

PHILIPPINES

"I'LL KILL YOU ALONG WITH DRUG ADDICTS"
PRESIDENT DUTERTE'S WAR ON HUMAN
RIGHTS DEFENDERS IN THE PHILIPPINES



February 2019



FIDH and OMCT are both members of ProtectDefenders.eu, the European Union Human Rights Defenders Mechanism implemented by international civil society. This study was produced notably within the framework of ProtectDefenders.eu. FIDH and OMCT would like to thank the Republic and Canton of Geneva, the Agence Française de Développement (AFD) and the European Union for making the publication of this study possible. The contents of this report are the sole responsibility of FIDH and OMCT and shall under no circumstances be interpreted as reflecting the views of these organisations.

Cover photo: Philippine President Rodrigo Duterte holds a Galil sniper rifle with outgoing Philippine National Police (PNP) chief Ronald dela Rosa (L) during the change of command ceremony at Camp Crame in Manila on April 19, 2018. (c) Noel Celis / AFP

Directors of publication: Dimitris Christopoulos, Gerald Staberock
Author of the report: Diane Louys
Editing and coordination: Diane Louys, Andrea Giorgetta, Alexandra Poméon, Hugo Gabbero, Delphine Reculeau
Design : FIDH
Dépôt légal mars 2019
FIDH (English ed.) = ISSN 2225-1804 – Fichier informatique conforme à la loi du 6 janvier 1978 (Déclaration N° 330675)

TABLE OF CONTENTS

1. EXECUTIVE SUMMARY	4
2. INTRODUCTION: A HISTORY OF HUMAN RIGHTS VIOLATIONS	5
3. CULTURE OF IMPUNITY PERSISTS UNDER DUTERTE	7
4. AN INCREASINGLY HOSTILE ENVIRONMENT FOR HUMAN RIGHTS DEFENDERS	9
4.1 CIVIL SOCIETY ACTIVISTS DEMONISED, THREATENED	9
4.2 LAND AND ENVIRONMENTAL RIGHTS DEFENDERS, INCLUDING INDIGENOUS RIGHTS DEFENDERS, PARTICULARLY AT RISK.	10
4.2.1 PARTICULARLY HIGH LEVEL OF ATTACKS IN MINDANAO	13
4.3 LABOUR RIGHTS ACTIVISTS TARGETED.	15
4.4 MEDIA, JOURNALISTS UNDER SIEGE.	16
4.5 NATIONAL HUMAN RIGHTS BODY RIDICULED, MEMBERS THREATENED	21
4.6 DUTERTE VS. LAWMAKERS	23
4.7 UN HUMAN RIGHTS EXPERTS HARASSED	28
UN CONCERN OVER HUMAN RIGHTS DEFENDERS UNDER DUTERTE	30
5. TOWARDS A HUMAN RIGHTS DEFENDERS PROTECTION ACT	33
6. RECOMMENDATIONS	35

1. EXECUTIVE SUMMARY

The Philippines has the unflattering reputation of being one of the most dangerous countries in the world for human rights defenders. Human rights defenders in the Philippines, particularly land and environmental rights defenders, have historically been the target of extrajudicial killings and other abuses as a result of their work.

For more than a decade, United Nations (UN) human rights mechanisms have expressed concern over the Philippines' poor human rights record, and in recent years, increasing attention has been brought to the plight of human rights defenders in the country. Since President Rodrigo Duterte took office on June 30, 2016, the government has taken measures that have actively contributed to an increasingly hostile environment for human rights defenders.

Of particular concern is the large number of defenders who continue to be killed as a result of their work. From July 2016 to November 2018, at least 76 land and environmental rights defenders, 12 journalists, and several civil society and labour activists were killed in relation to their work. They have also been subjected to attacks, threats, and acts of intimidation. Meanwhile, members of the Commission on Human Rights (CHR) have been harassed and their mandate called into question. The credibility of UN experts has similarly been attacked with slandering of UN officials. In the political sphere, the Department of Justice has pursued criminal charges against a number of Duterte's political opponents who had taken strong pro-human rights stances. In particular, Senator Leila de Lima and Senator Antonio Trillanes have both been arrested and face spurious charges.

This report documents the dramatic deterioration of the situation for human rights defenders under Duterte, which is the direct result of his administration's disregard for human rights. The worsening situation for human rights defenders has been exacerbated by Duterte's violent rhetoric and the ongoing 'war on drugs,' the continued impunity for human rights abuses under his presidency, and the imposition of martial law over the entire island of Mindanao since May 2017.

In order to support the research necessary for the preparation of this report, the Observatory for the Protection of Human Rights Defenders ('the Observatory') conducted a 10-day mission to the Philippines in August 2017 to gain a comprehensive understanding of the political dynamics and the environment in which human rights defenders operate in the Philippines. Members of the mission met with representatives of civil society, government officials, and foreign diplomats in both Manila and Davao City.

This report also makes numerous recommendations to improve the situation for human rights defenders in the Philippines.

2. INTRODUCTION: A HISTORY OF HUMAN RIGHTS VIOLATIONS

The Philippines has a long history of human rights violations. Nationwide martial law, which was imposed from September 1972 to January 1981 under President Ferdinand Marcos (1965–1986), resulted in a surge of grave abuses committed by the military.¹ Human rights violations continued throughout the country under the administration of President Gloria Macapagal Arroyo (2001–2010), with hundreds of leftist activists killed by the military in targeted counterinsurgency operations against the New People's Army (NPA).² While the number of serious human rights violations declined during the administration of President Benigno Simeon C. Aquino III (2010–2016),³ killings of prominent human rights defenders continued.⁴

From 2008 onwards, reports published by Philippine non-governmental organisation (NGO) Karapatan, a member of the World Organisation Against Torture's network, mentioned human rights defenders as victims of extrajudicial killings.⁵ In November 2012, the Observatory for the Protection of Human Rights Defenders ('the Observatory'), a partnership of FIDH and OMCT, carried out a fact-finding mission to the Philippines, during which it noted a pattern of widespread and systematic attacks against human rights defenders, including extrajudicial killings, torture, enforced disappearances, arbitrary detention, judicial harassment, intimidation, and threats.⁶ More extensive documentation on the number of human rights defenders killed, along with the risks and dangers faced by human rights defenders and land and environmental rights defenders in the Philippines, has become available since 2014 with the release of annual reports by NGOs, such as Front Line Defenders and Global Witness.

UN human rights treaty bodies have made specific mention of issues faced by human rights defenders in the Philippines in their concluding observations. For instance, in November 2012, the UN Human Rights Committee (CCPR) raised concerns over reports that human rights defenders and political dissidents were "often subjected to surveillance by law enforcement personnel."⁷ In July 2016, the Committee on the Elimination of Discrimination against Women (CEDAW) said it was concerned that there had been "alleged cases of extrajudicial killings of, and gender-based violence against, women human rights defenders from indigenous communities."⁸

Despite the numerous reports and findings, the current situation for human rights defenders in the Philippines has not improved. A climate of impunity has prevailed under the government of Rodrigo Duterte, sworn in as president of the Philippines on June 30, 2016. This impunity, combined with his administration's encouragement of extrajudicial killings of alleged drug users as part of his 'war on drugs' and the increasingly hard line taken by the army towards the

1 Task Force Detainees of the Philippines, *Martial Law, 32 Years Hence: Lessons from our Past, Challenges for our Present* (Vol. 18 No. 3), available at: http://main.tfdp.net/index.php?option=com_content&task=view&id=221&Itemid=102

2 Human Rights Watch, *Universal Periodic Review of the Philippines*, 7 April 2008

3 Human Rights Watch, *Philippines: Aquino's Doubtful Legacy on Rights*, 27 January 2016

4 UNOHCHR, *UN experts urge Philippines to protect rights defenders from a growing wave of attacks and killings*, 9 July 2012; UNOHCHR, *Philippines: UN experts urge probe into killings of three Indigenous peoples' rights defenders*, 22 September 2015

5 Karapatan, *2008 Year-end Report on the Human Rights Situation in the Philippines*, December 2008

6 The Observatory's Report, *The Philippines, Human Rights Defenders at the forefront despite an ongoing culture of violence and impunity*, February 2015

7 UN Human Rights Committee, *Concluding observations on the fourth periodic report of the Philippines, adopted by the Committee at its 106th session (15 October - 2 November 2012)*, 13 November 2012, UN Doc. CCPR/C/PHL/CO/4, Para. 15

8 UN Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined seventh and eighth periodic reports of the Philippines*, 25 July 2016, UN Doc. CEDAW/C/PHL/CO/7-8, Para. 45

National Democratic Front of the Philippines (NDFP),⁹ has resulted in a serious deterioration of the situation for human rights defenders in the country.

Defenders have faced a surge of attacks, extrajudicial killings, surveillance by security officials, defamation campaigns, and unfounded terrorist accusations. In particular, human rights defenders working to expose the spate of killings resulting from the Duterte administration's 'war on drugs' have been branded as working against the interests of the country. The number of land and environmental rights defenders, including indigenous rights defenders, killed under Duterte has increased dramatically.

Who are human rights defenders?

The term "human rights defender" refers to any individual who, individually, or in association with others, acts peacefully in the name of individuals or groups, to promote, defend, and protect the human rights and fundamental freedoms recognised by the Universal Declaration of Human Rights and guaranteed by various international human rights instruments. As a result of their active commitment in the defence of human rights, defenders are prone to acts of reprisals, harassment, and violations of their rights by both state and non-state actors.

Concerned by President Duterte and his administration's hostile behaviour against human rights defenders in the Philippines, the Observatory dispatched a fact-finding mission from August 7 to 16, 2017, to examine the effects of President Duterte's government's policies and actions on defenders in the country. The facts presented in this report are the result of information provided by the Observatory's interlocutors during the mission, as well as verified information contained in reports published by the media and NGOs.

Applicable international instruments

The UN Declaration on Human Rights Defenders, adopted by the General Assembly on December 9, 1998, outlines the right of individuals "to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels,"¹⁰ and the responsibility and duty of states to "protect, promote and implement all human rights and fundamental freedoms."¹¹

The Observatory would like to thank all the persons who met with the delegation for their invaluable support in fulfilling the purpose and framework of this mission.

⁹ The National Democratic Front of the Philippines (NDFP) is a coalition of revolutionary organisations. It belongs to the broader National Democracy Movement and the Communist Party of the Philippines (CPP)-NPA-NDFP insurgency.

¹⁰ UN General Assembly, 53rd session, 53/144. *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, 8 March 1999, UN Doc. A/RES/53/144, Article 1

¹¹ UN General Assembly, 53rd session, 53/144. *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, 8 March 1999, UN Doc. A/RES/53/144, Article 2(1)

3. CULTURE OF IMPUNITY PERSISTS UNDER DUTERTE

President Duterte has shown an utter disregard for human rights and the rule of law by condoning, and even encouraging, the killing of suspected drug criminals. Duterte himself has admitted to killing suspected criminals during his time as mayor of Davao City on the Southern island of Mindanao. On December 12, 2016, Duterte said he had personally patrolled the streets in Davao and killed people “just to show the guys that, if I can do it, why can't you?”¹² He confirmed days later that he had personally killed “about three” people during his term as mayor of Davao City.¹³

Duterte’s encouragement of the extrajudicial killing of drug suspects has further reinforced the Philippines’ long-standing culture of impunity. In its 2017 Global Impunity Index, the University of the Americas Puebla and the Center of Studies on Impunity and Justice listed the Philippines as the country with the highest rate of impunity worldwide (using data for the years 2012-2014), among 69 countries surveyed.¹⁴ In its 2017-2018 Rule of Law Index, the World Justice Project ranked the Philippines 83rd out of 113 countries surveyed.¹⁵ Despite a number of laws aimed at creating safeguards to protect and remedy against human rights violations, the enforcement of many of these laws remains ineffective.

Philippines among countries with highest record of impunity for journalist killings

The Philippines remains one of the most dangerous countries for journalists. In its 2018 Global Impunity Index, the Committee to Protect Journalists (CPJ) ranked the Philippines fifth among countries with the highest record of impunity (specific to the journalism profession) over the last decade, with 40 unsolved cases of journalists killed.¹⁶ According to the Philippine Center for Investigative Journalism, only 17 out of the 156 cases of journalists killed in the line of duty since 1986 have been partly resolved.¹⁷

Past and present administrations have consistently failed to hold perpetrators of extrajudicial killings and enforced disappearances accountable. In cases of extrajudicial killings, few perpetrators have ever been convicted.¹⁸ On November 29, 2018, Caloocan City Regional Trial Court (RTC) Branch 125 convicted and sentenced three police officers to imprisonment for 20 to 40 years, without eligibility for parole, for the murder of 17-year-old Kian Loyd Delos Santos on August 16, 2017 [See below, *Section 4.6* and *Section 4.7*].¹⁹ With regard to enforced disappearances, as of May 2018, the United Nations Working Group on Enforced or Involuntary Disappearances (UNWGEID) recorded 625 unresolved cases of enforced disappearances in the Philippines.²⁰ In a rare instance of accountability, on 17 September 2018, three high-ranking Armed Forces

12 BBC, *Philippines’ Duterte admits personally killing suspects*, 14 December 2016; CNN, *Philippines President Duterte admits killing suspects*, 14 December 2016

13 BBC, *Philippines: Duterte confirms he personally killed three men*, 16 December 2016

14 University of the Americas Puebla & Center of Studies on Impunity and Justice, *GII- 2017 Global Impunity Index*, August 2017, available at: http://www.udlap.mx/cesij/files/IGI-2017_eng.pdf

15 World Justice Project, *Rule of Law Index 2017-2018*, 2018

16 Committee to Protect Journalists, *Getting Away with Murder*, October 2018, available at: <https://cpj.org/reports/2018/10/impunity-index-getting-away-with-murder-killed-justice.php>

17 Philippine Center for Investigative Journalism, *Speak Truth to Power, Keep Power in Check*, 3 May 2018, available at: <http://pcij.org/uncategorized/speak-truth-to-power-keep-power-in-check/>

18 Human Rights Watch, *Philippines: Aquino Should Deliver on Rights Promises*, 21 July 2015; Human Rights Watch, *Philippines: Death Squad Linked to Hundreds of Killings*, 20 May 2014; Human Rights Watch, *“No Justice Just Adds to the Pain”*, 18 July 2011

19 Philippine Daily Inquirer, *3 policemen guilty of killing Kian delos Santos – court*, 29 November 2018; Rappler, *Policemen guilty in Kian delos Santos killing*, 29 November 2018

20 UN Human Rights Council, 39th session, *Report of the Working Group on Enforced or Involuntary Disappearances*, 30 July 2018, UN Doc. A/HRC/39/46

of the Philippines (AFP) officials were convicted in connection with a case of enforced disappearance in 2006.²¹

The prosecution of perpetrators remains a significant issue in the Philippines, largely due to the weakness of the Witness Protection, Security and Benefit Act of 1991 (Republic Act No. 6981). Witnesses have reported a lack of confidence in the programme and fear the programme will not be able to offer protection to them or their families due to prolonged delays in criminal proceedings.²² In April 2009, in his follow-up report on recommendations made to the Philippines following his visit, then-UN Special Rapporteur on extrajudicial, summary or arbitrary executions Philip Alston said that the Philippines' failure to reform the witness protection programme was one of the most significant causes of continued impunity in the Philippines.²³

