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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Joint written statement* submitted by Commission of the Churches on International Affairs of the World Council of Churches, Franciscans International, non-governmental organizations in general consultative status

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

[27 May 2024]

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



Human Rights in the Philippines

The human rights situation in the Philippines remains highly concerning under the administration of President Ferdinand Marcos Jr. The current government has perpetuated the political persecution of human rights defenders with impunity. Accountability for past and existing human rights violations has not been secured, and drug-related killings continue unabated. Investigations into extrajudicial killings remain inadequate, with only two convictions since 2016 (i). As of May 7, 2024 (ii), there have been 652 killings under President Marcos Jr. (iii) in addition to at least 27,000 killings (iv) under the previous administration of President Duterte's so-called "war on drugs".

Civil society space in the Philippines remains severely restricted. The government is systematically criminalising human rights defenders, political activists, journalists, students, teachers, trade unionists, priests, health workers, environmental defenders and indigenous rights defenders. It exploits the shortcomings of the dysfunctional judicial system and uses repressive laws intended to combat terrorism and money laundering to suppress dissent. The government has failed to end the dangerous practice of so-called "red-tagging" or "terrorist-tagging" activists and civil society organisations, which often leads to further harassment, unlawful surveillance, and even killings, as highlighted by the Special Rapporteur on Freedom of Opinion and Expression during her country mission to the Philippines in January 2024 (v). The National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), known for its targeted "red-tagging" of activists, has neither been reprimanded nor dissolved by the government. President Marcos Jr. had also announced that he will not heed the calls for the abolition of the said task force. (vi) Only recently, in May 2024, the Supreme Court recognized in a ruling that "red-tagging" is a threat to a person's right to life, liberty and security. (vii)

The UN Joint Programme for Human Rights in the Philippines (UNJP) is concluding in July 2024. The programme failed to achieve one of its key objectives of supporting and 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. Despite these shortcomings, the UNJP has been an important platform for civil society engagement with the government, the UN, and other stakeholders on human rights. However, the call from civil society for an extension of the UNJP in a strengthened and improved format, was rejected by the Government of the Philippines.

Instead, on May 8, 2024, President Marcos Jr. established a Special Committee on Human Rights Coordination (Administrative Order No. 22), considered as a replacement of the UNJP, to "enhance the mechanisms for the promotion and protection of human rights in the Philippines." (viii) This new committee led by government agencies, such as the Presidential Committee on Human Rights (PHRC), the Department of Justice (DOJ), and the Department of the Interior and Local Government (DILG), is comprised of agencies which have historically failed to address human rights issues related to the "war on drugs" and the suppression of dissent. These agencies are, in fact, complicit in perpetuating the human rights crises in the country. The DOJ has a poor record of investigating and prosecuting drug-related killings, and the DILG, which has administrative control of the Philippine National Police, has proved ineffective in addressing the thousands of allegations of police misconduct during the past and current administration. Civil society was not consulted on the composition of this new mechanism. It also lacks provisions for civil society engagement. Without meaningful engagement of civil society groups and the Commission on Human Rights, the Special Committee joins a long list of human rights bodies that have not contributed to any significant human rights changes, instead creating another "unnecessary layer of bureaucracy". (ix)

Recommendations:

- 1) We reiterate the call made by donor countries of the UNJP for an independent and comprehensive assessment of the UNJP, (x) including its ability to address the widespread and systematic human rights violations and impunity documented in the report of the UN High Commissioner for Human Rights in May 2020. The assessment should be carried out by the Office of the High Commissioner for Human Rights (OHCHR) and should evaluate progress made on the six key areas addressed by the Programme.(xi)
- 2) We urge the Government of the Philippines to end impunity, especially in cases of drug-related extrajudicial killings, through thorough and impartial investigations of all such cases, followed by convictions for all perpetrators found guilty, including members of the Philippines security forces.
- 3) We urge the Government of the Philippines to repeal the guideline of the Philippine National Police, Command Memorandum Circular No. 16-2016, also known as “Project Double Barrel,” which forms the basis for the operationalisation of the “war on drugs” of the former administration.
- 4) We call on the Government of the Philippines to fully cooperate with the investigation by the International Criminal Court into alleged crimes against humanity in the context of the “war on drugs” led by Rodrigo Duterte between 2011-2019, during his tenure as Vice-Mayor (2010-2013) and Mayor (2013-2016) of Davao City and as President of the Philippines (2016-2022), to ensure that violations of international law, especially systematic and widespread extrajudicial killings do not go unpunished and that perpetrators are held accountable.
- 5) We call on the Government of the Philippines to put an end to the practice of “red-tagging” activists and support the recommendation made by the Special Rapporteur on Freedom of Opinion and Expression to abolish the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC).(xii)

