup> Motions for reconsideration have been filed to

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<sup>19</sup> The Philippines Supreme Court only declared unconstitutional the following provisions: 1. The phrase in the proviso of Section 4 which states ‘ which are not intended to cause death or serious physical harm to a person, to endanger a person’s life, or to create serious risk to public safety;’ 2. The second mode of designation found in paragraph 2 of section 25; and 3. As a necessary consequence, the corresponding reference/provisions in the implementing Rules and Regulations of Republic Act 11479 relative to the foregoing items. The Supreme Court Decision is available at <https://sc.judiciary.gov.ph/24370/>

question the decision of the Philippine Supreme Court.<sup>20</sup> The UN High Commissioner for Human Rights expressed her view that the law could have a chilling effect on human rights and humanitarian work, hindering support to vulnerable and marginalised communities.<sup>21</sup> Human rights organisations continue to raise their concern that the ATA will be used by the Government to silence human rights defenders and organisations who wish to foster respect for human rights in the country. In particular, the broad definition of “terrorist” can be used to stifle dissent and curtail the rights to freedom of opinion and expression, to freedom of peaceful assembly and of association.<sup>22</sup>

### **Recommendations to the Government of the Philippines:**

- Review the Executive Order No. 70 to ensure full compliance with the rule of law and international human rights norms and standards.
- Ensure the independence of civil society and derogate the Memorandum Circular No. 15 of 2018, ending the criminalisation of NGOs and their categorisation in terms of alleged danger to the State.
- Review the Anti-Terrorism Act and initiate broad-based consultations processes to draft a legislation that can effectively prevent and counter violent extremism in line with international human rights standard and including safeguards to prevent its misuse against people engaged in peaceful and legitimate dissent and advocacy as should be unhindered in a democratic regime.

### **Prohibition of torture and other cruel, inhumane, or degrading treatment or punishment of persons deprived of liberty (art. 7)**

21. The findings of the 2015 United Nations Subcommittee on Prevention of Torture called for urgent action to address overcrowding in Philippine jails. The Philippine Anti-Drug campaign which began in 2016 resulted in heavy congestion in the penitentiary system, propelling it to the top of the World Prison Brief’s list of the most overcrowded systems in the world. As of July 31, 2022, the Bureau of Jail Management and Penology (BJMP) accommodates 131,706 Persons Deprived of Liberty (PDL), showing a congestion rate of 390% for the 477 jail facilities nationwide. Contrary to the requirements of the BJMP Manual on Habitat, Water, Sanitation and Kitchen in Jails and the United Nations Minimum Standard Rules for the Treatment of Prisoners, heavy congestion results in unhealthy living conditions of inmates.

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<sup>20</sup> Techts Torres Tupas, “SC asked to take an even closer look at Anti Terrorism Act of 2020”, INQUIRER, 2 March 2022, available at: <https://newsinfo.inquirer.net/1562474/sc-asked-to-take-an-even-closer-look-at-anti-terrorism-act-of-2020>.

<sup>21</sup> Statement of Michele Bachelet, the UN High Commissioner for Human Rights on 30 June 2020, available at <https://www.ohchr.org/en/statements/2020/06/44th-session-human-rights-councilenhanced-interactive-dialogue-situation-human?LangID=E&NewsID=26016>

<sup>22</sup> See the Franciscans Joint Statement at the 44th Session of the Human Rights Council, available at [https://franciscansinternational.org/fileadmin/media/2020/UN\\_Sessions/HRC44/HRC44\\_Item2\\_Philippines.pdf](https://franciscansinternational.org/fileadmin/media/2020/UN_Sessions/HRC44/HRC44_Item2_Philippines.pdf)



22. Allegations of torture committed by police officers continue to surface. According to informants and relatives, EJKs victims bore signs of torture such as beatings, bruises, mutilated body parts, broken limbs, missing fingernails, cuts, wounds, and burn marks. Task Force Detainees of the Philippines was able to document, from July 2016 to July 2020, a total of 116 situations in which torture occurred, with 142 victims, 13 of which were drug-related situations with 19 victims.<sup>23</sup>

### **Recommendations to the Government of the Philippines:**

- Improve the conditions of detention, including through urgent actions to ensure the adequate provision of water and sanitation, with a view to aligning the current living conditions of inmates with international standards for the treatment of prisoners.
- Apply imprisonment sentences as a measure of last resort and expand the application of alternative penalties, including in drug-related offences, in order to reduce the alarming overcrowding in detention centres and ensure adequate conditions in prison facilities.
- In cooperation with civil society and in line with the UN General Assembly resolution 55/89, ensure the effective investigation of all complaints of torture by law enforcement personnel, along with the prosecution, appropriate conviction and sanction for perpetrators, while guaranteeing adequate reparation for victims and/or members of their families.
- Strengthen the official data collection on the number of investigations, prosecutions, convictions, sanctions and compensation granted to victims of torture and/or members of their families.