Impunity for 'war on drugs' killings triggers ICC preliminary examination

The widespread impunity for the extrajudicial killings committed as part of the Duterte administration's 'war on drugs' was one of the key factors that led to the opening of a preliminary examination by the International Criminal Court (ICC). On February 8, 2018, the ICC's Office of the Prosecutor announced that it would conduct a preliminary examination into the situation in the Philippines to "analyse crimes allegedly committed in this State Party [...] in the context of the 'war on drugs' campaign launched by the Government of the Philippines."²⁴ In response to the ICC's announcement, on March 17, 2018, the Philippine government deposited a written notification of withdrawal from the Rome Statute of the ICC.²⁵ Nevertheless, alleged crimes committed on the territory of the Philippines during the period when it was a state party to the Rome Statute of the ICC will remain under the jurisdiction of the ICC regardless of the withdrawal. Prior to the decision to withdraw from the Rome Statute of the ICC, Duterte had called the court "useless."²⁶

21 Human Rights Watch, *Philippine Court Convicts General in Infamous 'Disappearance' Case*, 17 September 2018

22 Amnesty International, *Witness protection needed to ensure justice for Philippines massacre victims*, 27 November 2009

23 UN Human Rights Council, 11th session, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, Addendum, Follow-up to country recommendations - Philippines*, 29 April 2009, UN Doc. A/HRC/11/2/Add.8, Para. 31

24 International Criminal Court, *Statement of the Prosecutor of the International Criminal Court, Mrs Fatou Bensouda, on opening Preliminary Examinations into the situations in the Philippines and in Venezuela*, 8 February 2018

25 International Criminal Court, *ICC Statement on The Philippines' notice of withdrawal: State participation in Rome Statute system essential to international rule of law*, 20 March 2018

26 Rappler, *Duterte threatens PH withdrawal from ICC*, 17 November 2016

4. AN INCREASINGLY HOSTILE ENVIRONMENT FOR HUMAN RIGHTS DEFENDERS

Since President Duterte took office on June 30, 2016, civil society has been operating in an increasingly hostile environment. On multiple occasions, President Duterte publicly voiced his blatant disregard for human rights in relation to his 'war on drugs' and repeatedly threatened to kill human rights activists. On August 5, 2016, Duterte said, "I don't care about human rights, believe me."²⁷ On November 28, 2016, Duterte threatened to kill human rights activists critical of his 'war on drugs.'²⁸ On December 7, 2016, Duterte continued his invectives and threatened lawyers defending drug suspects.²⁹ On May 19, 2017, Duterte menaced to human rights activists, "I'll kill you along with drug addicts, I'll decapitate you."³⁰

The Duterte administration has intentionally demonised human rights defenders to the public. This has led to a distortion of the public image of human rights and its advocates. On August 16, 2017, Duterte alleged that human rights organisations criticised the 'war on drugs' to protect drug criminals. "When it comes to criminals, you [human rights organisations] will proclaim, 'human rights violations' [to protect them]."³¹

On March 26, 2018, President Duterte's then-Spokesperson Harry Roque stated that the government did not discount the possibility that some human rights groups had become "unwitting tools of drug lords to hinder the strides made by the administration."³² The statement was issued after then-Foreign Affairs Secretary Alan Peter Cayetano claimed on March 25, 2018, that some human rights groups were being "unwittingly used by drug lords" to destabilise the government and discredit its 'war on drugs.'³³

In response to this increased oppressive climate, human rights defenders across the Philippines have come together to create 'In Defense of Human Rights and Dignity Movement' (iDEFEND), a coalition of more than 100 civil society groups calling for the respect of the rule of law. In an act of solidarity, on September 21, 2018, activists held rallies across 14 regions in the Philippines on the 46th anniversary of the declaration of Martial Law under former President Ferdinand Marcos, as well as to "resist the creeping dictatorship" under Duterte.³⁴

4.1 Civil society activists demonised, threatened

Civil society groups working on human rights issues have been demonised and vilified under the current administration. Civil society members have reported increased surveillance, intimidation, threats, and harassment from local authorities,³⁵ as well as from suspected fake accounts or bots on social media, as a result of their work. At least five members of iDEFEND reported they had been listed as 'persons of interest' on Philippine National Police (PNP) and Armed Forces of the Philippines (AFP) watch lists.³⁶ Social workers assisting drug war victims' families were warned by police against intervening in cases where people had been killed in the 'war on drugs.'³⁷ Several NGOs also reported decreased cooperation from various government departments while trying to access information and public records.³⁸

²⁷ Philippine Star, *Shoot-to-kill order out for narco-pols*, 6 August 2018

²⁸ Philippine Daily Inquirer, *Duterte threatens to kill rights activists if drug problem worsens*, 29 November 2016;

Rappler, *CHR in 2016: 'We are not enemies of the fight against drugs'*, 3 December 2016

²⁹ Philippine Daily Inquirer, *Duterte warns drug lords' lawyers*, 9 December 2016

³⁰ Manila Standard, *Duterte vows to kill EU 'rights activists'*, 20 May 2017

³¹ Rappler, *Duterte warns he'll order shooting of human rights advocates*, 16 August 2017

³² ABS-CBN News, *Palace: Drug lords may be using rights groups vs government*, 26 March 2018

³³ Philippine Daily Inquirer, *Palace insists: Rights groups 'unwitting tools of drug lords'*, 27 March 2018

³⁴ Rappler, *September 21 rallies: 'Resist the creeping dictatorship'*, 21 September 2018

³⁵ Rappler, *'Demonizing' human rights in the first year of Duterte*, 26 June 2017

³⁶ Information obtained from iDEFEND, August 2017

³⁷ Information obtained by the Observatory, August 2017

³⁸ Information obtained by the Observatory, August 2017

There have been several cases of intimidation against human rights defenders. **Ellecer ‘Budit’ Carlos**, a human rights advocate from iDEFEND, reported receiving repeated threats of violence on his Facebook account.³⁹ In another instance, a staff member from Human Rights Watch investigating extrajudicial killings was sent the message “bullet in ur [your] head!” on her Facebook page.⁴⁰ On July 20, 2017, Karapatan Secretary General **Cristina ‘Tinay’ Palabay** received a threatening phone call from an unidentified man. After repeatedly asking if she was “Tinay Palabay,” the man warned her to stop working as a human rights defender.⁴¹ In another instance, on April 16, 2018, the National Federation of Sugar Workers issued an alert after a number of human rights defenders had been included on a list of more than 60 alleged communist rebels whose photos were displayed on a police poster in Moises Padilla, Negros Occidental Province.⁴² Included on the list was lawyer **Benjamin Ramos**, founding member of the National Union of Peoples’ Lawyers (NUPL) and Secretary General of its chapter in Negros Occidental Province. On November 6, 2018, Ramos was fatally shot by motorcycle-riding gunmen in front of a store in Kabankalan, Negros Occidental Province.⁴³ Ramos was also a well-known advocate for peasants’ rights and the Executive Director of the Paghidaet sa Kauswagan Development Group (PDG), a non-governmental organisation assisting peasants in the same province. He provided pro-bono legal aid to victims of human rights abuses, representing the most marginalised people in the Philippines, including peasants, political prisoners, and victims of enforced disappearances and extrajudicial killings. Ramos also represented the families of nine farmers who had been killed after joining a protest on a sugarcane plantation in Sagay City, Negros Occidental Province, on October 20, 2018.⁴⁴

4.2 Land and environmental rights defenders, including indigenous rights defenders, particularly at risk

Land and environmental rights defenders, including indigenous human rights defenders, continue to be particularly at risk and the target of harassment and killings under Duterte. The number of murdered land and environmental defenders has increased dramatically during his presidency. From July 2016 to November 2018, at least 76 land and environmental rights defenders were killed by suspected security forces, including paramilitary soldiers.⁴⁵ Indigenous land rights defenders are at the forefront of resistance in the defence of their ancestral lands and are, therefore, constant targets of attacks by groups serving the interests of mining corporations.⁴⁶ Twenty-seven of the 76 land and environmental rights defenders killed were indigenous persons.⁴⁷

Attacks against land and environmental rights defenders engaged in land disputes or resistance against extractive and other investment and infrastructure projects have historically been carried out by state-backed militias or private armies, the AFP, and paramilitary groups under the government’s counterinsurgency plans.⁴⁸ The government ended its ‘Internal Peace and Security Plan Bayanihan’ (*Oplan Bayanihan*) counterinsurgency plan in December 2016, which had been conducted to fight against the communist and Muslim rebel groups across the country. Despite rights groups’ heavy criticism of past counterinsurgency

39 New Republic, *Rodrigo Duterte’s Army of Online Trolls*, 4 January 2017

40 Human Rights Watch, *Social Media Trolls Threaten Activists*, 16 March 2017

41 The Observatory Urgent Appeal PHL 001 / 0817 / OBS 088, *Philippines: Threats and acts of intimidation against Ms. Cristina “Tinay” Palabay, Secretary General of Karapatan*, 18 August 2017

42 Bulatlat, *City councilor, lawyer, activists included in Negros town police’s poster of Reds*, 16 April 2018

43 SunStar, *Human rights lawyer killed in Negros Occidental*, 7 November 2018

44 The Observatory Urgent Appeal PHL 005 / 1118 / OBS 132, *Philippines: Killing of human rights lawyer Mr. Benjamin Ramos*, 9 November 2018; Rappler, *9 farmers killed at Negros Occidental hacienda*, 21 October 2018

45 Compilation of figures obtained from Global Witness and Front Line Defenders, January 2019; Global Witness, *Defenders of the Earth*, 13 July 2017

46 International Service for Human Rights, *Philippines | Human rights review should focus on defenders’ protection*, 4 April 2017

47 Compilation of figures obtained from Global Witness and Front Line Defenders, January 2019

48 OBSERVER: A Journal on threatened Human Rights Defenders in the Philippines, *Oplan Bayanihan – From Good Intentions to Impunity*, 2012, available at: http://www.ipon-philippines.info/fileadmin/user_upload/Observers/Observer_Vol.4_Nr.2/Observer_Vol.4_Nr.2_ActualImpunity_29.pdf; Kalikasan People’s Network for the Environment, *Human Rights Situation of Environmental Defenders in the Philippines*, 1 August 2017

operations over human rights abuses,⁴⁹ the Duterte administration has pursued a military approach similar to that of previous administrations. In December 2016, the AFP introduced another counterinsurgency plan, 'Development Support and Security Plan Kapayapaan' (*Oplan Kapayapaan* ['Peace']).⁵⁰ In addition, the continued existence of Civilian Volunteer Organisations (CVOs) under Executive Order No. 546⁵¹ and Citizen Armed Force Geographical Units (CAFGUs) under Executive Order No. 264,⁵² has allowed these government-supported militia and paramilitary groups to persist and permitted the Duterte administration's arming of these groups.

Extractive industries, such as mining in rural areas, represent the primary link to the killing of land and environmental rights defenders,⁵³ with paramilitaries being among those accused of carrying out such attacks.⁵⁴ Mining companies have also been known to use private militias to protect mine sites.⁵⁵ Out of the 76 land and environmental rights defenders killed under Duterte, at least a quarter of them were linked to struggles against mining operations.⁵⁶

Anti-mining advocates have been subjected to arbitrary arrest and judicial harassment. **Benito E. Molino**, the Chairperson of Concerned Citizens of Santa Cruz (CCOS) in Zambales Province has had multiple court cases filed against him since 2015. On August 11, 2017, Molino received a subpoena stemming from cases lodged against him by a mining company in Santa Cruz, Zambales Province.⁵⁷ In another instance, on September 20, 2018, police arrested nine activists from Kalikasan People's Network for the Environment (Kalikasan) after they staged a protest inside a Chamber of Mines conference being held in Pasay City, Metro Manila. The protest was organised to denounce a mining site in Itogon, Benguet Province, where landslides resulted in 44 persons killed and about 50 others missing.⁵⁸

In addition, land and environmental rights defenders have been increasingly portrayed as terrorists and rebels. There have been several recorded incidents of unknown actors distributing leaflets labelling activists, including land and environmental rights defenders, as terrorists and rebels. On April 21, 2018, flyers labelling activist groups in Ifugao Province as being "accomplices of the terrorist NPA in Ifugao" and "organised by the terrorist New People's Army" were found scattered in the streets in Lagawe, Ifugao Province.⁵⁹ On October 12, 2018, the Cagayan Valley chapter of Karapatan received reports that leaflets had been scattered around several towns in Nueva Vizcaya, Isabela, and Cagayan Provinces implicating the names of leaders and members of community-based organisations as "leaders and recruiters" of the NPA. On October 15 and 16, 2018, the Alyansa ng Novo Vizcayano para sa Kalikasan (ANVIK) ['Alliance of Novo Vizcayanos for the Environment'] observed a second wave of leaflet distribution in Solano, Diadi, and Bagabag, Nueva Vizcaya Province, which similarly

49 Introduced under the Aquino administration, *Oplan Bayanihan* was blamed for alleged human rights abuses committed by the military. Rappler, *Oplan Bayanihan ends as Duterte orders AFP to support NDF talks*, 19 December 2016

50 GMA News, *AFP adopts new security plan under Duterte*, 6 January 2017

51 Executive Order No. 546, issued by then-President Gloria Macapagal-Arroyo in 2006, allowed the arming of Civilian Volunteer Organisations (CVOs) by local officials. Local officials have used EO 546 to justify the recruitment and arming of militia members. Executive Order No. 546 directs the PNP to undertake active support to the armed forces "in internal security operations for the suppression of insurgency and other serious threats to national security." Official Gazette, *Executive Order No. 546, s. 2006*, 14 July 2006

52 Executive Order No. 264, issued by then-President Corazon C. Aquino in 1987, allowed the creation of Citizen Armed Force Geographical Units (CAFGUs), under the administration and control of the AFP, tasked to "complement the operations of the regular force of the Armed Forces of the Philippines or to support the regular force formations or units." Official Gazette, *Executive Order No. 264*, 25 July 1987

53 Global Witness, *On Dangerous Ground*, 20 June 2016, pp. 8, 16; Global Witness, *Defenders of the Earth*, 13 July 2017, pp. 8, 32; Kalikasan People's Network for the Environment, *Human Rights Situation of Environmental Defenders in the Philippines*, 1 August 2017

54 Global Witness, *Defenders of the Earth*, 13 July 2017, p. 11

55 Reuters, *Philippine army says mining firms need militias*, 10 October 2011

56 Compilation of figures obtained from Global Witness and Frontline Defenders, January 2019

57 Alyansa Tigil Mina, *Green group condemns harassment case against environment defender*, 17 August 2017

58 Philippine Daily Inquirer, *Activists arrested over protests at mining conference in Pasay*, 20 September 2018

59 Asian Human Rights Defenders, *Philippines: Flyers naming Ifugao activists 'terrorists' litter capital town's streets*, 23 April 2018

.....
included a list of 27 environmental rights defenders who had been campaigning against the large-scale mining operations of the multinational company OceanaGold.⁶⁰

The Duterte government has also continued the practice of 'red tagging'⁶¹ activists and land and environmental rights defenders. On February 21, 2018, the Department of Justice (DOJ) filed a petition before the Manila Regional Trial Court (RTC) to have 649 individuals, including at least 30 members of indigenous persons organisations and networks,⁶² declared as terrorists under the Human Security Act of 2007 (Republic Act No. 9372, also known as the Anti-Terrorism Law), for their alleged connection with the communist rebellion in the country.⁶³ The 649 individuals included UN Special Rapporteur on the rights of indigenous persons **Victoria Tauli-Corpuz** – a Filipino national – because of her alleged links with the Communist Party of the Philippines' Ilocos-Cordillera Regional Committee (ICRC) [See below, *Section 4.7*].⁶⁴ On July 27, 2018, the Manila RTC cleared Tauli-Corpuz and three other individuals of being officers, members, or representatives of the CPP-NPA.⁶⁵

