



**Franciscans International**  
A voice at the United Nations



**Fastenaktion**  
Swiss Catholic Lenten Fund



**NGO Joint Submission**

**Franciscans International, The Philippine Alliance of Human Rights Advocates  
(PAHRA) and Swiss Catholic Lenten Fund (Fastenaktion)**

**for the 7th periodic report of the Philippines**

**77th Session of the CESCR - International Covenant on Economic, Social and  
Cultural Rights**

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## Introduction

1. This is a joint submission by Franciscans International (FI), The Philippine Alliance of Human Rights Advocates (PAHRA) and Swiss Catholic Lenten Fund (Fastenaktion). FI is a faith-based International Non-Governmental Organization (INGO) with General Consultative Status with the ECOSOC Council of the United Nations (UN). Franciscans International was founded in 1982 to bring to the attention of the United Nations the concerns of the most vulnerable and to advocate for stronger protection of all human rights.
2. The Philippine Alliance of Human Rights Advocates (PAHRA) is an alliance of individuals, institutions and organizations committed to the promotion, protection, and realization of human rights in the Philippines. Its establishment was a consolidation of the human rights movement in the country and an acknowledgement of the role played by the human rights organisations in the anti-Marcos dictatorship struggle.
3. Swiss Catholic Lenten Fund (Fastenaktion) is a Swiss organisation for international cooperation. Fastenaktion works with local organisations in 14 countries in Africa, Asia and Latin America, as well as with organisations in Switzerland. Through dialogue with partner organisations, the organisation aims to support people become self-sufficient, assert their fundamental rights and eliminate hunger in the long term.
4. The structure of this submission is based on the list of the questions issued by the Committee. FI has provided responses on the relevant questions from information provided by Franciscans and their network in the Philippines.

### **A. General information**

*Question 5 of the list of issues, in particular on the situation of human rights defenders*

5. Since the last periodic review of the Philippines by the Committee in 2016, in the period between 1 July 2016 and 30 March 2024, there have been 305 documented killings of Human Rights Defenders (HRD).<sup>1</sup> Seven of these cases have taken place since the change of administration in June 2022.<sup>2</sup> In 6 out of the 7 cases, there has been total impunity, with perpetrators not being identified and no charges being filed.<sup>3</sup> In the case of the murder of journalist Percival “Lapid” Mabasa in 2022, the self-confessed gunman, Mr Joel Escorial, was sentenced to a maximum of 16 years imprisonment on 6 May 2024.<sup>4</sup> However, the then-Bureau of Corrections chief Gerald Bantag, who allegedly orchestrated the murder, has yet to be apprehended despite several arrest warrants out against him.<sup>5</sup>

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<sup>1</sup> Human Rights in the Philippines under Marcos Jr., Aktionsbündnis Menschenrechte – Philippinen (AMP – Action Network Human Rights – Philippines), June 2024, available at: [AMP-2024-Human-Rights-Report.pdf](#)

<sup>2</sup> Ibid

<sup>3</sup> Ibid 1

<sup>4</sup> Shooter of Philippine journalist Percival Mabasa given up to 16 years jail, Committee to Protect Journalists, 8 May 2024, available at: <https://cpj.org/2024/05/shooter-of-philippine-journalist-percival-mabasa-given-up-to-16-years-jail/>

<sup>5</sup> Ibid

6. During her visit to the Philippines between 23 January-2 February 2024, the Special Rapporteur on Freedom of Opinion and Expression noted that the Inter-Agency Committee on extra-legal killings, enforced disappearances, torture and other serious violations was insufficient and recommended the creation of a Special Prosecutor looking into crimes against HRDs and journalists.<sup>6</sup> During its first seven years, the Inter-Agency Committee only issued 13 convictions out of 385 cases and cleared 127 perpetrators.<sup>7</sup>
7. With regards to land and environmental defenders, the Philippines was ranked as the most dangerous country in Asia in 2023. HRDs and journalists are systematically “red-tagged” (branded as terrorists and accused of supporting the armed communist rebel group New People’s Army) and subsequently charged under the Anti-Terrorism Act of 2020 (ATA) by the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC).<sup>8</sup> Since its establishment in 2018, this branding of HRDs by NTF-ELCAC has led to defamation, criminalization and even fatalities.<sup>9</sup> On March 13, 2023, during a press conference on the draft of the Human Rights Defenders Protection Act., the task force accused human rights groups, including the co-author of this submission, PAHRA, of supporting terrorist organisations.<sup>10</sup> The Terrorism Financing Prevention and Suppression Act and the Cybercrime Prevention Act, both of 2012, have also been used against HRDs and journalists.<sup>11</sup>