### **Right to a fair trial and due process, deprivation of liberty (arts. 9 and 10)**

23. Around 75% of the pending cases in December 2020 are criminal actions, mostly involving accused persons belonging to the most marginalised groups of the population.<sup>24</sup> As of 31 May 2018, the number of pre-trial detention prisoners in need of legal assistance reached 141,798. The majority of the pre-trial detainees are charged with drug offences.<sup>25</sup> Data released by the Supreme Court in its 2020 Judiciary Annual Report revealed that lower courts had accumulated 94,332 drug-related cases.<sup>26</sup> Of these, the lower courts disposed of only 40,876 cases equivalent to a low 43% disposition rate.<sup>27</sup>

### **Recommendations to the Government of the Philippines:**

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<sup>23</sup> Task Force Detainees of The Philippines (TFDP), Statistics Of Human Rights Violations Under The Duterte Administration, 29 July 2020.

<sup>24</sup> Supreme Court of the Philippines, Judiciary Annual Report (2020), <https://sc.judiciary.gov.ph/files/annual-reports/JAR-2020.pdf>

<sup>25</sup> Supreme Court of the Philippines, Judiciary Annual Report (2020), <https://sc.judiciary.gov.ph/files/annual-reports/JAR-2020.pdf>

<sup>26</sup> Supreme Court of the Philippines, Judiciary Annual Report (2020), <https://sc.judiciary.gov.ph/files/annual-reports/JAR-2020.pdf>.

<sup>27</sup> Supreme Court of the Philippines, Judiciary Annual Report (2020), <https://sc.judiciary.gov.ph/files/annual-reports/JAR-2020.pdf>.

- Ensure timely investigation and prosecution and address the current issue of backlog, particularly regarding drug-related offences. Release from detention persons whose trials have been unnecessarily delayed due to the lack of State resource and consequent backlog, especially in cases of low criminal offences.
- Revise the standard resort to pre-trial detention for criminal procedures and widely apply alternative measures during the pre-trial phase, ensuring the respect to presumption of innocence and exceptionality of imprisonment measures.
- Revise the application of criminal imprisonment sanctions of the War on Drugs for drug-related offences, with a view to decriminalising them, particularly minor ones.

### **Human rights defenders (arts. 2, 6, 7, 17, 18, 19, 20, 21, 22 and 26)<sup>28</sup>**

24. Human rights defenders are constantly under threats of vilification, arbitrary detention, legal harassment, enforced disappearances, torture and killings. Under the former Duterte's Administration, high-ranking government officials and security forces, especially the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) have notoriously red-tagged individuals and groups, including independent media and journalists, civil society organisations, human rights defenders, community pantry organisers, Filipina celebrities, and publishing houses.

25. In January 2022, the House of Representatives completed the final reading of the Human Rights Defenders Protection Bill.<sup>29</sup> However, the current political climate after the general elections is most likely delaying the adoption of the bill by the Senate. It must also be noted that, while it is being considered by the Congress, there is stern opposition to the enactment of the bill by a high-ranking officer of the former Administration.<sup>30</sup> Facing continuous attacks and intimidations, the human rights defenders in the Philippines urgently need strong legal protection. The UN Special Rapporteur on the situation of human rights defenders has urged the Senate of the Philippines to adopt the bill without delay.<sup>31</sup>

### ***Attacks against indigenous peoples***

26. With the issuance of the EO 70, the number of attacks against indigenous peoples has increased, resulting in their further marginalisation in the country. The 2007 Human Security Act and EO 70 have been used for the criminalisation of indigenous human rights defenders,

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<sup>28</sup> Some of the names of the persons and places and specific dates have been omitted to preserve the anonymity of persons involved for security reasons.

<sup>29</sup> House Bill No. 10576,

<sup>30</sup> Statement of Undersecretary Mr. Severo Catura, National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) spokesperson for International Affairs, Peace Process and Human Rights Concern. Information available at <https://www.pna.gov.ph/articles/1166171>

<sup>31</sup> Statement of the UN Special Rapporteur on the situation of human rights defenders urging the Senate to enact the human rights defenders law, available at <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26914&LangID=E>

many of whom were opposing development projects and denouncing human rights violations. The labelling of indigenous peoples' organisations and human rights defenders as communist terrorist groups and members endanger them and make them vulnerable to human rights violations. The global trend of anti-terrorism tactics and national security legislation used against the indigenous communities has become more prevalent in the Philippines in recent years. The recent years have seen a spate of trumped-up charges to cause the arrest and detention of indigenous human rights defenders. Below are some emblematic cases.