Duterte and his administration have also pursued policies that threatened the rights of indigenous peoples, known as Lumad in Mindanao.⁶⁶ On February 1, 2018, Duterte said he would pursue policies aimed at increasing investment in mining operations in indigenous persons' ancestral domains in Mindanao.⁶⁷ Further, the declaration of martial law over all regions of the Mindanao island group since May 23, 2017 [See below, *Section 4.2.1*] has resulted in an increase in human rights abuses in the area, especially against indigenous peoples.⁶⁸

The Confederation of Lumad Organisations – Southern Mindanao (PASAKA) – composed of 388 Lumad organisations in Southern Mindanao – has reported numerous cases of human rights abuses, including extrajudicial killings and forced displacement, since the implementation of martial law.⁶⁹ While some indigenous persons have been recruited by the NPA in the rebel insurgency mostly active in Mindanao, the military has historically accused many indigenous persons of being NPA cadres and has used this as a justification in cases of extrajudicial killings.⁷⁰ Duterte has also accused indigenous persons of being conscripted to help the NPA.⁷¹ On July 24, 2017, Duterte even threatened to bomb Lumad schools, which he claimed were teaching "subversion and communism."⁷²

On December 3, 2017, AFP soldiers believed to be from the 27th and 33rd Infantry Battalions (IBs)⁷³ massacred eight Lumad human rights defenders (**Datu Victor Danyan, Artemio Danyan, Bobot Lagase, Mateng Bantel, Pato Celardo, Samuel Angkoy, To Diamante, and Victor Danyan Jr.**) in Barangay Ned, Lake Sebu, South Cotabato Province. The eight

.....
60 Information obtained from Kalikasan, October 2018

61 'Red tagging' or 'red baiting' is when individuals or organisations critical of the government are labeled "state enemies, communist terrorists, or members of communist front organisations." OBSERVER: A Journal on threatened Human Rights Defenders in the Philippines, *Red-Baiting in the Philippines: Civil society under general suspicion*, 2011, available at: http://www.ipon-philippines.info/fileadmin/user_upload/Observer_Vol.3_Nr.2/Observer_Vol.3_Nr.2_Red-Baiting_4.pdf

62 Philippine News Agency, *Exclusion of names in terror tag petition vs. CPP up to court: DOJ*, 3 July 2018

63 Philippine Daily Inquirer, *Tag Joma, UN special rapporteur, etc. as 'terrorists,' gov't impels Manila court*, 9 March 2018

64 Department of Foreign Affairs, *Statement of Foreign Affairs Secretary Alan Peter S. Cayetano: World Needs More Leaders Like Rodrigo R. Duterte*, 9 March 2018

65 Rappler, *Manila court clears 4 in DOJ's terror tag request*, 8 August 2018

66 'Lumad' refers to the non-Islamised indigenous peoples of Mindanao.

67 Rappler, *Duterte to find investors for ancestral domains*, 1 February 2018

68 Rappler, *Lumad leaders to UN rapporteur: 'We're affected by wars which aren't ours'*, 12 August 2017;

InterAksyon, *LOOK | What the lumad want: end to militarization, martial law*, 22 July 2017

69 Davao Today, *ML extension is 'like rubbing salt to our wounds', Lumad says*, 8 February 2018

70 In September 2015, the military claimed that "90% of guerrilla bases and NPA camps are inside a stretch of ancestral domain areas and three out of four NPAs in Eastern Mindanao are members of the IPs [indigenous populations]." Rappler, *Lumad: Caught in the middle of a war*, 10 September 2015. Human Rights Watch, *Philippines: Illegitimate encounters*, 28 January 2016

71 Rappler, *Duterte to consult with Lumad on use of ancestral lands*, 5 February 2018

72 Philippine Star, *Duterte threatens to bomb lumad schools*, 25 July 2017

73 Philippine Daily Inquirer, *Widow of alleged EJK victim files harassment raps at CHR*, 7 December 2017

belonged to T'boli-Manobo S'daf Claimants Organisation (TAMASCO), a group of Lumad fighting for their ancestral lands. AFP soldiers claimed the eight were serving as an NPA militia and died in a clash.⁷⁴ Fellow activists insisted the eight Lumad were killed for opposing a coffee plantation on their ancestral lands that had been grabbed by the company David M. Consunji Inc. (DMCI).⁷⁵ Lumad in the area had been complaining of harassment from soldiers and plantation guards.⁷⁶ The community was also being pressured by another company, San Miguel Energy Corp, to agree to a coal mining application made by San Miguel Energy Corp.⁷⁷ According to Karapatan, no police investigation has taken place into the murders. However, the case was taken to the regional branch of the Commission on Human Rights (CHR), which had the bodies of the victims undergo autopsies.⁷⁸ On October 5, 2018, the CHR found two military commanders liable for human rights abuses in connection with the killing of the men.⁷⁹

4.2.1 Particularly high level of attacks in Mindanao

Mindanao is the site of the vast majority of land and environmental rights defenders coming under attack. Forty-five out of the 76 land and environmental rights defender killings (from the period July 2016 – November 2018) occurred in Mindanao. In addition, Duterte put the entire island of Mindanao under martial law since the siege of Marawi, the capital of Lanao del Sur Province, on May 23, 2017 [See below, *Declaration of martial law in Mindanao*].

Land and environmental rights defenders killed in Mindanao include peasant leaders protecting their land, anti-mining activists, and indigenous persons. In many cases, investigations into their deaths were either not initiated, or had stalled. Some of the cases include:

- On October 10, 2016, unidentified men on motorcycles shot **Jimmy Saypan**, Secretary-General of the Compostela Farmers Association (CFA), in Barangay New Visayas, Compostela Valley Province.⁸⁰ He died from his injuries the following day.⁸¹ Saypan, an ethnic Mandaya-Lumad, was a peasant leader and anti-mining activist.⁸² CFA members believe the attack was orchestrated by the AFP's 66th IB and the Agusan Petroleum and Minerals Corporation (AgPet).⁸³ Saypan had opposed mining explorations by AgPet and had also been involved in a series of meetings to call for the 66th IB to leave communities in Compostela Valley Province.⁸⁴ Before his death, Saypan had also been a victim of 'red tagging' – i.e. his name had been included on a military list of alleged communist sympathisers. The police investigation into Saypan's killing has not progressed.
- On October 13, 2016, an unknown assailant on a motorcycle shot and killed environmental youth advocate and member of environmental organisation Panalipdan Youth, **Joselito 'Anoy' Pasaporte** in Mabini, Compostela Valley Province. Pasaporte had been involved in opposing mining exploration activities in Compostela Valley Province. Authorities alleged that he was on the provincial police's drug watch list.⁸⁵ The police probe has not progressed and Pasaporte's family has been reluctant to pursue an investigation for fear of retaliation.

74 ABS-CBN News, *Killing of 8 Lumad followed visit of barangay captain: survivors*, 15 December 2017; Philippine Daily Inquirer, *8 'lumad' slain in Cotabato clash not rebels, says leader*, 7 December 2017

75 ABS-CBN News, *Killing of 8 Lumad followed visit of barangay captain: survivors*, 15 December 2017

76 Philippine Daily Inquirer, *8 'lumad' slain in Cotabato clash not rebels, says leader*, 7 December 2017

77 ABS-CBN News, *Killing of 8 Lumad followed visit of barangay captain: survivors*, 15 December 2017

78 Information obtained from Karapatan, November 2018

79 MindaNews, *Govt' body finds 2 Army commanders in Mindanao liable for human rights violations*, 8 December 2018

80 Minda News, *Anti-mining advocate killed in ambush in ComVal*, 11 October 2016; Davao Today, *Anti-mining IP farmer-leader injured in an early morning shooting in Comval*, 10 October 2016

81 Mindanao Times, *Peasant leader killed in attack*, 12 October 2016; Karapatan, *Peasant leader and anti-mining activist killed in Compostela*, 15 October 2016

82 Davao Today, *Anti-mining IP farmer-leader injured in an early morning shooting in Comval*, 10 October 2016

83 Karapatan, *Peasant leader and anti-mining activist killed in Compostela*, 15 October 2016

84 Karapatan, *Peasant leader and anti-mining activist killed in Compostela*, 15 October 2016

85 Philippine Daily Inquirer, *2nd 'green' activist killed in ComVal*, 17 October 2016

- On January 20, 2017, **Veronico 'Nico' Lapsay Delamente**, a tribal Mamanwa-Lumad leader, was fatally shot by unidentified gunmen riding a motorcycle in Claver, Surigao del Norte Province. Delamente was a member of the Kahugpungan sa Lumadnong mga Organisasyon (KASALO), a regional Lumad organisation in the Caraga Region. He had defended their ancestral domain against the entry of mining companies that encroached on their communities.⁸⁶
- On February 3, 2017, three unidentified men riding motorcycles in tandem fatally shot indigenous Lumad leader **Renato Anglao** as he travelled home by motorcycle with his wife and five-year-old child in Quezon, Bukidnon Province.⁸⁷ Anglao was the Secretary-General of Tribal Indigenous Oppressed Group Association (TINDOGA).⁸⁸ He had defended the Manobo-Pulangihon tribe's ancestral domain from land grabbing for the expansion of sugarcane and pineapple plantations by Maramag Vice-Mayor Pablo Lorenzo.⁸⁹ Local police alleged that Anglao was on the list of identified illegal drug personalities in its area.⁹⁰ The investigation into Anglao's murder is still pending and no suspects had been arrested as of June 2018.⁹¹

Declaration of martial law in Mindanao

The Maute terrorist group's siege of Marawi, Lanao del Sur Province, on May 23, 2017, resulted in the imposition of martial law and the suspension of the writ of *habeas corpus* across the entire Mindanao region.⁹² Since the imposition of martial law, the AFP increased its military presence and intensified its actions in Mindanao.⁹³ The initial 60-day martial law application has been extended three times, until the end of 2019,⁹⁴ despite the 'liberation' of Marawi from Islamic-inspired extremists on October 17, 2017.⁹⁵ The initial declaration of martial law, under Proclamation No. 216, cited a series of armed attacks committed by the Maute terrorist group "constituting the crime of rebellion," and "the capacity of the Maute group and other rebel groups to sow terror, and cause death and damage to property."⁹⁶ Executive Secretary of the Office of the President Salvador Medialdea cited the NPA insurgency in Mindanao as the justification for the second extension of martial law.⁹⁷ Several opposition lawmakers contended that the martial law extension lacked any genuine motive because Marawi had been 'liberated.'⁹⁸ In justifying his request for a third extension, Duterte cited the NPA, the Abu Sayyaf Group, the Bangsamoro Islamic Freedom Fighters, Daulah Islamiyah (DI), and other terrorists "which seek to promote global rebellion."⁹⁹

86 DavaoToday, *Group decries killing of Surigao anti-mining activist IP leader*, 23 January 2017

87 Philippine Daily Inquirer, *'Lumad' leader shot dead in Bukidnon*, 3 February 2017

88 SunStar, *Land conflict eyed as possible reason for lumad leader's death*, 14 February 2017

89 House of Representatives, *House Resolution No. 764*, 8 February 2017; Davao Today, *Tribal leader shot dead in Bukidnon*, 4 February 2017

90 SunStar, *Land conflict eyed as possible reason for lumad leader's death*, 14 February 2017

91 Sierra, *What It's Like to Be an Environmental Defender in the Philippines*, 11 June 2018

92 On 23 May 2017, President Duterte issued Proclamation No. 216, declaring a state of martial law and the suspension of the privilege of the writ of *habeas corpus* across the whole of Mindanao for 60 days on the grounds of rebellion. Official Gazette, *Proclamation No. 216 s. 2017 Declaring a state of martial law and suspending the privilege of the writ of habeas corpus in the whole of Mindanao*, 23 May 2017

93 Philippine Daily Inquirer, *AFP deploys more troops in E. Mindanao to fight communist rebels*, 15 December 2017

94 Legislators voted three extensions to martial law: On July 22, 2017, Congress voted (261-18) to extend martial law until December 31, 2017. Philippine Daily Inquirer, *Congress votes 261-18 to extend Mindanao martial law 'til year's end*, 22 July 2017. On December 13, 2017, Congress voted (240-27) to extend martial law until December 31, 2018. Rappler, *Congress extends martial law in Mindanao to end of 2018*, 13 December 2017. On December 12, 2018, Congress voted (235-28, with one abstention) to extend martial law until December 31, 2019. CNN Philippines, *Congress grants third extension of Mindanao martial law until end of 2019*, 13 December 2018

95 Rappler, *Marawi City liberated – Duterte*, 17 October 2017

96 Official Gazette, *Proclamation No. 216 s. 2017 Declaring a state of martial law and suspending the privilege of the writ of habeas corpus in the whole of Mindanao*, 23 May 2017

97 Rappler, *Medialdea: Not 'unlimited martial law' but 'unlimited peace'*, 13 December 2017

98 Philippine Star, *No basis to extend martial law – lawmakers*, 10 December 2017

99 Rappler, *Congress extends martial law in Mindanao to end of 2019*, 12 December 2018

Duterte has made statements encouraging human rights abuses in the context of martial law and assuring security forces they would not be held responsible for their actions. During a speech to soldiers on May 26, 2017 at a military camp in Iligan City, Northern Mindanao, Duterte warned soldiers against committing abuses, but joked that he would personally claim responsibility for soldiers if any of them were to rape three women.¹⁰⁰ On February 7, 2018, Duterte said that AFP soldiers should shoot NPA women in the vagina, "so that [...] it [they] would be useless."¹⁰¹ On the same day, Duterte also threatened to have five NPA rebels killed for every AFP soldier killed by the NPA rebels.¹⁰² On February 9, 2018, Duterte told reporters he had offered to train Lumad (as CAFGU members) to fight the NPA and a 20,000-peso (US\$380) bounty for each NPA guerrilla they killed.¹⁰³ On February 14, 2018, Duterte offered a 25,000-peso (US\$475) bounty to AFP soldiers for each NPA guerrilla they killed.¹⁰⁴

4.3 Labour rights activists targeted

Labour rights activists have also been the target of attacks. On September 25, 2016, **Patricio Tago, Jr.**, a union leader from the Associated Labor Unions-Trade Union Congress of the Philippines (ALU-TUCP), was abducted at gunpoint and imprisoned on drug charges by police and armed individuals in Capas, Tarlac Province, to prevent him from continuing his work as a union organiser. Tago was accused of selling illicit drugs to fellow workers. According to the mayor of Capas, Tago was the subject of a "legitimate police operation."¹⁰⁵

According to the independent labour centre Kilusang Mayo Uno (KMU) ['May First Labour Movement'], union leaders and members have been harassed, threatened, and accused by the AFP of having links to the NPA in Barangay San Miguel, Compostela, Compostela Valley Province.¹⁰⁶ In one instance, on January 29, 2018, soldiers from the 66th and 25th IBs gathered the residents of Sitio Pogi, Barangay San Miguel, Compostela, Compostela Valley Province, and presented the names of civilians – a number of whom were union leaders – they alleged to have links to the NPA. The AFP soldiers told the residents to convince the union leaders to "surrender to the authorities within three days or else be arrested or killed."¹⁰⁷ The KMU also reported surveillance of their activities. In Mindanao, many concerted actions by workers, including the holding of strikes, protest camps, union elections, and rallies of workers' groups have been attacked by the military.¹⁰⁸