## Recommendations for the Government of the Philippines

- Immediately abolish the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) and carry out a prompt, independent, impartial and transparent investigation into the practices of the task force throughout the duration of its operations.
- Put an end to the practice of “red-tagging” HRDs and others voicing critical opinions of State policy or development projects, and hold security authorities accountable for any violations, including any form of intimidation, harassment, threats or attacks perpetrated against HRDs.
- End impunity for extrajudicial killings and enforced disappearances, especially against HRDs and in the context of the war on drugs by undertaking thorough and impartial investigations of all such cases, in particular when the perpetrators are members of State security forces.
- Repeal the Anti-Terrorism Act, review libel provisions of the Cybercrime Act, and carry out prompt, independent, impartial and transparent investigations into abuses in the application of the Anti-Terrorism Act and related laws, including the Terrorism Financing Prevention and Suppression Act, especially against HRDs and journalists.
- Adopt the Human Rights Defenders Protection Act without further delay.

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<sup>6</sup> UN Special Rapporteur on Freedom of Opinion and Expression, Preliminary Statement, 2 February 2024, available at:

<https://www.ohchr.org/en/press-releases/2024/02/philippines-un-expert-calls-more-sustained-reforms-prevent-threats-and>

<sup>7</sup> DOJ’s task force vs EJK: Few convicted, most perpetrators cleared, Lian Bian, Rappler, 3 September 2020, available at: [DOJ’s task force vs EJK: Few convicted, most perpetrators cleared](#)

<sup>8</sup> Ibid 1

<sup>9</sup> Ibid 1

<sup>10</sup> Groups score NTF-ELCAC for equating human rights work with terrorism, Christina Chi, Philstar, 15 March 2023, available at: [Groups score NTF-ELCAC for equating human rights work with terrorism | Philstar.com](#)

<sup>11</sup> Red-Tagging and State Violence Against Young Human Rights Defenders in the Philippines, Amnesty International, 2024, available at: [Philippines: “I turned my fear into courage”: Red-tagging and state violence against young human rights defenders in the Philippines - Amnesty International](#)

*Question 7 of the list of issues in particular on the lack of a due diligence process with regard to industrial activities in the area of Verde Islands Passage*

8. The Government of the Philippines has major plans to develop fossil gas infrastructure in the Verde Island Passage (VIP), situated between Luzon Island and Mindoro Island in the Philippines. The VIP is considered a critical marine biodiversity hotspot, containing over 300 species of coral. The biodiversity of the area makes a positive and significant contribution to climate mitigation worldwide.
9. The Government of the Philippines aims to become a Liquefied Natural Gas (LNG) hub for South-East Asia<sup>12</sup> in the VIP area. This includes a project in Batangas Bay<sup>13</sup> which is one of the largest natural gas buildouts in the world and carries with it significant emission concerns due to the risk of methane leaks, which, when unburnt, are up to 80 times more harmful to the climate than CO<sub>2</sub> emissions.<sup>14</sup>
10. In February 2023, a tanker carrying 900,000 litres of oil capsized, resulting in a catastrophic oil spill. This disaster severely affected local marine ecosystems, which in turn devastated the livelihoods of the coastal communities dependent on fishing and marine tourism. The oil spill contaminated the waters, causing fish to die and posing health risks for inhabitants reliant on these resources. In total, over 200,000 people were impacted, including over 27,000 farmers and fisherfolk.<sup>15</sup>
11. The affected communities whose livelihood depends on the VIP have expressed their concerns over human rights violations due to the negative impacts of the increase in industrial activities. However, their voices and concerns have often been overlooked in favour of these industrial endeavours. Despite the clear evidence of harm, regulatory and governmental bodies have not adequately addressed these human rights violations. This continued neglect highlights the urgent need for stronger legal frameworks and international cooperation to protect both the environment and the rights of the local communities. Continued over-exploitation of the VIP through LNG expansion poses a clear threat to the right of local communities to a clean, healthy and sustainable environment, directly impacting all six substantive elements of the right.<sup>16</sup>

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<sup>12</sup> The Philippines goes all in for natural gas, a climate pollutant, Ed Davey, Associated Press, 7 June 2024, available at: [The Philippines goes all in for natural gas, a climate pollutant | AP News](#)

<sup>13</sup> Philippine Fossil Gas Landscape, Center for Energy, Ecology and Development (CEED), July 2021, available at: [Philippine-Fossil-Gas-Landscape.pdf](#)