27. In Ampatuan, Maguindanao, despite a Cease and Desist Order issued by the National Commission on Indigenous Peoples against an agro-industrial corporation, reports have been received indicating an increased presence and activities of paramilitary units (SCAA)<sup>32</sup> in the ancestral domains of the Teduray community. The SCAAs receive living allowances from the company to secure areas or business establishments. They are under the operational control of the Armed Forces of the Philippines. On 22 May 2020, fifteen armed SCAA elements drove out several members of the Teduray indigenous community from the land they were tilling. SCAAs were reported to have pointed their guns at them, and also confiscated their farming implements. This incident has been reported to the municipal and provincial governments with a request for investigation and necessary protection for the indigenous communities. The members of the Teduray and Manobo tribes communicated other incidents of threat, intimidation, and vexation.<sup>33</sup>

28. During the night of 30 December 2020, in Panay island, nine indigenous Tumandok were killed and 17 others were arrested in a joint operation conducted by the Philippines police and military in various Tumandok communities in Tapaz, Capiz, and Calinog, Iloilo. The communities were staunchly against the construction of the Jalaur Dam in Calinog, Iloilo. They opposed the increasing militarization in their communities and denounced the human rights violations perpetrated against them. *More cases of attacks against indigenous communities can be found in Annex 1.*

29. Those defending indigenous peoples also continue to be vilified. Described as communists, New People's Army supporters and "wanted" individuals, these human rights defenders are targeted through posters and fictitious Facebook accounts shared by the police and military.

### ***Attacks against religious leaders***<sup>34</sup>

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<sup>32</sup> Special CAFGU Active Auxiliaries (SCAA)

<sup>33</sup> 1) SCAA members and company guards of coffee plantation destroyed several trees planted by the community; 2) SCAA members on night patrol would harass and intimidate community members by directly flashing bright lights on their houses 3) SCAA members confiscated the farming implements owned by indigenous farmers, 4) SCAA members unwarrantedly pointing M-14 rifle on indigenous peoples 5) In an attempt to prevent further escalation of the incidents, leaders of the community attempted to dialogue with the company's chief of security, but were rebuffed by the company manager.

<sup>34</sup> Joint written statement submitted by Commission of the Churches on International Affairs of the World Council of Churches, A/HRC/44/NGO/116, 26 June 2020.

30. Religious leaders have been under attack by the Government in recent years. Bishops, priests and religious members were included among those charged by the Philippine National Police with crimes of sedition and inciting to sedition.

31. Under the former Duterte's Administration, it was extremely challenging for civil society organisations to work in an environment in which the lives of their members were in danger. Church-based institutions, in particular, have expressed concerns about the worsening human rights situation since the beginning of former Duterte's Administration. On 30 January 2017, the Catholic Bishops' Conference of the Philippines (CBCP) issued a statement on the situation of extrajudicial killings in the Philippines, linked to the Government's campaign on the War on Drugs.<sup>35</sup>

32. On 5 November 2019, the National Council of Churches in the Philippines (NCCP), together with indigenous, humanitarian and civil society organisations, were included in a list of "front organisations of local communist terrorist groups" by the Department of National Defence. Their most active members have faced harassment and even murder.<sup>36</sup> There are various reports of religious peoples receiving threats through wall graffiti<sup>37</sup> and sms.<sup>38</sup> Several members of church groups have also been unlawfully arrested, including in the remote area of Negros. Beside arbitrary detention, victims do not have access to an effective remedy. In 2019, Pastor Jimmy Teves as well as a co-pastor who had been serving 17 local churches were arrested

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<sup>35</sup> Statement of the Catholic Bishop Conference of the Philippines (CBCP) regarding the human rights situation in the Philippines on the government's policy on war on drugs, available at <https://cbcponline.net/for-i-find-no-pleasure-in-the-death-of-anyone-who-dies-oracle-of-the-lord-god-ezekiel-1832/>

<sup>36</sup> Here is a list of people who have been assassinated:

- Wilmer Agorde, member of the Promotion of Church People's Response in North Cotabato, was stabbed and shot dead by an unknown assailant in front of his grandchildren, in February 2017. Agorde had been at the forefront of campaigns on peasants' ownership of unused agricultural land-reservation and against the encampment of soldiers in their community.
- In September 2017, village councillors Erning Aykid and Aylan Lantoy were shot dead in Oriental Mindoro by two unidentified assailants riding a motorcycle. Aykid was an IFI lay minister who worked with the indigenous Mangyan communities.
- In November 2017, Perfecto Hoyle, UCCP lay pastor, was shot by two masked men in his front yard. This incident occurred in Agusan del Norte, where the 29<sup>th</sup> Infantry Battalion of the Philippine Army was encamped at the time of the shooting. Hoyle was known as a staunch advocate of the farmers' rights in his community.
- Nephtali Morada was an active ecumenical leader in his younger years, a former chairperson of the Ecumenical Youth Movement. He was gunned down while on his way to work in June 2019 by armed men on board a truck in Naga City. Prior to his murder, fabricated charges were filed against him.
- UCCP Pastor Rev. Ernesto "Tata" Estrella was shot dead in August 2019 by unidentified motorcycle-riding assailants while driving his motorcycle in North Cotabato.