At least eight labour rights activists have been killed under Duterte. They include:

- **Orlando 'Ka Lando' Abangan**, a labour leader from Partido ng Manggagawa ['Labour Party'] (PM) and community leader, was fatally shot at close range by an unknown assailant while riding home on his motorbike in Talisay, Cebu Province, on September 17, 2016.¹⁰⁹ Abangan was also involved in assisting an organisation of persons with disabilities that advocates for social protection and social services.¹¹⁰ Before his death, Abangan had heavily criticised the extrajudicial killings related to the 'war on drugs' in the Philippines.¹¹¹

100 Reuters, *Philippines' Duterte jokes about rape amid concern over martial law abuses*, 27 May 2017

101 CNN Philippines, *Roque on Duterte's 'shoot the vagina' remark: 'Don't take him literally'*, 14 February 2018

102 ABS-CBN News, *Duterte threatens death for 5 NPA rebels for each soldier killed*, 8 February 2018

103 Philippine Daily Inquirer, *Duterte offers Lumad P20,000 bounty for every rebel killed*, 12 February 2018

104 AP, *Duterte offers \$500 kill bounty for rebels, says they are easier to hit than birds*, 15 February 2018

105 Philippine Daily Inquirer, *Bello urged to help stop attacks on unionists*, 27 September 2016; Philstar, *Labor leader allegedly abducted by cops, goons at gunpoint*, 26 September 2016

106 Bulatlat, *In Duterte crackdown vs Left, govt troops also target unionists in Mindanao*, 2 February 2018;

DavaoToday, *Labor unions to take legal action against AFP threats*, 3 February 2018

107 Bulatlat, *In Duterte crackdown vs Left, govt troops also target unionists in Mindanao*, 2 February 2018

108 Bulatlat, *In Duterte crackdown vs Left, govt troops also target unionists in Mindanao*, 2 February 2018

109 The Freeman, *Killing condemned, full probe sought: Labor group organizer dead in Talisay ambush*, 19 September 2016; RedFlag, *Labour activist murdered in Philippines*, 19 September 2016; SunStar, *Labor organizer shot dead in Cebu*, 18 September 2016

110 SENTRO, *Justice for Ka Orlando Abangan! Justice for all victims of extra judicial killings!*, 19 September 2016

111 RedFlag, *Labour activist murdered in Philippines*, 19 September 2016; SENTRO, *Justice for Ka Orlando Abangan! Justice for all victims of extra judicial killings!*, 19 September 2016

-
- **Edilberto Miralles**, former President of the union for workers of R&E Taxi transport service, was fatally shot by an unknown motorcycle rider in front of the National Labour Relations Commission (NLRC) office in Barangay Santo Domingo, Quezon City, on September 23, 2016. He was on his way to an NLRC hearing when he was shot.¹¹²
 - **Alberto ‘Leboy’ Tecson**, Chairman of fisher folk organisation Pamalakaya and of the Nagkahiusang Mag-uuma ug Mangingisda sa Bulado (NAMABU),¹¹³ was shot dead in front of his two children in Barangay Bulado, Guihulngan, Negros Oriental Province, on July 24, 2017, by six men suspected to be from the AFP’s 79th IB. The men knocked on the door of Tecson’s house, shot him, then dragged him outside of the house and shot him again. According to Tecson’s wife, soldiers from the 79th IB visited his house the day before the incident and accused him of transporting NPA members using his pump boat.¹¹⁴ Tecson had been leading a campaign against repressive provisions of the Amended Fisheries Code (Republic Act 10654).¹¹⁵ On December 7, 2017, the AFP “vehemently” denied accusations that it was behind Tecson’s killing. No suspects have been arrested in connection with the killing.¹¹⁶ In addition, the police investigation into the case has stalled.

4.4 Media, journalists under siege

Journalism remains a dangerous profession in the Philippines. From July 1, 2016 to October 31, 2018, at least 12 journalists – the highest number under any Philippine president during their first two years in office – were killed as a result of their work.¹¹⁷ In addition to these killings, journalists have also experienced harassment and threats in at least 87 other recorded cases over the same period, most of which were reported in Metro Manila. These included 17 cases of online harassment, 16 cases of libel, and seven attempted killings.¹¹⁸ In its 2018 World Press Freedom Index, Reporters Without Borders lowered the Philippines’ press freedom global ranking to 133rd from 127th in 2017, out of 180 countries surveyed.¹¹⁹

The Duterte government has done very little to address the many risks faced by journalists. Duterte himself has continuously lambasted journalists and media professionals. On May 31, 2016, during his first press conference a month before being sworn in, Duterte declared that journalists were not “exempted from assassination” and that journalists previously murdered were those who had “done something” to warrant their murder.¹²⁰ He also warned that journalists who defamed others in their reporting would not necessarily be protected from violent reprisals.¹²¹

Despite the introduction of Administrative Order No. 1 in October 2016, which created the ‘Presidential Task Force on Violations of the Right to Life, Liberty and Security of the Members of the Media,’¹²² there is little evidence that the task force has actively pursued cases of

112 Philippine Daily Inquirer, *Union leader slain in QC*, 24 September 2016; Philippine Daily Inquirer, *Bello urged to help stop attacks on unionists*, 27 September 2016

113 Interaksyon, *Wife of murdered Negros peasant leader files complaint with CHR*, 7 December 2017

114 Karapatan, *Karapatan condemns killing, arrest, harassment and forcible evacuation of peasants in Bicol, Negros, Quirino and Ilocos*, 28 July 2017; Altermidya, *Fisher folk leader shot dead in Guihulngan City*, 26 July 2017

115 Altermidya, *Fisher folk leader shot dead in Guihulngan City*, 26 July 2017

116 GMA News, *Military ‘vehemently denies’ killing peasant leader in Negros Occidental*, 7 December 2017

117 Freedom for Media, Freedom for All Network, *Case Files: The 12 Journalists Killed Under the Duterte Administration*, 23 November 2018, available at: <http://pcij.org/stories/case-files-the-12-journalists-killed-under-the-duterte-administration/>

118 Freedom for Media, Freedom for All Network, *Attacks and Threats Against the Press*, 23 November 2018, available at: <http://www.mindanews.com/statements/2018/11/the-state-of-philippine-media-relentless-attacks-and-threats-online-on-ground-across-the-nation/>

119 Reporters Without Borders, *Philippines, Duterte’s attacks on press freedom*, 25 April 2018

120 AFP, *Duterte endorses killing corrupt journalists*, 1 June 2016

121 AFP, *Duterte endorses killing corrupt journalists*, 1 June 2016

122 Official Gazette, *Administrative Order No. 01 Creating the Presidential Task Force on Violations of the Right to Life, Liberty and Security of the Members of the Media*, 11 October 2016

.....
attacks on journalists.¹²³ The Observatory delegation was unable to obtain any information directly from the Task Force, as its numerous requests for a meeting went unanswered.

Several journalists have experienced attacks online and on social media. **Maria Ressa**, founder and editor of *Rappler*, an online news outlet known for its investigative reporting and its criticism of the Duterte administration's actions, has been the target of online harassment campaigns. In a Tagalog language post in early 2017, a 22-year-old student wrote: "I want Maria to be raped until she dies. This would make me so happy."¹²⁴ She also said that she had received as many as 90 hate messages an hour after the 2016 presidential election.¹²⁵

In September 2016, Philippine-based freelance journalist **Gretchen Malalad** and *Al Jazeera* correspondent **Jamela Alindogan-Caudron** were both subjected to personal threats on social media over their critical coverage of the Duterte administration.¹²⁶ Malalad became a target of attacks after allegedly sharing information with a *TIME* journalist about Duterte's purported connections to extrajudicial killings in the 'war on drugs.'¹²⁷ Alindogan-Caudron was criticised for her reporting of deaths of soldiers who were part of the hunt against the Abu Sayyaf terrorist group.¹²⁸ Both journalists received threats of rape and harm towards their families.¹²⁹

Despite Duterte's timid appeal to his supporters to stop threatening journalists,¹³⁰ online attacks against media workers continued. In October 2016, *Reuters* reporters **Karen Lema** and **Manuel Mogato** were described in a picture shared on social media as "the real culprits behind the fuss" over Duterte's controversial remarks that drew parallels between Adolf Hitler's killing of Jews and the 'war on drugs.'¹³¹ The caption just below the picture stated that "malicious and irresponsible journalists are the true enemies of democracy" and that they "should be punished with the full force of the law."¹³²

In another case, on November 3, 2017, RJ Nieto, known as blogger 'Thinking Pinoy,' incited violence against *Rappler* reporter **Pia Ranada** during his radio programme. Nieto urged his guest, then-Presidential Spokesperson Harry Roque, to throw a hollow block at Ranada, after Roque commented that in response to journalists hurling criticisms against the government he would throw hollow blocks at journalists. Ranada filed a complaint against Nieto with the Association of Philippine Broadcasters. Roque later issued a tweet attempting to quell the attacks against Ranada.¹³³ According to Ranada, Duterte called her a "traitor" and threatened that "something" would happen to her if she travelled to Davao. As a result of her reporting, she also received anonymous rape, death, and other threats via e-mail and social media.¹³⁴

.....
123 GMA News, *Gov't task force to probe media killings 'doing little' – researcher*, 12 August 2017

124 Reporters Without Borders, *Philippine government attacks leading news website Rappler*, 16 January 2018

125 UNESCO, *World Trends in Freedom of Expression and Media Development: 2017/2018 Global Report*, 2018, p. 159

126 Rappler, *NUJP to Palace: Investigate social media attacks vs journalists*, 19 September 2016

127 ABS-CBN, *Probe sought on harassment of journalists*, 20 September 2016

128 ABS-CBN, *Probe sought on harassment of journalists*, 20 September 2016

129 International Federation of Journalists, *Filipino journalists threatened on social media*, 20 September 2016

130 GMA News, *Duterte says don't harass media, Palace says don't threaten De Lima*, 22 September 2016

131 Reuters, *Philippines' Duterte likens himself to Hitler, wants to kill millions of drug users*, 30 September 2016

132 GRPundit, *Reporters Karen Lema and Manuel Mogato of @Reuters LIED about the Duterte "Hitler" quote*, 1 October 2016; PhilNews.XYZ, *Karen Lema & Manuel Mogato: Alleged Culprit on Duterte's Hitler Comment*, October 2016

133 Center for Media Freedom and Responsibility, the National Union of Journalists of the Philippines, and the Philippine Center for Investigative Journalism, *The media and the Duterte presidency*, 23 November 2017

134 Committee to Protect Journalists, *Mission Journal: Duterte leads tri-pronged attack on press amid condemnation of controversial policies*, 5 July 2018

.....
News outlets critical of the Duterte administration have also been threatened with the revocation or blocking of the renewal of their licences. On March 30, 2017, Duterte called out the *Philippine Daily Inquirer* and *ABS-CBN*, which he referred to as "those sons of whore journalists," and accused them of writing unfair news about him and acting for the vested interests of their owners.¹³⁵ A month later, on April 27, 2017, Duterte threatened to block the renewal of *ABS-CBN*'s television franchise, after accusing them of refusing to air his political ads for the 2016 election campaign.¹³⁶ On the same day, and in a subsequent speech, Duterte also vowed to deal harshly with the owners of the *Philippine Daily Inquirer*, which he accused of owing eight billion pesos (US\$152,000 million) in back taxes on a downtown Manila property.¹³⁷ The *Philippine Daily Inquirer* is in the process of being bought out by tycoon Ramos Ang, who is said to be a close ally to Duterte.¹³⁸ On November 8, 2018, Duterte renewed his threat to block the renewal of *ABS-CBN*'s licence, set to expire in 2020.¹³⁹

On July 24, 2017, during his state of the nation address, Duterte accused *ABS-CBN* and online news agency *Rappler* of being "fully owned by Americans,"¹⁴⁰ in violation of laws restricting any foreign ownership of mass media.¹⁴¹ In January 2018, the Securities and Exchange Commission (SEC) announced the revocation of *Rappler*'s licence to operate on the grounds that it breached ownership rules when it accepted money from foreign investors.¹⁴² On January 17, 2018, then-Justice Secretary Vitaliano Aguirre granted the National Bureau of Investigation (NBI) the authority to investigate and build a case against *Rappler* and "to file the appropriate cases against those found liable."¹⁴³ He also said that *Rappler* would be thoroughly investigated by the DOJ for other violations in connection with the SEC decision.¹⁴⁴

On July 26, 2018, the Court of Appeals denied *Rappler*'s petition for review and agreed with the SEC that the company's issuance of Philippine Depositary Receipts was "tantamount to some foreign control," but said *Rappler* must be given "reasonable time" to make the necessary corrections. The court did not enforce the SEC's shutdown order through a revocation of *Rappler*'s licence.¹⁴⁵

On March 8, 2018, the Bureau of Internal Revenues (BIR) under the Finance Ministry announced that it had filed a complaint accusing *Rappler* of tax evasion.¹⁴⁶ According to *Rappler* founder and editor Maria Ressa, no field audit was subsequently produced by the BIR to back up its accusation.¹⁴⁷ Between November 14 and November 28, 2018, the DOJ filed five cases against Ressa and *Rappler* for alleged tax evasion, at the Pasig City RTC Branch 265 and the Court of Tax Appeals (CTA).¹⁴⁸ On December 3, 2018, Ressa posted bail

.....
135 Rappler, *Duterte tells 'rude' media: Beware of 'karma'*, 30 March 2017; AFP, *Philippines' Duterte threatens top newspaper, broadcaster*, 30 March 2017

136 Rappler, *Duterte to block renewal of ABS-CBN franchise*, 27 April 2017; *Philippine Daily Inquirer*, *Duterte threatens to block franchise of ABS-CBN*, 27 April 2017

137 Manila Times, *Duterte to pursue tax case vs Inquirer owners*, 28 April 2017; Rappler, *Duterte threatens 'exposé' vs Inquirer*, 1 July 2017

138 CNN Philippines, *Ang completes Inquirer deal*, 22 November 2017

139 *Philippine Daily Inquirer*, *Duterte renews threat to block ABS-CBN franchise renewal*, 8 November 2018

140 Rappler, *FULL TEXT: President Duterte's State of the Nation Address 2017*, 25 July 2017

141 Article XVI, Section 11(1) of the Philippine Constitution states that "The ownership and management of mass media shall be limited to citizens of the Philippines, or to corporations, cooperatives or associations, wholly-owned and managed by such citizens." Presidential Decree No. 1018, *Limiting the Ownership and Management of Mass Media to Citizens of the Philippines and for Other Purposes*, 22 September 1976

142 Rappler, *SEC revokes Rappler's registration*, 15 January 2018; *Philippine Daily Inquirer*, *SEC orders Rappler to shut down*, 15 January 2018

143 Reuters, *Philippines orders further probes into news site that angered Duterte*, 17 January 2018; Rappler, *Malacañang says DOJ can file charges vs Rappler*, 16 January 2018

144 Reuters, *Philippines orders further probes into news site that angered Duterte*, 17 January 2018

145 Rappler, *DOCUMENT: Court of Appeals' full decision on Rappler's SEC case*, 27 July 2018; Rappler, *Business as usual for Rappler, CA urges review of shutdown order*, 27 July 2018