<sup>14</sup> Ibid

<sup>15</sup> Centre for Energy, Ecology and Development (CEED), December 2023, available at: [REPORT – LNG, SHIPPING, AND THE AMAZON OF THE OCEANS: Scoping Key Issues and Potential Impacts of the Massive Expansion of LNG in the Verde Island Passage – Center for Energy, Ecology, and Development](#)

<sup>16</sup> Res. A/76/L.75, UNGA, 26 July 2022, available at: <https://digitallibrary.un.org/record/3982508?ln=en&v=pdf>, The Right to a Healthy Environment – From Recognition to Implementation, Franciscans International, September 2024, available at: [R2HE\\_FI\\_2024\\_ENG.pdf](#)

## Recommendations for the Government of the Philippines

- Designate the Verde Island Passage as a protected area under the Expanded National Integrated Protected Area System (ENIPAS) law (Republic Act 11038) and map out other ecologically valuable areas to be declared as no-go zones for the development of LNG terminals.
- Re-evaluate the priority given to fossil gas power plants and LNG terminals in the Philippine power sector, taking into account findings by Climate Analytics that confirm that in order to remain on a 1.5°C compatible emissions pathway, gas-fired emissions generation in the Philippines must cease entirely by 2040.<sup>17</sup>
- Ensure that any new projects in the VIP include comprehensive due diligence assessments identifying, assessing, and addressing potential risks for the environment and local communities.

### **C.Issues relating to the specific provisions of the Covenant (arts. 6–15)**

#### **Right to an adequate standard of living (art. 11)**

*Question 22 of the list of issues in particular on the impacts of development projects, such as land reclamation and on livelihoods, right to food and right to a clean, healthy and sustainable environment*

12. There are 23 current and proposed reclamation projects covering an area of 22,875.54 hectares in Manila Bay, directly impacting 1 million people.<sup>18</sup> These projects are leading to the destruction of mangroves, impacting climate mitigation efforts, and to the destruction of seagrass beds and wetlands, impacting marine ecosystems and undermining the ability of mangroves to protect coastal communities from rising sea levels, coastal flooding and storm surges.<sup>19</sup>
13. The reclamation projects have also led to a reduction in fish species in the bay, threatening food security and livelihoods.<sup>20</sup> The fishing industry accounts for 67% of the bay's total value, so any changes in fish populations have enormous consequences for those living on the coast.<sup>21</sup> Earthquake-induced enhanced ground shaking and liquefaction is another potential major consequence, putting at risk all of Metro Manila and surrounding towns and cities.<sup>22</sup>
14. The New Manila International Airport (NMIA) mega project in Bulacan is the most prominent of the reclamation projects and has already led to the displacement of 700 families since being

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<sup>17</sup> A 1.5°C future is possible: getting fossil fuels out of the Philippine power sector, Climate Analytics, Horsch et. al, 15 November 2023, available at: [Climate Analytics | A 1.5°C future is possible: getting fossil fuels...](#)

<sup>18</sup> Advocates of Science and Technology for the People (AGHAM), People's Network for the Integrity of Coastal Habitats and Ecosystems (People's NICHE), available at: [Save Manila Bay](#) , [AGHAM – Advocates of Science and Technology for the People – Making science and technology serve the people](#)

<sup>19</sup> Ibid

<sup>20</sup> Is Marina Bay losing its marine life due to land reclamation?, PhilStar, Kenneth Guda, 27 November 2022, available at: [Is Manila Bay losing its marine life due to land reclamation? | Philstar.com](#)

<sup>21</sup> Ibid

<sup>22</sup> Ibid 19

greenlit in 2019.<sup>23</sup> Half of these families received no compensation. The consultation process was coercive, with residents feeling they had no choice but to accept, particularly since there was a heavy military and police presence during the process.

15. Land reclamation for the LNG project in Batangas Bay presents many of the same challenges as Manila Bay. In addition, the encroachment of commercial fishing vessels in municipal waters, unsustainable tourism and the ever-present risk of oil spills present an existential threat to fisherfolk and coastal communities.<sup>24</sup>

## **Recommendations for the Government of the Philippines**

- Impose a moratorium on all prospective reclamation projects until a more transparent, consultative, and scientifically sound coastal development policy is established.
- Ensure forced evictions are avoided under all circumstances and all evictions are conducted in full compliance with international human rights standards, including transparent, inclusive, and participatory consultation processes and fair compensation, resettlement options, or alternative housing.