<sup>37</sup> In September 2018, Rev. Felix Espira Jr., priest of IFI-Zamboanga del Sur, reported a painted marking on their chapel saying, "IFI=NPA" (Iglesia Filipina Independiente = New People's Army). There were other markings found along the highway: "UCCP=NPA" (United Church of Christ in the Philippines = NPA), "IFI=NPA" "RMP = NPA" (Rural Missionaries of the Philippines = NPA) and "Bishop Ablon=NPA", branding them as 'SALOT' (menace). IFI Bishop Antonio Ablon was singled out in this incident.

<sup>38</sup> Jeoff Larua, a youth member of the United Methodist Church (UMC) and the secretary-general of the Cordillera People's Alliance, Tongtongan ti Umili, received death threats from five different mobile numbers. The messages falsely claim that he is a member of the CPP-NPA.

on trumped-up charges of murder without due process. *More cases of attacks against religious leaders can be found in Annex 2.*

### **Recommendations to the Government of the Philippines:**

- Ensure that all allegations of harassment and intimidation against human rights defenders are investigated promptly, thoroughly, independently and impartially; that the perpetrators are brought to justice and adequately punished; and that the victims receive effective and adequate reparation.
- Take effective measures to protect human rights defenders and to halt and condemn incitement to hatred against them.
- Drop politically motivated charges against human rights defenders, including indigenous peoples and religious leaders.
- Put an end to human rights violations against church people and respect freedom of religion and the exercise of ministries in furtherance of religious beliefs.

### **Freedom of expression (art. 19) and participation in public affairs (art. 25)**

#### *Freedom of expression*

33. The Constitution of the Republic of the Philippines guarantees in Article III, Section 4, the freedom of speech, of expression, or of the press, and the right of the people peaceably to assemble and petition the Government for redress of grievances.<sup>39</sup> In the past years, the freedom enjoyed by the press faced the most disconcerting attacks and threats coming from the Government. Since the dawn of Duterte's presidency, Philippine media groups have reported at least 128 cases of attacks and threats against the local press. Media watchdog *Reporters Sans Frontieres* (RSF) presently ranked the Philippines 147th of 180 countries in terms of the enjoyment of press freedom.

34. The case of the media group ABS CBN is one preoccupying example. The denial of franchise renewal in May 2020 of this prominent media organisation led to the immediate shutdown of its services. Many critics of the Government state that the closure of ABS CBN is directly related to the criticisms of the media group against ex-President Duterte.<sup>40</sup> 11,000 employees have been affected. Regional offices of the network have closed down. Contracts have been cancelled. Reaching more than 15 million homes regularly, the media group played an important role in providing information to the population, especially in the time of the Covid-19.

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<sup>39</sup> Constitution of the Republic of the Philippines, available at <https://www.officialgazette.gov.ph/constitutions/1987-constitution/#article-iii>

<sup>40</sup> BBC News, "Philippines top broadcaster ABS-CBN denied new licence", Howard Johnson, July 2020, available at <https://www.bbc.com/news/world-asia-53360925>

35. Online news outfit Rappler has also been on the receiving end of political harassment. As of July 2019, nine cases have been lodged against Rappler's CEO and Executive Editor Maria Ressa, Rappler's directors, and one former researcher. The company, including its executives and staff, are also facing at least 11 administrative complaints. On 15 June 2020, after an eight-month trial, Nobel Peace Prize winner Ms Ressa and Mr Reynaldo Santos Jr. were both found guilty of criminal cyberlibel for an article published in Rappler relating a businessman to the illegal drug trade. The decision has been viewed as an extraordinarily damaging precedent for press freedom.

36. As more Filipinos are turning to social media to vent their criticisms against the Government, there has also been an increase in efforts to stifle dissent online. For example, there are reports of the National Bureau of Investigation (NBI) summoning netizens who air their sentiments on social media about the Government's response to the Covid-19 pandemic.<sup>41</sup>

### *Participation in public affairs*

37. On 18 July 2019, the Philippine National Police Criminal Investigation and Detection Group (CIDG) charged leading members of the opposition with the crimes of sedition, inciting to sedition, cyber libel, libel, estafa, harbouring a criminal, and obstruction of justice. The list of respondents included the opposition leader and former Vice-President Leni Robredo, as well as former and sitting senators, members of the opposition, lawyers, private citizens, and leaders of the clergy. In another case, after almost six years, Ms Leila de Lima remains behind bars for what remains to be unsubstantiated drug charges. Four government witnesses have recanted their statements against the former senator.<sup>42</sup> Ms De Lima was the head of the Senate Committee on Justice and initiated the senate probe of extrajudicial killings resulting from the War on Drugs. She is the first high-profile political detainee of the Duterte's Administration.