146 Rappler, *BIR files tax evasion complaint vs Rappler Holdings*, 8 March 2018

147 *Philippine Star*, *Rappler CEO Ressa: No due process in tax evasion case*, 7 May 2018; Rappler, *Rappler hits BIR for 'selective justice' in tax evasion case*, 7 May 2018

148 Rappler, *DOJ files yet another tax case vs Maria Ressa, Rappler Holdings in Pasig court*, 29 November 2018; Rappler, *Ahead of warrant, Maria Ressa posts bail at Court of Tax Appeals*, 11 December 2018

.....
at the Pasig City RTC after the court charged her for alleged violation of the Tax Code.¹⁴⁹ On December 11, 2018, Ressa posted bail at the CTA for the four other charges of alleged violation of the Tax Code.¹⁵⁰

In parallel, on March 2, 2018, the NBI revived a previously dismissed cyber libel action over an investigative report published by *Rappler* in 2012.¹⁵¹ On February 13, 2019, NBI officers arrested Ressa at *Rappler's* headquarters in connection with the case,¹⁵² following the DOJ's recommendation for the filing of cyber libel charges against *Rappler*, Ressa, and former researcher Reynaldo Santos Jr.¹⁵³ Ressa spent the night at the NBI Cybercrime Division after the Pasay night court judge refused to process her bail request. She was released the next day.¹⁵⁴

The government has also sought to undermine the credibility of media outlets and has selectively banned journalists and media correspondents from government events and press conferences. After *Rappler's* publication of an article on Special Assistant to the President Christopher 'Bong' Go,¹⁵⁵ on January 16, 2018, Duterte accused the news website of being a "fake news outlet."¹⁵⁶ On February 20, 2018, officials denied *Rappler's* accredited Malacañang [Presidential Palace] correspondent Pia Ranada access to Malacañang. Then-Presidential Spokesperson Harry Roque and Presidential Executive Secretary Salvador Medialdea later confirmed that *Rappler* reporters were barred from covering Duterte's official events at Malacañang.¹⁵⁷ In March 2018, Malacañang banned all *Rappler* reporters and correspondents from covering all events where President Duterte was present.¹⁵⁸

In another development, in April 2018, the House of Representatives – controlled by Duterte's party and its allies – through its media accreditation body, the Press and Public Affairs Bureau (PPAB), circulated draft rules that would allow it to ban reporters who "besmirch the reputation of the House of Representatives, its officials or members."¹⁵⁹ Under these proposed regulations, the PPAB could deny an application or revoke media ID issued by the House of Representatives. In the draft document, the PPAB justified the move to preserve "the dignity of the institution" and not compromise or hamper the "legislative work of the lawmakers."¹⁶⁰

.....
149 *Rappler*, *DOCUMENT: Arrest warrant for Maria Ressa in tax case*, 3 December 2018

150 *Rappler*, *Ahead of warrant, Maria Ressa posts bail at Court of Tax Appeals*, 11 December 2018

151 GMA News, *NBI won't file case vs. Rappler over cyber libel complaint*, 22 February 2018; *Rappler*, *NBI junks cyber libel complaint vs Rappler*, 22 February 2018; *Rappler*, *NBI dismisses, then recommends cyber libel case vs Rappler*, 9 March 2018

152 *Rappler*, *Rappler CEO Maria Ressa arrested for cyber libel*, 13 February 2019

153 *Rappler*, *Despite NBI flip-flop, DOJ to indict Rappler for cyber libel*, 4 February 2019

154 *Rappler*, *NBI detains journalist Maria Ressa for the night*, 13 February 2019

155 *Rappler*, *Bong Go intervenes in P15.5-B project to acquire PH warships*, 16 January 2018

156 *Rappler*, *Duterte calls Rappler 'fake news outlet'*, 16 January 2018; *Philippine Daily Inquirer*, *Duterte, Rappler clash over fake news, press freedom*, 18 January 2018

157 *Rappler*, *Rappler no longer accredited for Malacañang coverage – Palace official*, 20 February 2018

158 *Rappler*, *Rappler provincial reporters barred from covering Duterte's events*, 17 March 2018

159 *Rappler*, *PH lawmakers seek to ban reporters who 'besmirch' them*, 27 April 2018

160 *Rappler*, *PH lawmakers seek to ban reporters who 'besmirch' them*, 27 April 2018

Duterte administration limits free speech

Duterte and his allies in Congress have sought to limit free speech through amendments to the Constitution. On January 16, 2018, a hastily formed sub-committee of the House Committee on Constitutional Amendments proposed to include the qualifier "responsible exercise" to the constitutional protection of free speech (Article III, Section 4 of the Constitution).¹⁶¹ Adding the expression "responsible exercise" to the clause is inconsistent with the permissible restrictions on the right to freedom of opinion and expression under international law, which are allowed only when "necessary" for the "respect of the rights or reputations of others" or "the protection of national security or of public order (*ordre public*), or of public health or morals."¹⁶²

Reporters have also faced intimidation by police. On February 7, 2018, the PNP admitted to conducting background checks on new reporters covering the PNP.¹⁶³ Several reporters said that police personnel had visited their offices and asked them about personal matters, while others had been visited at home or received calls from policemen.¹⁶⁴

In addition, PNP officials and units have repeatedly denied requests for 'spot' reports,¹⁶⁵ allegedly because of difficulties in making copies of the reports.¹⁶⁶ PNP chiefs have also routinely refused to grant interviews about relevant details of operations conducted against illegal drugs.¹⁶⁷

Several news media outlets have also had their websites hacked and reports have surfaced of Duterte supporters who 'attacked' the social media accounts of journalists critical of his administration.¹⁶⁸ On July 29, 2016, the website of the Philippine Center for Investigative Journalism (PCIJ) was hacked after it had published reports on the Duterte administration's 'war on drugs'.¹⁶⁹ On December 8, 2016, the Facebook page of *Reuters* journalist **Manny Mogato** was hacked. His cover photo was changed to the cover photo used by the pro-Duterte Facebook page 'Duterte is my President'.¹⁷⁰ On January 9, 2017, the website of the National Union of Journalists of the Philippines (NUJP) was made inaccessible following a denial of service attack.¹⁷¹ Prior to the attack, the NUJP had released a statement against Duterte's declaration that he was 'playing' with the media.¹⁷² In February 2018, a series of hacks were also launched against the website of alternative news outlet *Kodao*, preventing readers from accessing news stories and the website's administrators from posting new content.¹⁷³ In late January and February 2019, human rights NGO Karapatan's website suffered a denial of service attack and was made inaccessible.¹⁷⁴

161 Article III, Section 4 of the Philippine Constitution states that "No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances." The amended provision would read: "No law shall be passed abridging **the responsible exercise** of the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances."

162 Article 19 of the ICCPR

163 SunStar, *Police admit background checks on media*, 7 February 2018; GMA News, *PNP admits background check on new journos covering Crame, vows to change process*, 7 February 2018

164 SunStar, *Police admit background checks on media*, 7 February 2018

165 Spot reports are documents that contain basic details related to an ongoing investigation. Sample spot report: <http://www.pnp.gov.ph/images/Forms/DIDM/SpotReport.pdf>

166 Philippine Daily Inquirer, *No order to deny media police reports, says PNP*, 14 September 2017; Center for Media Freedom and Responsibility, National Union of Journalists of the Philippines, and Philippine Center for Investigative Journalism, *The media and the Duterte presidency: Impunity acute and benign, fettered flow of information*, 23 November 2017

167 Center for Media Freedom and Responsibility, National Union of Journalists of the Philippines, and Philippine Center for Investigative Journalism, *The media and the Duterte presidency: Impunity acute and benign, fettered flow of information*, 23 November 2017

168 Rappler, *Filipino journalist's Facebook account hacked*, 8 December 2016

169 ABS-CBN News, *PCIJ website hacked after stories on Duterte's war on drugs*, 29 July 2016

170 Rappler, *Filipino journalist's Facebook account hacked*, 8 December 2016

171 A denial of service is a cyber-attack in which the attacker seeks to make a network unavailable to its intended users by disrupting services of a host connected to the internet.

172 Philippine Star, *NUJP website hacked by 'enemies of press freedom, free expression'*, 10 January 2017

173 Rappler, *NUJP slams cyberattack on Kodao Productions' website*, 2 February 2018

174 Karapatan, *Karapatan's open letter on the recent cyber-attack against its website*, 17 February 2019

4.5 National human rights body ridiculed, members threatened

The Commission for Human Rights (CHR) of the Philippines has been one of the primary targets of the Duterte administration's attacks against human rights defenders since it began publicly criticising Duterte's 'war on drugs'.¹⁷⁵ The attacks against the Commission have sought to diminish its credibility, undermine public trust in the body, and threaten its ability to fulfil its mandate.

The government has vilified the CHR for defending the rights of those killed in the 'war on drugs,' and has sought to publicly discredit it. On July 1, 2017, Duterte said that "[m]ost of the time, the Commission on Human Rights defend[s] criminals."¹⁷⁶ On September 14, 2017, Speaker of the House of Representatives Pantaleon Alvarez claimed that the CHR believed its mandate was only to ensure that "state forces do not commit human rights violations against criminals."¹⁷⁷ Duterte has seen the CHR as an obstacle to his administration's 'war on drugs' and incited violence against its members. During a speech on August 16, 2017, Duterte suggested that human rights activists, including members of the CHR, were "obstructing justice" and urged police to "shoot them."¹⁷⁸ During a press conference on July 24, 2017, Duterte also said that the CHR would be "better abolished," before later claiming his comment was intended as a "joke."¹⁷⁹

Members of the administration have attempted to shift the focus away from the 'war on drugs' killings by criticising the CHR for its supposed inaction on other human rights issues. On August 7, 2017, then-Congressman Harry Roque (who would later become Presidential Spokesperson) incorrectly accused the CHR of "silence" on the human rights violations committed under previous administrations and accused them of being used as a political tool by the opposition.¹⁸⁰ In September 2017, Duterte criticised the CHR for remaining silent on terrorists committing human rights abuses in Marawi, asking, "Can't you move to other issues that are besetting this country?"¹⁸¹ In November 2017, Roque criticised the CHR for not having conducted any investigations into human rights abuses committed by non-state actors, such as the terrorist Maute group in Marawi.¹⁸²

Duterte and his allies in the House of Representatives have also attempted to prevent the CHR from carrying out its mandate by threatening to eliminate the CHR's budget. On August 7, 2017, during a 2018 budget hearing, Speaker of the House of Representatives Pantaleon Alvarez called on lawmakers to give the CHR "zero budget," claiming that the body was not doing its job to protect the rights of all Filipinos, but instead protected criminals.¹⁸³ On September 11, 2017, Alvarez proposed 1,000 pesos (US\$19) as their budget, and insisted that the CHR was not fulfilling its "mandate [...] to protect the rights of every person, not just that of criminals."¹⁸⁴ The following day the House of Representatives voted 119-32 in favour of the

175 Rappler, *Summary killings under Duterte admin 'unprecedented' – CHR*, 24 August 2016

176 Presidential Communications Operations Office, *Speech of President Rodrigo Roa Duterte during his Attendance to the 50th Founding Anniversary of Davao del Norte*, 1 July 2017, available at: <https://pcoo.gov.ph/speech-of-president-rodrigo-roa-duterte-during-his-attendance-to-the-50th-founding-anniversary-of-davao-del-norte/>

177 Rappler, *Alvarez on CHR budget cut: It's about accountability*, 14 September 2017

178 Philippine Star, *Duterte: Shoot CHR personnel if they obstruct justice*, 17 August 2017; Rappler, *Duterte warns he'll order shooting of human rights advocates*, 16 August 2017

179 Philippine Daily Inquirer, *Duterte threatens to abolish CHR*, 25 July 2017; Rappler, *'My men' can snub your probe, Duterte tells CHR, Ombudsman*, 24 July 2017; Philippine Daily Inquirer, *Duterte on statement to abolish CHR: It was a joke*, 2 August 2017

180 Rappler, *Possible impeachment complaint? CHR's Gascon says he's ready*, 7 August 2017

181 Philippine Star, *Duterte slams CHR chief: Are you a pedophile?*, 16 September 2017

182 ABS-CBN News, *Roque: CHR exec claiming monopoly of concern for human rights*, 21 November 2017; Rappler, *Harry Roque headed to Marawi for cases vs Maute group*, 21 November 2017

183 Rappler, *Give CHR zero budget if it cannot be abolished – Alvarez*, 7 August 2017

184 CNN Philippines, *House gives CHR P1,000 budget for 2018*, 12 September 2017; Rappler, *Alvarez wants P1,000 budget for CHR that 'doesn't do its job'*, 11 September 2017; Rappler, *House budget debates: CHR gets only P1,000 for 2018*, 12 September 2017

.....
proposed budget.¹⁸⁵ The House later agreed to restore the CHR's budget¹⁸⁶ and on December 12, 2017, the Congress ratified a budget of 695.5 million pesos (US\$13.2 million) for the CHR in 2018 – a 4% reduction of its 2017 budget.¹⁸⁷

In a further attempt to hamper the CHR's investigations into killings related to the 'war on drugs,' the Duterte administration effectively blocked the CHR's access to documents pertaining to the killings. During a press conference on July 24, 2017, Duterte said he would not allow the CHR or Ombudsman¹⁸⁸ to investigate any alleged human rights violations committed by the police or military, without first addressing their requests to him.¹⁸⁹

CHR Commissioners have reported difficulty obtaining detailed documentation from the PNP related to cases where victims were killed in connection with the 'war on drugs.'¹⁹⁰ On August 29, 2017, the PNP agreed to provide the CHR with case files of deaths involving police operations as part of the 'war on drugs,'¹⁹¹ but backtracked days later on account of Duterte's standing instruction that "all investigations to be conducted on police and military actually pertaining to human rights violation[s]" had to be cleared with him.¹⁹² In late 2017, the PNP iterated on at least two occasions that they could only provide 'spot' reports of cases, as the release of records could jeopardise ongoing investigations.¹⁹³ In 2018, the CHR continued to report a lack of cooperation from the PNP,¹⁹⁴ including difficulty in obtaining the 'spot' reports promised by the PNP.¹⁹⁵

Attempts to discredit the CHR have also been made by attacking its Chair, **Jose Luis Martin 'Chito' Gascon**. Duterte repeatedly made personal attacks against Gascon, publicly calling him an "idiot" on a number of occasions and a "fair-skinned fool."¹⁹⁶ In another instance, Duterte asked Gascon if he was "gay" or "a paedophile" after the CHR voiced concern over the alleged killing by police of teenagers in the 'war on drugs.'¹⁹⁷ Members of the CHR also reported receiving harassment and threats online, notably from members of the public accusing them of being protectors of criminals or for allegedly not taking action in regards to human rights violations of past administrations.¹⁹⁸

.....
185 Philippine Daily Inquirer, *House gives Commission on Human Rights P1,000 budget for 2018*, 12 September 2017; Rappler, *House approves P3.767-trillion 2018 budget on 2nd reading*, 12 September 2017

186 Reuters, *Philippine Congress agrees to restore rights commission budget from \$20*, 20 September 2017; ABS-CBN News, *House restores budget for CHR, 2 other agencies*, 20 September 2017; Rappler, *House set to restore CHR, ERC, NCIP 2018 budgets*, 20 September 2017