World Organisation Against Torture (OMCT) Aktionsbündnis Menschenrechte Philippinen (AMP) In Defense of Human Rights and Dignity Movement (iDefend) Caritas Philippines Karapatan Alliance of the Philippines NGO(s) without consultative status, also share the views expressed in this statement.

- (i) Rappler.com, November 23, 2022, available at: <https://www.rappler.com/nation/court-convicts-cop-torture-carl-arnaiz-kulot-de-guzman/>
- (ii) Third World Studies Center, University of the Philippines Diliman and the Department of Conflict and Development Studies of Ghent University, May 7, 2024, available at: <https://dahas.upd.edu.ph/sources-2024/>
- (iii) Third World Studies Center, University of the Philippines Diliman and the Department of Conflict and Development Studies of Ghent University, May 7, 2024, available at: <https://dahas.upd.edu.ph/sources-2024/>
- (vi) High Commissioner Bachelet calls on States to take strong action against inequalities | OHCHR, March 6, 2019, available at: <https://www.ohchr.org/en/statements/2019/03/high-commissioner-bachelet-calls-states-take-strong-action-against-inequalities>
- (v) Preliminary Observations on visit to the Philippines, Special Rapporteur on Freedom of Opinion and Expression Ms Irene Khan, 2 February, 2024, available at: <https://www.ohchr.org/sites/default/files/documents/issues/expression/statements/20240202-eom-philippines-sr-freedex.pdf>
- (vi) Marcos: No plans to abolish NTF-ELCAC, PNA, May 16, 2024, available at: <https://www.pna.gov.ph/articles/1224930>
- (vii) Supreme Court of the Philippines, 8 May, 2024, available at: <https://sc.judiciary.gov.ph/sc-red-tagging-threatens-right-to-life-liberty-and-security/>

(viii) President of the Philippines, Administrative Order No. 22, signed 8 May, 2024, available at:
<https://doe.gov.ph/laws-and-issuances/administrative-order-no-22-further-enhancing-mechanisms-promotion-and-protection#:~:text=Administrative%20Order%20No.-,22%20Further%20Enhancing%20Mechanisms%20for%20the%20Promotion%20and%20Protection%20of,Rights%20Coordination%20for%20the%20Purpose>

(ix) Philstar.com, 13 May 2024, available at:
<https://www.philstar.com/headlines/2024/05/13/2354766/amnesty-international-says-new-rights-body-unnecessary-wont-fix-crisis>

(x) Human Rights Council 55th Session, General Debate Item 10, 3 April, 2024, available at:
<https://www.eda.admin.ch/eda/en/fdfa/foreign-policy/international-organizations/un/swiss-speeches-statements.html/content/missions/mission-onu-geneve/en/meta/speeches/2024/dialogue-interactif--philippines>

(xi) Human Rights Council 45th Session, Resolution A/HRC/RES/45/33, 13 October 2020, available at:
<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FRES%2F45%2F33&Language=E&DeviceType=Desktop&LangRequested=False>

(xii) Preliminary Observations on visit to the Philippines, Special Rapporteur on Freedom of Opinion and Expression Ms Irene Khan, 2 February, 2024, available at:
<https://www.ohchr.org/sites/default/files/documents/issues/expression/statements/20240202-eom-philippines-sr-freedex.pdf>