38. The Catholic Church, one of the staunchest critics of Duterte's War on Drugs, has also been on the receiving end of tirades, threats, and violent language from Duterte himself. In one speech, he said that the Catholic bishops are "useless fools" and should be "killed".<sup>43</sup>

### **Recommendations to the Government of the Philippines:**

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<sup>41</sup> S-CBN News, "Chilling effect: NBI going after netizens for social media posts on COVID response - Diokno", ABS-CBN, April 2, 2020, available at <https://news.abs-cbn.com/news/04/02/20/chilling-effect-nbi-going-after-netizens-for-social-media-posts-on-covid-response-diokno>.

<sup>42</sup> Cecille Felipe, "Witness recants drug allegations vs De Lima", PHILSTAR, June 2, 2022, available at <https://www.philstar.com/nation/2022/06/03/2185628/witness-recants-drug-allegations-vs-de-lima>.

<sup>43</sup> Ted Regencia, "Philippines' Duterte: 'Kill those useless bishops'", ALJAZEERA, Dec. 5, 2018, available at <https://www.aljazeera.com/news/2018/12/philippines-duterte-kill-useless-catholic-bishops-181205132220894.html>

- Ensure the free exercise of the right of freedom of expression by everyone, especially by providing a safe environment in which journalists and human rights defenders can carry out their work freely and without fear of reprisals.

## **Indigenous peoples (arts. 1, 2, 25, 26 and 27)**

### ***The Philippines Indigenous Peoples Rights Act 1997***

39. The Indigenous Rights Act 1997 (IPRA)<sup>44</sup> was enacted under the 1987 constitution to promote, protect and recognize the rights of indigenous peoples. Instead of a positive State duty to prevent third parties from interfering with or hindering access to rights, the IPRA perceives it as a negative duty of the State to not interfere with the rights of the indigenous peoples. Consequently, IPRA does not effectively set positive measures to protect the rights of indigenous peoples from third party abuses. In 2016, the UN Committee on Economic, Social and Cultural Rights already noted with concern the “unsatisfactory implementation of the Indigenous Peoples’ Rights Act”.<sup>45</sup>

40. IPRA’s approach of non-interference is best embodied in the way Free, Prior and Informed Consent (FPIC) processes are implemented. While the processes are intended to protect indigenous peoples from corporate intrusion, they in fact become a tool easily exploited and manipulated by corporations engaging in large-scale development activities, such as resource extraction and agro-industry. The processes are hijacked to reflect acquiescence to development projects instead of truly reflecting communities’ opposition, and in some cases, are used to divide communities. This observation was also made by the High Commissioner in her report in June 2020.<sup>46</sup>

41. Section 16 of the Indigenous Rights Act provides that “indigenous cultural communities/indigenous peoples (ICCs/IPs) have the right to participate fully, should they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through procedures determined by them as well as to maintain and develop their own indigenous political structures. Consequently, the State shall ensure that the ICCs/IPs shall be given mandatory representation in policy-making bodies and other local legislative councils”.<sup>47</sup>

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<sup>44</sup> Republic Act No. 8371, 29 October 1997, <https://www.officialgazette.gov.ph/1997/10/29/republic-act-no-8371/>

<sup>45</sup> CESCR, Concluding observations on the combined fifth and sixth periodic reports of the Philippines, E/C.12/PHL/CO/5-6, 26 October 2016, para 13b).

<sup>46</sup> “The requirement for free and prior informed consent for any interventions in indigenous communities is regularly manipulated, including through bribery and intimidation, as has been noted in multiple independent studies.”, Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Philippines for the 44th HRC (4 June 2020), A/HRC/44/22, para 65.

<sup>47</sup> Republic Act No. 8371, 29 October 1997, Chapter IV, Section 16, available at <https://www.officialgazette.gov.ph/1997/10/29/republic-act-no-8371/>



42. There are 4,294 Indigenous Peoples Mandatory Representatives (IPMRs) in the country.<sup>48</sup> These IPMRs are supposedly tribal leaders who represent the indigenous peoples in the local legislative councils/Sanggunian and other local bodies. Consultations were conducted by the National Commission on Indigenous Peoples in 2016 with the participation of almost 2,000 indigenous leaders from all over the country. These consultations revealed a much different reality in the implementation of the law. Indigenous peoples mentioned that local government units did not accept selected IPMR and that politicians and other stakeholders' pushback. They also expressed that the process of selecting the IPMR was politicised. The position was often given to those in favourable standing with local Government officials.