187 Rappler, *Duterte signs P3.8-trillion 2018 national budget into law*, 19 December 2017; Rappler, *Congress ratifies P3.767-trillion national budget for 2018*, 12 December 2017; Official Gazette, *General Appropriations Act, FY 2018, XXXV Commission on Human Rights*, 29 December 2017, Vol. 113, No. 1, available at: <https://www.dbm.gov.ph/wp-content/uploads/GAA/GAA2018/TechGAA/CHR/CHR.pdf>; Official Gazette, *General Appropriations Act, FY 2017, XXXV Commission on Human Rights*, 29 December 2016, Vol. 112, No. 1, available at: <https://www.dbm.gov.ph/wp-content/uploads/GAA/GAA2017/TechGAA/CHR/CHR.pdf>

188 The Ombudsman has stated that the Office of the Ombudsman has subpoena powers under Philippine law. Rappler, *Morales says Duterte can't interfere in her probes: 'Ano ang pakialam niya?'*, 28 July 2017

189 Philippine Daily Inquirer, *Duterte threatens to abolish CHR*, 25 July 2017; Rappler, *'My men' can snub your probe, Duterte tells CHR, Ombudsman*, 24 July 2017

190 Rappler, *CHR in 2016: 'We are not enemies of the fight against drugs'*, 3 December 2016; Rappler, *'Puro dribble': CHR hits PNP for not cooperating in drug war probes*, 24 August 2017

191 Philippine Daily Inquirer, *PNP agrees to CHR request for documents on drug war deaths*, 29 August 2017; GMA News, *PNP chief meets with CHR execs at Crame*, 29 August 2017; InterAksyon, *CHR, PNP, DILG to shore up human rights in police operations*, 29 August 2017

192 Rappler, *Duterte ordered police not to share files with CHR – DILG*, 8 September 2017

193 Rappler, *Evading probes? The many times Duterte admin didn't give drug war documents*, 6 March 2018; CNN Philippines, *PNP gives CHR access to spot reports of drug killings*, 2 December 2017; Philippine Daily Inquirer, *PNP agrees to give spot police reports to CHR*, 6 December 2017

194 Rappler, *Duterte nod needed before sharing Tokhang files with SC – PNP*, 18 April 2018

195 Rappler, *Evading probes? The many times Duterte admin didn't give drug war documents*, 6 March 2018

196 Philippine Daily Inquirer, *Duterte calls CHR chair idiot*, 27 May 2016; Philippine Star, *Duterte slams CHR chief: Are you a pedophile?*, 16 September 2017; Rappler, *Duterte warns he'll order shooting of human rights advocates*, 16 August 2017

197 Philippine Star, *Duterte slams CHR chief: Are you a pedophile?*, 16 September 2017

198 Philippine Daily Inquirer, *CHR: We're after abuses by gov't, not crimes by ordinary civilians*, 1 July 2017; Lionheartv, *Netizen Rebutts Beverly Salviejo's Hysterical Claims Against CHR*, 15 September 2017

.....
In the midst of the CHR's budget hearing for 2018, Duterte-aligned MPs in the House of Representatives threatened to impeach Gascon. On August 7, 2017, Speaker of the House of Representatives Pantaleon Alvarez warned that Gascon could be impeached for supposedly not being impartial.¹⁹⁹ From July to September 2017, a number of Duterte's allies within the government called for the resignation of Gascon over claims he was not supporting Duterte, did not care about the victims of drug traffickers, and was propagating the interests of the opposition Liberal Party.²⁰⁰

4.6 Duterte vs. lawmakers

Duterte and his administration have targeted members of the political opposition critical of his 'war on drugs.' Several opposition members have had politically motivated criminal charges brought against them in a bid by the administration to silence them and intimidate others from speaking out against the brutal killings unleashed by the 'war on drugs.'

As a long-time critic of Duterte's approach to combatting drugs and crime,²⁰¹ Senator **Leila de Lima** has been incarcerated on fabricated drug charges since February 24, 2017, when she handed herself into police, a day after a Manila court issued a warrant for her arrest. On February 17, 2017, the DOJ had filed three charges against de Lima under the Comprehensive Dangerous Drugs Act of 2002, in relation to her alleged involvement in a drug trafficking ring inside Metro Manila's New Bilibid Prison.

De Lima has been in pre-trial detention at the PNP Custodial Center at Manila's Camp Crame since her arrest, because bail is not permitted under the charges levelled against her. De Lima's arraignment in all three cases was delayed as the DOJ was amending the charges.²⁰² On July 27, 2018, de Lima was arraigned in one of the cases before the Muntinlupa RTC Branch 206.²⁰³ On August 10, 2018, she was arraigned for her second drug charge before the Muntinlupa RTC Branch 205.²⁰⁴ She faces between 12 years to life in prison, if convicted of all charges.

The retaliation against de Lima began after she filed a resolution in the Senate on July 13, 2016, to investigate the "rampant extrajudicial killings and summary executions of suspected criminals."²⁰⁵ In August 2016, as Chair of the Senate Committee on Justice and Human Rights, de Lima also convened hearings on the hundreds of killings that had been carried out as part of President Duterte's 'war on drugs.'²⁰⁶ Making no secret of his personal vendetta against de Lima, on August 11, 2016, Duterte pledged to "destroy her in public."²⁰⁷ On August 29, 2016, Duterte even encouraged de Lima to resign and hang herself.²⁰⁸ On September 19,

.....
199 Rappler, *Possible impeachment complaint? CHR's Gascon says he's ready*, 7 August 2017

200 Rappler, *CHR chairman should resign – Panelo*, 27 July 2017; Rappler, *Want bigger CHR budget? Alvarez says Gascon should resign*, 12 September 2017; Philippine Daily Inquirer, *Aguirre says Gascon resignation may be good for CHR*, 14 September 2017; GMA News, *DILG exec says Gascon should resign to 'save CHR as an independent institution'*, 14 September 2017; GMA News, *Aguirre says CHR 'one-sided,' wants Gascon to quit*, 14 September 2017; ABS-CBN News, *Sotto: If you can't support Duterte, resign*, 13 September 2017; Newspaper PH, *Archbishop Oscar Cruz calls for CHR Chito Gascon to resign!*, 20 September 2017

201 As Chair of the Commission on Human Rights in 2009 de Lima initiated a probe into Duterte's involvement in the 'Davao Death Squad' during his time as mayor of Davao City. The 'Davao Death Squad' was a vigilante group allegedly responsible for the extrajudicial killing of more than 1,000 alleged drug criminals, which began in the 1990s. Human Rights Watch, *"You Can Die Any Time", Death Squad Killings in Mindanao*, April 2009, p. 15

202 The Department of Justice amended charges against de Lima from illegal drug trading to conspiracy to commit illegal drug trading. Rappler, *10 months since arrest, DOJ still amending case vs De Lima*, 19 December 2017

203 Philippine Daily Inquirer, *Leila De Lima finally arraigned 17 months since arrest*, 27 July 2018

204 Philippine Daily Inquirer, *De Lima also refuses to enter plea on second narcotics case*, 11 August 2018

205 Senate Resolution No. 9, 13 July 2016, available at: https://www.senate.gov.ph/lis/bill_res.aspx?congress=17&q=SRN-9

206 Rappler, *Dela Rosa to Senate: We are not butchers*, 23 August 2016

207 GMA News, *Duterte to a critic: 'I will destroy her'*, 12 August 2016

208 Philippine Daily Inquirer, *Duterte tells De Lima: Resign, hang yourself*, 29 August 2016

.....
2016, Senators voted to replace de Lima as Chair of the Committee.²⁰⁹ The hearings were shut down less than a month later.²¹⁰

On September 20, 2016, a day after de Lima was voted out as Chair of the Senate Committee on Justice and Human Rights, the House of Representatives' Justice Committee began the probe into the alleged proliferation of illegal drugs at the New Bilibid Prison, in which witnesses alleged that de Lima had received millions of pesos in drug money.²¹¹ During the inquiry, convicted felons testifying against her revealed de Lima's phone number and home address in the televised hearing, after which she received a flood of almost 2,000 threatening and harassing text messages.²¹² Presidential Communications Secretary Martin Andanar later told Duterte supporters to "be responsible" with their text messaging.²¹³

On December 13, 2016, Duterte's allies in the House of Representatives filed an additional criminal complaint against de Lima for disrespecting the legislature, in connection with criticism she made of her treatment and the fate of the inquiry.²¹⁴

On September 7, 2018, the NBI served de Lima a subpoena for a drug-related investigation connected to "the extrajudicial confession" of alleged Visayas drug lord Roland 'Kerwin' Eslabon Espinosa.²¹⁵

.....
²⁰⁹ Philippine Daily Inquirer, *De Lima ousted as chair of panel*, 20 September 2016; Philippine Daily Inquirer, *Senators explain why they ousted De Lima*, 20 September 2016; Rappler, *Senate ousts De Lima as justice committee chairperson*, 19 September 2016

²¹⁰ CNN, *Philippines scraps inquiry into alleged extrajudicial killings*, 14 October 2016

²¹¹ Rappler, *Bilibid drugs probe: Immunity granted to 6 witnesses*, 20 September 2016

²¹² Rappler, *De Lima gets 2,000 threat messages, calls*, 20 September 2016

²¹³ Philippine Daily Inquirer, *Palace to Du30 trolls: Behave*, 23 September 2016; GMA News, *Duterte says don't harass media, Palace says don't threaten De Lima*, 22 September 2016

²¹⁴ Reuters, *Philippine lawmakers file criminal case against Duterte critic*, 13 December 2016

²¹⁵ Rappler, *New case? De Lima is summoned by NBI for a drug investigation*, 10 September 2018

Misogyny common in Duterte's attacks against critics

It is impossible to ignore the misogynistic component of Duterte's attacks on his critics. Since becoming president, Duterte has viciously and publicly attacked women who have opposed him or whom he has perceived to be critics of his administration.

Senator Leila de Lima, one of Duterte's fiercest critics, has been exposed to repeated sexist and misogynistic remarks about her private life. Before her detention on politically motivated charges [See above], Duterte and his political allies sought to discredit her by publicly sharing details about her personal life in the media. In August 2016, Duterte repeatedly accused de Lima of "immorality" for allegedly having had an affair with her driver and said that her "sexual escapades" had led her to violate the law.²¹⁶ Duterte also claimed he possessed several "sex tapes" of de Lima²¹⁷ and repeatedly referred to her as an actress in an X-rated film.²¹⁸ In September 2016, several Congressmen threatened to show the alleged sex tapes in the House of Representatives.²¹⁹

Senator Risa Hontiveros, another vocal critic of many of the present administration's actions and policies, similarly faced legal harassment in reaction to her actions challenging the government's policies [See below]. As a result of her criticism of the president, Hontiveros received unsolicited phone calls, text messages, and messages on social media, in which pro-Duterte supporters wished for her to be raped.²²⁰

Vice-President Maria Leonor 'Leni' Robredo opposed the Duterte administration over its 'war on drugs,' the decision to allow the burial of the late President Ferdinand Marcos at the Heroes' Cemetery, plans to reinstate the death penalty, plans to lower the age of criminal liability, and violations of women's rights, among other issues.²²¹ On December 3, 2016, Duterte instructed Robredo, as Housing Secretary, to no longer attend Cabinet meetings.²²² Robredo issued a statement the following day in which she tendered her resignation.²²³ Duterte's repeated sexist 'jokes' about Robredo, specifically about her legs and beauty eventually led her to call out his "tasteless remarks and inappropriate advances."²²⁴ On July 10, 2018, Duterte said Robredo would never be ready to become president due to her "incompetence."²²⁵

Both Supreme Court Chief Justice Maria Lourdes Sereno and Ombudsman Conchita Carpio Morales were threatened with removal from their positions, with Sereno eventually ousted in a Supreme Court ruling on May 11, 2018.²²⁶ Following Sereno's ouster, Duterte made comments suggesting that women should not be in positions of power. Sereno had previously voted against several of Duterte's proposals, such as the extension of martial law in Mindanao and allowing the late President Ferdinand Marcos to be buried in the Heroes' Cemetery.²²⁷ Meanwhile Morales, whose office had begun an investigation into allegations of unexplained wealth of Duterte and his family, had an impeachment

216 Philippine Daily Inquirer, *Duterte: De Lima's 'sexcapades' led her to crime, drug pay-offs*, 24 August 2016;

Philippine Star, *Duterte: De Lima's affair caused Bilibid irregularities*, 21 August 2016

217 Politiko, *Duterte isn't turned on by De Lima even after watching her sex video: 'Every time I view it, I lose my appetite'*, 26 September 2016

218 Politiko, *Leila de Lima a sexy actress? Du30 hits the senator anew*, 9 September 2016

219 GMA News, *Aguirre: De Lima's alleged sex video can be used in court*, 27 September 2016; Rappler, *Alvarez: OK to show De Lima's alleged sex tape in House probe*, 28 September 2016

220 Information obtained by the Observatory, August 2017; Coconuts Manila, *Netizens send rape threats to senator after she criticizes Duterte for rape joke*, 3 September 2018

221 Rappler, *LIST: Where Duterte and Robredo part ways*, 5 December 2016; Rappler, *Palace: Duterte, Robredo have 'irreconcilable differences'*, 4 December 2016

222 Rappler, *How did Duterte break with Robredo? Through text message*, 4 December 2016

223 Rappler, *FULL TEXT: 'I will not allow the Vice Presidency to be stolen' – Robredo*, 4 December 2016

224 Rappler, *At Yolanda anniversary, Duterte teases Robredo about short skirt*, 9 November 2016; Rappler, *Leni Robredo on Duterte's 'tasteless remarks'*, 9 November 2016; Rappler, *Robredo strives to rise above male-dominated politics*, 18 November 2016

225 Philippine Daily Inquirer, *Duterte: Robredo 'incompetent,' will never be ready to become President*, 10 July 2018

226 Reuters, *Philippine Supreme Court removes Duterte 'enemy' judge*, 11 May 2018

227 Reuters, *Philippine Supreme Court removes Duterte 'enemy' judge*, 11 May 2018

complaint filed against her on December 13, 2017.²²⁸ On May 16, 2018, Duterte said the next Ombudsman or Chief Justice "could not be a politician, especially not a woman."²²⁹ Just over a week later, on May 24, 2018, Duterte stressed that some jobs were not for women, and stated that women can't stand "threats and intimidation."²³⁰

Duterte also used gender-based rhetoric and sexist comments to denigrate several international women experts who called into question the alleged extrajudicial killings committed in the 'war on drugs.' Duterte called UN Special Rapporteur on extrajudicial, summary or arbitrary executions Agnès Callamard "malnourished," while referring to ICC prosecutor Fatou Bensouda as "that black woman." He also told the two women "Don't fuck with me, girls."²³¹

In addition to the attacks made against his female critics, Duterte also incited violence against women. On May 26, 2017, during a speech at a military camp in Iligan City, Northern Mindanao, Duterte warned soldiers against committing abuses, but joked that he would personally claim responsibility for soldiers if any of them were to rape three women.²³² On February 7, 2018, Duterte said AFP soldiers should "shoot NPA rebels in the vagina,"²³³ later defending the remarks as "a sort of sarcasm."²³⁴

A number of other political opponents of Duterte are also facing politically motivated criminal charges for standing against human rights violations resulting from Duterte's policies:

- Senator **Risa Hontiveros** has been a strong voice against Duterte's 'war on drugs.'²³⁵ She also criticised and voted against the extension of martial law in Mindanao,²³⁶ criticised a bill aimed at reintroducing the death penalty,²³⁷ as well as Duterte's decision to withdraw the Philippines from the Rome Statute of the International Criminal Court (ICC).²³⁸ During a speech delivered in the Senate on September 11, 2017, Hontiveros showed that members of the administration were conspiring to bring criminal charges against her. During the speech, Hontiveros revealed a photo of then-Secretary of Justice Aguirre's mobile phone screen, which showed text messages instructing the receiver (believed to be former Congressman and Duterte ally Jacinto 'Jing' Paras) to "expedite the cases" against Hontiveros.²³⁹

In September 2017, Paras and two other lawyers filed a complaint urging the Office of the Ombudsman to investigate Hontiveros for obstruction of justice (under Presidential Decree 1829), kidnapping (under the Revised Penal Code), abuse and exploitation of minors (under Republic Act 7610), and three counts of violation of the Republic Act 4200 (also known as the Anti-Wiretapping Law).²⁴⁰ The charges were in relation to Hontiveros' actions to protect three underage witnesses in a Senate committee hearing on the killing of 17-year-old student Kian Loyd Delos Santos, and showing a photo of Justice Secretary Aguirre's mobile phone screen during her speech on September 11, 2017.