## **Right to physical and mental health (art. 12)**

*Question 24 from the list of issues, in particular on (c) Measures taken to effectively put a stop to extrajudicial killings in the context of the campaign against illegal drugs, to promptly and thoroughly investigate all reported cases and punish the perpetrators with sanctions commensurate with the gravity of the crime and to ensure the protection of the economic, social and cultural rights of the families of those who have been killed;*

16. Drug-related killings have continued apace under the current administration of President Ferdinand Marcos Jr., In the first year of the new administration, the number of drug-related killings exceeded those in the last year of the previous administration of President Rodrigo Duterte, with 342 recorded under Marcos Jr. and 302 recorded under Rodrigo Duterte.<sup>25</sup> Across 2024, 363 drug-related killings were recorded.<sup>26</sup>
17. The United Nations Joint Programme on Human Rights in the Philippines (UNJP), which ended in July 2024, was set up as a technical assistance and capacity-building programme to improve domestic investigative and accountability measures, data gathering on alleged police violations, civic space and engagement with civil society and the Commission on Human Rights, national mechanism for reporting and follow-up, counter terrorism legislation, and human rights-based approaches to drug control.<sup>27</sup> It failed to achieve one of its key objectives of supporting and

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<sup>23</sup> Runaway Risk, Global Witness, 2 February 2023, available at: [Runaway Risk | Global Witness](#)

<sup>24</sup> Centre for Energy, Ecology and Development (CEED), December 2023, available at: [REPORT – LNG, SHIPPING, AND THE AMAZON OF THE OCEANS: Scoping Key Issues and Potential Impacts of the Massive Expansion of LNG in the Verde Island Passage – Center for Energy, Ecology, and Development](#)

<sup>25</sup> Drug-related killings in the Marcos Administration Year 1 (2022-2023), DAHAS Project Third World Studies Centre University of the Philippines, 2023, available at: [Reports - Violence, Human Rights, and Democracy in the Philippines](#)

<sup>26</sup> DAHAS Project Third World Studies Centre University of the Philippines, 6 January 2025, available at: [2024 - Violence, Human Rights, and Democracy in the Philippines](#)

<sup>27</sup> Res. A/HRC/RES/45/33, 13 October 2020, available at: [A/HRC/RES/45/33](#)

strengthening the government's capacity to conduct adequate investigations into drug-related extrajudicial killings during police operations. Access to effective domestic investigative and accountability mechanisms for victims and their families remains inadequate.

18. Through Administrative Order No. 22<sup>28</sup>, dated 8 May 2024, the Government replaced the UNJP with a Special Committee on Human Rights Coordination, to be led by its own agencies, including the Department of Justice (DOJ) and the Department of the Interior and Local Government (DILG). The fact that the Special Committee is Government-led is particularly concerning considering the poor record of the DOJ in investigating and prosecuting drug-related killings, and of the DILG, which has administrative control of the Philippine National Police and has proved ineffective in addressing the thousands of allegations of police misconduct during past administrations and the current administration.<sup>29</sup> Compared to the UNJP, the Special Committee also lacks provisions for meaningful civil society engagement.

### **Recommendations for the Government of the Philippines**

- Repeal the Guideline of the Philippine National Police - Command Memorandum Circular No. 16 of 2016, also known as “Project Double Barrel,” which forms the basis for the operationalisation of the “war on drugs” under the former administration.
- Fully cooperate with the investigation by the International Criminal Court (ICC) into alleged crimes against humanity in the context of the “war on drugs” during the tenure of Rodrigo Duterte as mayor and vice-mayor of Davao City and President of the Philippines (2011-2019), to ensure that abuses of international law, especially systematic and widespread extrajudicial killings do not go unpunished and that perpetrators are held accountable.
- Publish the implementing guidelines of the Special Committee on Human Rights Coordination, ensuring that the role of CSOs is not downgraded compared to the UNJP but that CSOs remain a major stakeholder that is substantively and meaningfully engaged in all activities of the Special Committee.

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<sup>28</sup> Government of the Philippines, Administrative Order No. 22, Further enhancing mechanisms for the promotion and protection of human rights in the country and creating the special committee on human rights coordination for the purpose, 8 May 2024, available at: [Administrative Order No. 22, s. 2024 | Official Gazette of the Republic of the Philippines](#)

<sup>29</sup> Amnesty International says new rights body unnecessary, won't fix crisis, Gaea Cabico, PhilStar, 13 May 2024, available at: [Amnesty International says new rights body unnecessary, won't fix crisis | Philstar.com](#)