43. In the provinces of Sultan Kudarat, South Cotabato, and Maguindanao, there is an existing legal action pending in Court where indigenous communities are petitioning for the cancellation of the Integrated Forest Management Agreement (IFMA) between the Government and an agro-industrial corporation. Despite this and the opposition from the communities, company guards and SCAAs continue to patrol their areas. Activities in the plantation are also on-going. The communities assert that the agreement violates their tenurial rights to their ancestral domains and that there was a failure in the FPIC process. The National Commission on Indigenous Peoples has issued a Cease and Desist Order against the company, but this has not been applied by the Department of Environment and Natural Resources. Neither are the military and the police acting to implement it. The total land area of the agro-industrial plantation approximates around 20,000 hectares, some areas encroaching on forestland and on ancestral domains.

44. In Benguet, a petition by 22 indigenous leaders was filed before the Regional Trial Court alleging that an electric corporation, Coheco Badeo Corporation (CBC), interfered with the customary consensus building and decision-making process of the affected communities. The indigenous leaders stipulated that the resolution of consent submitted by the corporation did not constitute the decision of the communities and was not a free, prior and informed consent as defined by the IPRA.<sup>49</sup> There is still no determination by the Court.

### ***The Philippines Mining Act 1995***

45. With regards to mining projects, the Mining Act of 1995<sup>50</sup> contains a section which states that "no ancestral land shall be opened for mining operations without the prior consent of indigenous cultural communities concerned".<sup>51</sup> Section 70 of the Act provides that "an environmental clearance certificate shall be required based on an environmental impact assessment and procedures under the Philippine Environmental Impact Assessment System

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<sup>48</sup> Open Government Partnership, "Indigenous Representation in Local Legislative Councils (PH0065)", available at <https://www.opengovpartnership.org/members/philippines/commitments/PH0065/>

<sup>49</sup> HeraldExpress, "Badeo IPs seek nullity of Coheco 500 hydro", Hent, 31 March 2019, <https://www.baguioheraldexpressonline.com/badeo-ips-seek-nullity-of-coheco-500-hydro/>

<sup>50</sup> Republic Act No. 7942 of 3 March 1995, available at [https://www.lawphil.net/statutes/repacts/ra1995/ra\\_7942\\_1995.html](https://www.lawphil.net/statutes/repacts/ra1995/ra_7942_1995.html)

<sup>51</sup> Republic Act No. 7942 of 3 March 1995, Section 16, available at [https://www.lawphil.net/statutes/repacts/ra1995/ra\\_7942\\_1995.html](https://www.lawphil.net/statutes/repacts/ra1995/ra_7942_1995.html)



including [...] prior consultation with the local government units, non-governmental and people's organisations and other concerned sectors of the community.”<sup>52</sup> Indigenous communities regularly allege that environmental clearance certificates are given disregarding the Environmental Impact Assessments and without the free, prior and informed consent of the communities. The Mining Act has become an instrument to encourage the exploitation of the country’s mineral resources in violation of indigenous peoples’ rights.

46. The Homonhon Chromite Mining Project is located in Eastern Samar. The Environmental Impact Assessment revealed that the Homonhon Mining Project would deplete land and soil resources, clear vegetation, increase erosion, impact streams and coastal waters, generate siltation of nearby water bodies, groundwater and surface water contamination, loss of land, livelihood, marine resources, and shoreline, among others.<sup>53</sup> Despite this as well as the strong opposition from local communities, the Philippine Government issued an environmental compliance certificate covering 810 hectares of land.

47. Under the National Climate Change Action Plan 2011-2028,<sup>54</sup> a moratorium on mining operations in protected areas is to be implemented. Current and projected large-scale mining projects, however, contradict this. It is extremely preoccupying to observe in many instances that where project proponents provide financial resources to conduct the free, prior and informed consent process, the results of the meetings and consultations are unsurprisingly in their favour, leaving the indigenous communities misinformed and in a disadvantageous position. The June 2020 report of the High Commissioner on the Philippines also concurs with the fact that various large-scale projects are developed without the consent of indigenous peoples.<sup>55</sup>

### **Recommendations to the Government of the Philippines:**

- Ensure the fulfilment of Philippines’ obligation to protect indigenous peoples’ rights, including through guaranteeing free, prior and informed consent and an active participation of indigenous communities in all stages of development projects.
- Ensure the lawful and meaningful implementation of the Indigenous Peoples’ Rights Act and ensure that the nomination of the Indigenous Peoples Mandatory Representatives (IPMRs) are free of State and other external interference, fully reflecting the will of the indigenous communities.

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<sup>52</sup> Republic Act No. 7942 of 3 March 1995, Section 70, available at [https://www.lawphil.net/statutes/repacts/ra1995/ra\\_7942\\_1995.html](https://www.lawphil.net/statutes/repacts/ra1995/ra_7942_1995.html)

<sup>53</sup> Environment Management Bureau. (2015), available at <https://emb.gov.ph/wp-content/uploads/2015/12/Executive-Summary.pdf>

<sup>54</sup> Climate Change Commission, National Climate Change Action Plan 2011-2028, available at: <https://climate.emb.gov.ph/wp-content/uploads/2016/06/NCCAP-1.pdf>

<sup>55</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Philippines for the 44th HRC (4 June 2020), A/HRC/44/22, para 67.

- In compliance with the right to a clean, healthy and sustainable environment, effectively implement the moratorium on mining operations in protected areas, especially when violations of human rights and/or disrespect to the free, prior and informed consent process take place. When a violation is confirmed, cease the exploitation permit for large-scale mining projects and strengthen environmental impact assessments by establishing and applying strict criteria to allow the exploitation of natural and mineral resources.
- And effectively investigate, prosecute and sanction violations to human rights and environmental damages, while ensuring adequate compensation for victims and communities, and remedies to the harms.

## **Annex 1: Cases of attacks against indigenous communities**

In 2019, in Nueva Vizcaya, members of an Ifugao indigenous community have been staging a peaceful barricade in their area to protest against the continuing mining operations of OceanaGold Philippines Inc. despite the expiration of its mining permit since 19 June 2019. Despite this as well as a call from the Provincial Government to stop the operations of OceanaGold, mining related activities continued to be conducted.<sup>56</sup> On 6 April 2020, 100 members of the regional police tried to enter the OceanaGold Philippines Inc. mining site with tankers.<sup>57</sup> The community was overwhelmed by the large police force. A violent dispersal ensued, which included the beating and arrest of their community leader.<sup>58</sup> In 2021, despite persistent opposition, the company was granted a renewal of its permit, allowing mining operations to continue until 2044.

On 23 February 2018, the Department of Justice utilized the 2007 Human Security Act and petitioned a Manila Court to declare at least 600 activists as terrorists. The list included indigenous human rights defenders and others working for indigenous peoples' rights such as the then UN Special Rapporteur on the rights of Indigenous Peoples, Ms. Victoria Tauli-Corpuz, the Cordillera Peoples' Alliance former leader Joan Carling, and Ilocos environmental activist Sherwin De Vera. Ms. Tauli-Corpuz was excluded from the list after a five-month legal battle. On 5 November 2019, the Department of National Defence identified indigenous peoples' organisations, such as the Cordillera Peoples' Alliance, as "communist terrorist" groups.

In August 2019, Brandon Lee, a Chinese-American volunteer of the Ifugao Peasant Movement (IPM) in the Cordillera region, was branded as an enemy of the State and shot in front of his house. He was opposing a hydropower project and the increasing military presence in the province. Earlier in 2018, another member of the IPM, Ricardo Mayumi, died from multiple gunshot wounds inside his house. As with Lee, he had been opposing a hydroelectric power project in Ifugao province. Several staff members of IPM were labelled "enemy of the State" in posters that were up around the province and on social media.

Rachel Mariano, a health worker of the Community Health, Education, Services and Training in the Cordillera Region, was acquitted of murder and frustrated murder charges in September 2019 after being detained for a year. However, the judge who acquitted her, Mario Bañez, was shot dead two months later. In his decision he had stated: "it would be more deplorable and

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<sup>56</sup> Business Mirror, "Business as usual' at OceanaGold's Didipio mine pending FTAA renewal", Mayuga J. and Perante, C. 25 June 2019, available at <https://businessmirror.com.ph/2019/06/25/business-as-usual-at-oceanagolds-didipio-mine-pending-ftaa-renewal/>

<sup>57</sup> Rappler, "Groups decry violent dispersal of barricade vs mining firm in Nueva Vizcaya Atienza", 4 July 2020, available at <https://headtopics.com/ph/groups-decry-violent-dispersal-of-barricade-vs-mining-firm-in-nueva-vizcaya-12294518>

<sup>58</sup> LRC-KsK/FoE Ph. Statement of solidarity and condemnation of the violent dispersal of an indigenous community barricade of a suspended mine site in Nueva Vizcaya, Philippines, 2020, available at <https://www.lrecksk.org/post/solidarity-statement-didipio-nueva-vizcaya-philippines>

unfair to convict the accused of all these serious crimes charged against her upon the quality of the evidence adduced by the prosecution.”<sup>59</sup> While Mariano has been acquitted of two charges against her, she continues to face other fabricated charges.

On 21 August 2020, the military conducted indiscriminate bombings in Zambales, forcing several communities to evacuate while three of its members were arrested and severely mistreated. Two days later, Merlin Ansabu Celis, a Manobo tribal leader in North Cotabato, was shot dead by four unidentified assailants, who then slashed her throat and gouged her eyes out.

## **Annex 2: Cases of attacks against religious leaders**

Sr. Patricia Fox, a missionary of the international Roman Catholic congregation of the Sisters of Our Lady of Sion, was detained and deported in 2018. Sr. Fox has been known within ecumenical circles for her missionary and social justice work in the Philippines for three decades. Three Global Mission Fellows of the United Methodist Church (UMC) - Miracle Osman, Adam Shaw and Tawanda Chandiwana - were subjected to harassment by the Bureau of Immigration after participating in an international ecumenical fact-finding mission about alleged human rights violations in Mindanao. Tawanda was detained for several weeks.

In March 2020, Rev. Joel Bengbeng of the UMC was also “red-tagged” and subjected to surveillance by the military. He experienced these harassments after actively participating in protest against the construction of a dam that will affect the livelihood of the communities in Ilocos Sur, in the northern part of the Philippines. Iglesia Filipina Independiente (IFI) Woman Bishop, Emelyn Dacuycuy, along with three other IFI priests were also recently red-tagged in Ilocos Sur on 3 June 2022. Their names along with their pictures were posted on leaflets saying that they are recruiters of the New People's Army (NPA).<sup>60</sup>

Three Roman Catholic priests - Fr. Marcelito Paez, Fr. Mark Ventura and Fr. Richmond Nilo - were killed within a span of six months. Fr. Paez, 72, was killed in December 2017 while on his way home after assisting in the release of a political prisoner from jail. Fr. Ventura and Fr. Nilo were gunned down and killed at the altar, in April and June 2018 respectively.

In February 2019, Mgr. Pablo David, the then Vice President of the CBCP and the Bishop of Kalookan Diocese, admitted that he received multiple death threats from unknown persons.<sup>61</sup> Mgr. David has been a critic of the War on Drugs and the accompanying extrajudicial killings, while working with the families of the victims. The multiple death threats that he received have

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<sup>59</sup> Rappler, “Bishop Critical of Duterte drug war gets death threats”, 26 February 2019, available at <https://www.rappler.com/nation/224414-bishop-pablo-david-gets-death-threats/>

<sup>60</sup> Rappler, “IFI woman bishop, church leaders red-tagged in Ilocos Norte”, 4 June 2022, available at <https://www.rappler.com/nation/iglesia-filipino-independiente-church-leaders-red-tagged-ilocos-norte/>

<sup>61</sup> Catholic Bishop Conference of the Philippines News, “Bishop David confirms getting death threats”, 26 February 2019, available at <https://cbcnews.net/cbcnews/bishop-david-confirms-getting-death-threats/>

allegedly been linked to his pastoral work. In addition, former President Duterte had made public statements using offensive language concerning Mgr. David's mother.

On 17 August 2020, human rights defender and church worker Zara Alvarez, was assassinated on the island of Negros. She worked with church communities, farmers and political prisoners in Negros. She herself had been a political prisoner, and had received threats against her life. Her killing marked the 90th death of farmers, lawyers, local politicians, and human rights defenders killed on the island of Negros since former President Duterte came into office.

Most of the church people targeted in this way are those primarily fulfilling the Christian mandate and mission of ministering to the poor and the marginalised. Despite the many violations that church people have been subjected to, there has been little or no accountability. Those who have committed such crimes face no repercussions. The Philippines judicial system remains open to manipulation and has been exceedingly slow in delivering justice. Local remedies are becoming more and more difficult to access for those seeking justice. Since 2011, the UN Working Group on arbitrary detention has requested several times to visit the Philippines but without responses.

The false accusations and red-tagging of human rights organisations, including Church-based organisations, take place in public spaces and online. For example, on 7 March 2022, an online article in Manila Times made an allegation that Task Force Detainees of the Philippines (TFDP) was part of the communist front and involved in providing false information.<sup>62</sup> As a human rights and church-based organisation, TFDP has been very active in denouncing human violations in the Philippines since President Marcos' dictatorship in the 1970's and 1980's. On 22 March 2022, Popular Bookstore and Solidaridad Bookshop<sup>63</sup> were vandalised with graffiti. It was a coordinated assault of 'red-tagging' that defaced both bookshops as it occurred on the same day, with the words "NPA" and "Terorista" in red paint on the buildings.<sup>64</sup>

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<sup>62</sup> See the online article by Mr. Rigoberto Tiglao on 7 March 2022, available at <https://www.manilatimes.net/2022/03/07/opinion/columns/fake-news-on-detentions-tortures-and-killings-under-marcos/1835379>

<sup>63</sup> They are two of Manila's oldest independent bookshops.

<sup>64</sup> Rappler, "On the red-tagging of bookshops", 23 March 2022, available at <https://www.rappler.com/voices/ispeak/opinion-on-red-tagging-bookshops-popular-solidaridad/>