228 ABS-CBN News, *VACC files impeachment case vs Ombudsman*, 13 December 2017

229 Philippine Daily Inquirer, *Duterte: Next Ombudsman should have integrity and not be a woman*, 16 May 2018; GMA News, *Duterte on next CJ: Not a politician, lalo na hindi babae*, 16 May 2018

230 Manila Times, *Duterte: Women competent but can't stand threats, intimidation*, 25 May 2018

231 Philippine Daily Inquirer, *Gov't hits UN exec's tip for Duterte to see shrink*, 11 March 2018; SunStar, *Duterte tells ICC prosecutor, UN rapporteur not to mess with him*, 8 March 2018

232 Reuters, *Philippines' Duterte jokes about rape amid concern over martial law abuses*, 27 May 2017

233 CNN Philippines, *Roque on Duterte's 'shoot the vagina' remark: 'Don't take him literally'*, 14 February 2018

234 Reuters, *Philippines' Duterte defends 'sarcastic' remark on shooting women in genitals*, 26 February 2018

235 Philippine Daily Inquirer, *Hontiveros insists there is state policy on drug deaths*, 6 September 2017

236 Senate of the Philippines, 17th Congress, *Martial Law Will Only Revive a Spent Force*, 13 December 2017, available at: http://www.senate.gov.ph/press_release/2017/1213_hontiveros1.asp

237 Senate of the Philippines, 17th Congress, *Death Penalty Against Drug Traffickers Will Not End the Drug Problem*, 7 February 2017, available at: http://www.senate.gov.ph/press_release/2017/0207_hontiveros2.asp

238 Senate of the Philippines, 17th Congress, *There Is No Hiding From the ICC*, 15 March 2018, available at: http://www.senate.gov.ph/press_release/2018/0315_hontiveros1.asp

239 ABS-CBN News, *Hontiveros wants Justice Secretary Aguirre to resign*, 11 September 2017

240 Philippine Star, *Hontiveros accused of wiretapping, kidnapping at Ombudsman*, 25 September 2017

On October 2, 2017, then-Justice Secretary Vitaliano Aguirre also filed a wiretapping complaint before the Pasay City Prosecutor's Office, which was then under his authority, under the Republic Act 4200 against Senator Hontiveros in relation to the speech she delivered in the Senate on September 11, 2017.²⁴¹

- Senator **Antonio Trillanes IV** criticised a number of Duterte's policies, such as his 'war on drugs',²⁴² his decision to withdraw the Philippines from the Rome Statute of the ICC,²⁴³ a bill aimed at reintroducing the death penalty,²⁴⁴ and the extension of martial law in Mindanao.²⁴⁵ On March 15, 2018, the Pasay City Prosecutor's Office confirmed filing charges of inciting to sedition (under Article 142 of the Revised Penal Code) against Senator Trillanes after he delivered a speech accusing Duterte of undeclared bank transactions of two billion pesos (US\$38 million) in October 2017.²⁴⁶ On June 6, 2018, Labour Undersecretary Jacinto 'Jing' Paras filed a complaint before the Pasay City Prosecutor's Office against Trillanes, accusing him of violating Article 282 of the Revised Penal Code for allegedly threatening his life when he attended a Senate hearing on May 29, 2018.²⁴⁷

On August 31, 2018, Duterte issued Proclamation No. 572, which withdrew the amnesty that former President Benigno Aquino III had granted to Trillanes in November 2010 over his involvement in the July 2003 Oakwood mutiny and the November 2007 Manila Peninsula siege.²⁴⁸ After Duterte's decision to invalidate Trillanes' amnesty was made public on September 4, 2018, Trillanes holed himself up in his Senate office.

On September 25, 2018, police officers arrested Trillanes at his Senate office and brought him to Makati police station, after the Makati RTC Branch 150 ordered his arrest based on a DOJ request. Trillanes was charged with 'rebellion' under Republic Act No. 6968 over his involvement in the Manila Peninsula siege in November 2007, before being released on bail later that day.²⁴⁹ On October 22, 2018, the Makati RTC Branch 148 rejected the DOJ's petition to issue an arrest warrant and a hold departure order (HDO) against Trillanes in relation to the July 2003 Oakwood mutiny.²⁵⁰

- Congressman **Carlos Isagani Zarate** opposed the extension of martial law in Mindanao²⁵¹ and criticised Duterte's decision to withdraw the Philippines from the Rome Statute of the ICC.²⁵² He also voted against a bill aimed at reintroducing the death penalty.²⁵³ On January 30, 2018, Manila police charged him with conducting a rally without a permit under

241 ABS-CBN News, *Aguirre files wiretapping rap vs Hontiveros*, 2 October 2017

242 Al Jazeera, *Senator: Rodrigo Duterte's drug war has killed 20,000*, 22 February 2018

243 Philippine Daily Inquirer, *Trillanes chides Duterte for pulling out of ICC*, 14 March 2018

244 Senate of the Philippines, 17th Congress, *PGA Welcomes the Strong Opposition of the Senate of the Philippines to the Reintroduction of the Death Penalty*, 18 October 2017, available at: http://www.senate.gov.ph/press_release/2017/1018_trillanes1.asp

245 GMA News, *Trillanes: Martial law extension a 'whimsical misuse of power'*, 18 July 2017

246 Rappler, *Inciting to sedition: Charges filed vs Trillanes over anti-Duterte speech*, 15 March 2018

247 PhilStar, *Labor exec Paras slaps Trillanes with grave threat rap*, 6 June 2018; Philippine Daily Inquirer, *Ex-solon files charges against Trillanes over threats*, 6 June 2018

248 Trillanes is a former Navy officer known for two coups de force (the occupation of hotels in central Manila in July 2003 and November 2007) led with fellow soldiers under former President Gloria Macapagal Arroyo to protest corruption in the Army. Duterte justified the decision to withdraw the amnesty on the basis that Trillanes had not complied with the minimum requirements (i.e. filing an application form and expressing guilt for his crime) in order to be granted amnesty. According to Duterte's Proclamation, the DOJ and the armed forces' court-martial were instructed to "pursue all criminal and administrative cases" against Trillanes over his involvement in the attempted military uprisings. ABS-CBN News, *Trillanes amnesty voided; senator faces charges, arrest*, 4 September 2018

249 Observatory, *Philippines: Arbitrary arrest of Senator Antonio Trillanes*, 5 October 2018; Rappler, *Senator Trillanes arrested*, 25 September 2018; Rappler, *With court victory, Trillanes 'more energized' to attack Duterte, Calida*, 22 October 2018

250 Rappler, *Trillanes scores victory, court junks arrest warrant*, 22 October 2018; ABS-CBN News, *DOJ motion for Trillanes' arrest denied*, 22 October 2018

251 GMA News, *Party-list solon Zarate fears 'perpetual martial law' in Mindanao*, 18 November 2017

252 Philippine Daily Inquirer, *PH withdrawing from ICC – Duterte*, 15 March 2018

253 Rappler, *LIST: How congressmen and women voted on the death penalty bill*, 7 March 2017

Section 13(a) of the Public Assembly Act of 1985, and with direct assault with physical injury and resistance and disobedience to a person in authority under Articles 148 and 151 of the Revised Penal Code. The charges were in connection with his participation in a protest on November 13, 2017 against the visit of US President Donald Trump to the Philippines.²⁵⁴

4.7 UN human rights experts harassed

UN human rights experts have faced backlash from Duterte and his administration as a result of their statements concerning risks faced by human rights defenders, the 'war and drugs,' human rights abuses in Mindanao, and attacks to the independence of the judiciary.

After UN Special Rapporteur on the rights of indigenous peoples **Victoria Tauli-Corpuz** and UN Special Rapporteur on internally displaced persons **Cecilia Jimenez-Damary** – both Filipinos – issued a joint statement in December 2017 on human rights abuses against thousands of Lumad in Mindanao,²⁵⁵ then-Presidential Spokesperson Harry Roque warned the pair to "be more circumspect on their statements."²⁵⁶ The attacks against Tauli-Corpuz escalated when on February 21, 2018, the DOJ filed a petition before the Manila RTC that listed 649 individuals, including Tauli-Corpuz, as terrorists under the Human Security Act of 2007 (Republic Act No. 9372, also known as the Anti-Terrorism Law) for their alleged connection with the Communist Party of the Philippines (CPP) and the NPA.²⁵⁷ After strong negative international reactions and calls for the removal of Tauli-Corpuz from the list, on July 27, 2018, the Manila RTC cleared her and three other individuals of being officers, members, or representatives of the CPP-NPA.²⁵⁸

UN Special Rapporteur on extrajudicial, summary, or arbitrary executions **Agnès Callamard** has been a target of verbal attacks from Duterte and members of his administration. The president and his supporters have repeatedly insulted and made threats of physical violence against Callamard for her criticisms of the killings that have occurred in relation to the 'war on drugs.' On August 26, 2017, Callamard posted a tweet urging the Philippines to "#Makehisdeaththelast," in reference to the killing by police in an anti-illegal drug operation of 17-year-old Kian Loyd Delos Santos on August 16.²⁵⁹ Duterte responded by calling her a "fool" and a "son of a bitch."²⁶⁰ On November 9, 2017, Duterte threatened to "slap" Callamard if she investigated him for the alleged extrajudicial killings.²⁶¹ Callamard has also been subjected to a tirade of online abuse, including physical threats, during what appeared to be a prolonged and well-orchestrated campaign across the internet and on social media.²⁶²

On September 29, 2017, then-Foreign Affairs Secretary Alan Peter Cayetano accused Callamard of being "in league" with the political opposition and unable to conduct "a fair and objective assessment" of the human rights situation in the Philippines.²⁶³ On November 22, 2017, then-Presidential Spokesperson Harry Roque insinuated that Callamard was "not a competent and impartial rapporteur" on the government's anti-drug campaign.²⁶⁴ At the UN Human Rights Council's 37th session in February 2018, then-Foreign Affairs Secretary

254 Philippine Daily Inquirer, *Solon sued for allegedly organizing protest vs Trump in Manila*, 30 January 2018; Bayan Muna Party List, *Bayan Muna: Case vs. Rep. Zarate Part of Calibrated Harassment Against Left*, 31 January 2018

255 UNOHCHR, *Philippines warned over "massive" impact of military operations on Mindanao indigenous peoples*, 27 December 2017

256 Philippine Star, *Callamard: Special rapporteurs are independent experts, volunteers*, 1 January 2018

257 Rappler, *PH seeks terrorist tag for Joma Sison, 648 others*, 9 March 2018

258 Rappler, *Manila court clears 4 in DOJ's terror tag request*, 8 August 2018

259 GMA News, *UN rapporteur to PHL: Make Kian's death the last*, 26 August 2017

260 Philippine Star, *Pardon my French: Duterte slams Callamard over Kian statements*, 28 August 2017

261 Philippine Daily Inquirer, *Duterte to Callamard: 'If you investigate me, I will slap you'*, 10 November 2017

262 UNOHCHR, *Press briefing note on Attacks/threats by States against UN human rights experts*, 21 November 2017

263 Department of Foreign Affairs, *PH Ready to Work with UN on Sustainable Development, Migration, Human Rights Issues, Cayetano Tells UN SecGen*, 30 September 2017

264 Philippine Daily Inquirer, *Callamard an 'incompetent, biased' rapporteur on drug war, says Palace*, 22 November 2017

.....
Cayetano said that Callamard was "stripped of any credibility" because she "cull[ed] evidence only for what might support her prejudgment."²⁶⁵

On June 3, 2018, Duterte lashed out at UN Special Rapporteur on the independence of judges and lawyers **Diego García-Sayán** and told him to "go to hell,"²⁶⁶ after the Special Rapporteur criticised the ouster of Supreme Court Chief Justice Maria Lourdes Sereno.²⁶⁷

Government disregards UPR recommendations on human rights defenders and journalists

The Philippines underwent its third Universal Periodic Review (UPR) on May 8, 2017, in Geneva, Switzerland. During the official adoption of the recommendations made by member states on September 22, 2017, the Philippine government did not accept any of the 13 recommendations it had received on the protection of human rights defenders and journalists.²⁶⁸ These included recommendations that called for the establishment of protection mechanisms for human rights defenders, "in particular regarding enforced disappearances and extrajudicial killings."²⁶⁹

.....
²⁶⁵ Department of Foreign Affairs, *PH Tells Human Rights Council: Do Not Politicize, Weaponize Human Rights*, 27 February 2018

²⁶⁶ Philippine Star, *Duterte tells UN rights expert: Go to hell*, 4 June 2018

²⁶⁷ AP, *Philippines President Rodrigo Duterte tells UN human rights expert to 'go to hell'*, 4 June 2018; UNOHCHR, *Judicial independence in Philippines is under threat, says UN human rights expert*, 1 June 2018

²⁶⁸ The Philippines "noted" 13 recommendations on the protection of human rights defenders and journalists (133.74, 133.158, 133.172-133.182). UN Human Rights Council, 36th session, *Report of the Working Group on the Universal Periodic Review - Philippines - Addendum*, 19 September 2017, UN Doc. A/HRC/36/12/Add.1, Para. 6

²⁶⁹ "Take all necessary measures to provide adequate protection to journalists and human rights defenders, in particular regarding enforced disappearances and extrajudicial killings" (Estonia). UN Human Rights Council, 36th session, *Report of the Working Group on the Universal Periodic Review - Philippines*, 18 July 2017, UN Doc. A/HRC/36/12, Para. 133.173

UN CONCERN OVER HUMAN RIGHTS DEFENDERS UNDER DUTERTE

Over the course of Duterte's presidency, UN experts have increasingly voiced concerns over the situation for human rights defenders in the Philippines:

- **June 6, 2016:** Then-Special Rapporteur on extrajudicial, summary or arbitrary executions Christof Heyns and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression David Kaye urged President Duterte to stop instigating deadly violence,²⁷⁰ saying that his statements amounted to "incitement to violence and killing" and sent a message that "the murder of journalists is acceptable in certain circumstances and would not be punished."²⁷¹
- **February 20, 2017:** Special Rapporteur on the situation of human rights defenders Michel Forst said statements made by public officials in the Philippines were "likely to have a grave impact" on the security of human rights defenders who were already "at serious risk." Mr. Forst urged the government to take measures to ensure that public officials abstain from making statements or declarations "stigmatising the legitimate work of human rights defenders."²⁷²
- **July 31, 2017:** Special Rapporteur on extrajudicial, summary or arbitrary executions Agnès Callamard, Special Rapporteur on the situation of human rights defenders Michel Forst, and Special Rapporteur on the sale and sexual exploitation of children Maud de Boer-Buquicchio voiced concern over increasing levels of violence, killings, intimidation, and harassment suffered by human rights defenders – including those protecting indigenous peoples – in the Philippines.²⁷³
- **September 11, 2017:** Then-High Commissioner for Human Rights Zeid Ra'ad Al Hussein said that many human rights defenders in the Philippines faced "a growing number of death threats," and called on the government to ensure they were "accorded full protection and the right to freedom of expression and peaceful assembly without reprisals." He also said he remained "concerned" about the case of Senator Leila de Lima.²⁷⁴
- **November 21, 2017:** Then-High Commissioner for Human Rights Zeid Ra'ad Al Hussein deplored the repeated "insults and threats of physical violence" made by President Duterte and the "tirade of online abuse, including physical threats" against Agnès Callamard, the Special Rapporteur on extrajudicial, summary or arbitrary executions.²⁷⁵

270 On May 31, 2016, Duterte said to journalists "You won't be killed if you don't do anything wrong." On the same day, he also said "I'm not saying that you kill them, but the order is dead or alive," referring to drug traffickers. AFP, *Duterte endorses killing corrupt journalists*, 1 June 2016; ABS-CBN News, *Dead or alive: P3-M bounty for drug lords ready*, 31 May 2016

271 UNOHCHR, *Journalists' killings: UN experts urge Philippines president-elect to stop instigating deadly violence*, 6 June 2016

272 UN Human Rights Council, 34th session, *Report of the Special Rapporteur on the situation of human rights defenders, Michel Forst, Addendum, Observations on communications transmitted to Governments and replies received*, 20 February 2017, UN Doc. A/HRC/34/52/Add.1, Para. 436

273 UNOHCHR, *Philippines needs urgent action to reverse spiralling rights violations, UN experts say*, 31 July 2017

274 UNOHCHR, *Darker and more dangerous: High Commissioner updates the Human Rights Council on human rights issues in 40 countries, Human Rights Council 36th session, Opening Statement by Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights*, 11 September 2017

275 UNOHCHR, *Press briefing note on Attacks/threats by States against UN human rights experts*, 21 November 2017

- **January 25, 2018:** Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression David Kaye, Special Rapporteur on extrajudicial, summary or arbitrary executions Agnès Callamard, and Special Rapporteur on the situation of human rights defenders Michel Forst said they were “gravely concerned” that the government was moving to revoke independent news website *Rappler’s* licence, “at a time of rising rhetoric against independent voices in the country.”²⁷⁶
- **March 7, 2018:** Then-High Commissioner for Human Rights Zeid Ra’ad Al Hussein voiced concern over “deepening repression and increasing threats” to individuals and groups with “independent or dissenting views” in the Philippines, including opposition Senators, current and former public officials, the Commission on Human Rights, human rights defenders, and journalists.²⁷⁷
- **March 8, 2018:** Special Rapporteur on the situation of human rights defenders Michel Forst and Special Rapporteur on the rights of persons with disabilities and Chairperson of the Coordination Committee of the Special Procedures Catalina Devandas expressed “grave concerns” about terrorism accusations that the government levelled against Special Rapporteur on the rights of indigenous peoples Victoria Tauli-Corpuz after she made public comments in relation to the militarisation, attacks, and killings of Lumad peoples by members of the armed forces in Mindanao. The two rapporteurs termed the terrorism accusations “an act of retaliation” against Ms. Tauli-Corpuz.²⁷⁸
- **December 6, 2018:** Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression David Kaye expressed concern that the tax evasion charges against online news outlet *Rappler* and its founder and editor Maria Ressa constituted “an attempt to silence the news outlet’s independent reporting” and called on the Philippine authorities to drop the charges.²⁷⁹
- **February 15, 2019:** Spokesperson for UN High Commissioner for Human Rights Michelle Bachelet, Rupert Colville said the arrest of *Rappler* founder and editor Maria Ressa appeared to be the “latest element in a pattern of intimidation” against the news outlet, and called on the Philippine government to conduct an “independent and thorough review of all charges” against Ressa and other media professionals. Ms. Bachelet urged the Department of Justice to dismiss cases that “appear to be aimed at preventing journalists from undertaking their profession.”²⁸⁰

Statements made by UN Special Procedures on issues beyond human rights defenders further underscored the deterioration of the human rights situation in the Philippines under Duterte and his total disregard for basic rights, rule of law, and the government’s international commitments. UN Special Rapporteurs and experts issued a number of statements over the course of Duterte’s term on a range of issues, including: the directives issued to kill drug criminals;²⁸¹ the high number of killings in the context of the anti-drug campaign;²⁸² preconditions imposed on the Special Rapporteur on extrajudicial, summary or arbitrary executions’ planned visit to the Philippines;²⁸³ Duterte’s claim to have killed people as mayor of Davao City;²⁸⁴ the introduction of a death penalty bill to

276 UNOHCHR, *UN experts express serious alarm at effort to shut down independent media outlet in the Philippines*, 25 January 2018

277 UNOHCHR, *High Commissioner’s global update of human rights concerns*, 7 March 2018

278 UNOHCHR, *Accusations against UN expert a retaliation by Philippines, say fellow rapporteurs*, 8 March 2018

279 UNOHCHR, *UN expert calls on the Philippines to drop charges against Rappler*, 6 December 2018

280 UNOHCHR, *Press briefing note on Philippines and South Sudan*, 15 February 2019

281 UNOHCHR, *UN experts urge the Philippines to stop unlawful killings of people suspected of drug-related offences*, 18 August 2016

282 UNOHCHR, *UN experts urge Philippines to stop attacks and killings in anti-drugs campaign*, 23 November 2017

283 UNOHCHR, *UN expert rejects Philippines conditions for fact-finding mission on drugs war*, 16 December 2016

284 UNOHCHR, *Zeid urges investigation into Philippines president’s claim to have killed three people*, 20 December 2016

the Philippine Congress;²⁸⁵ massive human rights abuses against thousands of Lumad in Mindanao;²⁸⁶ and the dismissal of Chief Justice Maria Lourdes Sereno.²⁸⁷

UN human rights treaty bodies also expressed concern over the targeting of human rights defenders under Duterte.

- In its October 2016 concluding observations, the **UN Committee on Economic, Social and Cultural Rights (CESCR)** said it was “deeply concerned at the continuing cases of harassment, disappearance, threats of killing and killing of human rights defenders,” as well as “at the low level of investigation, prosecution and conviction in such cases.”²⁸⁸
- On May 8, 2018, the **UN Committee on the Elimination of Racial Discrimination (CERD)** expressed concern over the inclusion of indigenous persons and human rights defenders on a list of 649 individuals alleged to be affiliated with “terrorist organisations.” The **CERD** said the list aimed to “intimidate people struggling for their rights and indigenous people defending their lands” and that it was “part of a wider campaign” by the government “to narrow the democratic space.”²⁸⁹

285 UNOHCHR, *UN experts urge Filipino legislators to reject death penalty bill*, 16 March 2017

286 UNOHCHR, *Philippines warned over “massive” impact of military operations on Mindanao indigenous peoples*, 27 December 2017

287 UNOHCHR, *Judicial independence in Philippines is under threat, says UN human rights expert*, 1 June 2018

288 UN Committee on Economic, Social and Cultural Rights, *Concluding observations on the combined fifth and sixth periodic reports of the Philippines*, 26 October 2016, UN Doc. E/C.12/PHL/CO/5-6, Para. 11

289 UN Committee on the Elimination of Racial Discrimination, *Prevention of racial discrimination, including early warning and urgent action procedures, Decision 1 (95), Philippines*, 8 May 2018

5. TOWARDS A HUMAN RIGHTS DEFENDERS PROTECTION ACT

House of Representatives lawmakers and Senators concerned about the situation for human rights defenders in the Philippines have pushed for the adoption of a **Human Rights Defenders' Protection Act** in an effort to strengthen the protection of human rights defenders and address the shortcomings in existing Philippine law. On March 19, 2018, over a dozen House of Representatives lawmakers launched the group Mambabatas Para Sa Karapatang Pantao ['Lawmakers for Human Rights'] (Makatao) in a bid to push for rights-based laws and governance, serve as a link between Congress and the people, as well as oppose measures that pose threats to human rights defenders. One of Makatao's top priorities is the passage of a Human Rights Defenders Protection Act.²⁹⁰

Between July 2016 and August 2018, lawmakers introduced three draft Acts in both houses of Congress.²⁹¹ The two draft Acts introduced to the House of Representatives were later combined.

The first draft law, the **Human Rights Defenders' Protection Act of 2016** (House Bill No. 1617), was introduced in the House of Representatives in July 2016. The bill declares it a state policy to "promote and protect the rights of individuals engaged in the promotion and protection of human rights and fundamental freedoms,"²⁹² and asserts that the state acknowledges its "prime responsibility and duty to adopt such steps as may be necessary to create all conditions as well as legal guarantees required to ensure that all individuals engaged in the promotion and protection of human rights under its jurisdiction are able [...] to enjoy all their rights and freedoms in practice."²⁹³

House Bill No. 1617 sets out obligations for the government, including "to take all precautionary measures to ensure the protection of all human rights defenders against any violence, threats, retaliation, [...] discrimination, pressure, or any other arbitrary action as a consequence of their legitimate exercise of their rights and duties as human rights defenders."²⁹⁴ It also provides for the protection of witnesses of violations of the Act.²⁹⁵ The bill also allows human rights defenders to: petition for access to government documents;²⁹⁶ petition for temporary protection order;²⁹⁷ and file a motion to dismiss a criminal complaint against them (however, these three provisions were not retained in the combined version).²⁹⁸ House Bill No. 1617 provides prison terms and fines for violators of the law.²⁹⁹

The second draft law, the **Human Rights Defenders Act of 2018** (Senate Bill No. 1699), was introduced in the Senate in February 2018. The bill similarly affirms the state's policy "to value the dignity of every human person and guarantee full respect for human rights" and to "uphold the primacy of human rights for all."³⁰⁰ It also outlines the state's obligations to protect human rights defenders,³⁰¹ including the obligation to "prevent and to ensure protection against intimidation or reprisal,"³⁰² the obligation to "ensure effective remedy and

290 Rappler, *Lawmakers form group to push for human rights in House agenda*, 19 March 2018

291 House of Representatives, 17th Congress, House Bill No. 1617, 14 July 2016; Senate of the Philippines, 17th Congress, Senate Bill No. 1699, 21 February 2018; House of Representatives, 17th Congress, House Bill No. 8128, 16 August 2018

292 House Bill No. 1617, Section 2

293 House Bill No. 1617, Section 2

294 House Bill No. 1617, Section 17

295 House Bill No. 1617, Section 21-23

296 House Bill No. 1617, Section 18

297 House Bill No. 1617, Section 19

298 House Bill No. 1617, Section 20

299 House Bill No. 1617, Sections 24-26

300 Senate Bill No. 1699, Section 2

301 Senate Bill No. 1699, Sections 20-29

302 Senate Bill No. 1699, Section 24

.....
full reparation" for violations of the law,³⁰³ and the responsibility to "defend human rights and fundamental freedoms."³⁰⁴ Senate Bill No. 1699 establishes a witness protection programme under the Commission on Human Rights (CHR)³⁰⁵ and allocates funds to the CHR for the implementation of the Act.³⁰⁶ Senate Bill No. 1699 contains prison terms and fines for violators.³⁰⁷

The third draft law, the **Human Rights Defenders Protection Act of 2018** (House Bill No. 8128), was filed in the House of Representatives in August 2018. The bill complements the two other pieces of draft legislation and defines the rights and freedoms of human rights defenders³⁰⁸ and the obligations of the state.³⁰⁹ It also proposes the formation of an independent Human Rights Defenders Protection Committee, composed of representatives from the CHR and human rights organisations.³¹⁰

Despite these bills aimed at protecting human rights defenders, many repressive laws and regulations that hinder their work remain in place and are used to target them. These include: defamation laws (under Articles 353-359 of the Revised Penal Code); the Cybercrime Prevention Act of 2012; foreign funding regulations under the Anti-Money Laundering Act of 2001; proposed amendments to the Human Security Act of 2007; and subpoena powers of Philippine National Police (PNP) and Criminal Investigation and Detection Group (CIDG). In addition, indigenous persons and women human rights defenders have shared that the current protection bills do not address the different contexts and needs of defenders of indigenous peoples' rights.³¹¹

.....
303 Senate Bill No. 1699, Section 27

304 Senate Bill No. 1699, Section 29

305 Senate Bill No. 1699, Sections 30-32

306 Senate Bill No. 1699, Section 38

307 Senate Bill No. 1699, Sections 36-37

308 House Bill No. 8128, Sections 5-21

309 House Bill No. 8128, Sections 22-37

310 House Bill No. 8128, Sections 38-42

311 Information obtained by FORUM-ASIA, March 2018

6. RECOMMENDATIONS

In light of the situation described in this report, the Observatory addresses the following recommendations aimed at strengthening the protection of human rights defenders and ensuring an environment conducive for human rights activities in the Philippines:

To the government of the Philippines:

- Guarantee, in all circumstances, the physical and psychological safety and well being of all human rights defenders in the country.
- Put an end to all forms of harassment, including at the judicial level, against human rights defenders, and ensure that human rights defenders are protected from threats, defamation, attacks, criminalisation, and other acts of violence.
- Put an end to the prevailing culture of impunity for human rights violations in the country, including extrajudicial killings and attacks against human rights defenders. This can be achieved by carrying out prompt, thorough, impartial, and transparent investigations into all allegations of human rights violations against human rights defenders, including acts of harassment, threats, attacks, and assassinations faced by human rights defenders, with the aim to identify all those responsible, bring them before an independent tribunal, and sanction them in accordance with the law.
- Ensure the independence of the judiciary, the Commission on Human Rights, and the Ombudsman.
- Ensure that all human rights defenders are able to carry out their legitimate activities without any hindrance and fear of reprisals.
- Put an end to the public stigmatisation of human rights defenders and publicly recognise the legitimate and crucial role they play as watchdogs of the rule of law, including in the context of the 'war on drugs.'
- Guarantee the fundamental rights to freedom of opinion and expression, peaceful assembly, and association, in accordance with the International Covenant on Civil and Political Rights as well as the UN Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998.
- Fully implement the recommendations made by UN treaty bodies and those made during the Universal Periodic Review with regard to human rights defenders.
- Comply with the provisions of the UN Declaration on Human Rights Defenders, in particular Articles 1 and 12.2.³¹²
- Stop verbal abuse against Special Procedures mandate-holders of the UN Human Rights Council.
- Cooperate with, and allow access to the country to experts and representatives from UN human rights monitoring mechanisms and Special Procedures, including, but not limited to: the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion

³¹² Article 1: *Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels;* Article 12.2: *The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.*

and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the rights of indigenous peoples; and the Special Rapporteur on the human rights of internally displaced persons.³¹³

- Ensure, in all circumstances, respect for human rights and fundamental freedoms in accordance with international human rights standards and international human rights instruments to which the Philippines is a state party.
- Recognise the legitimate and important role of human rights defenders in Philippine society and guarantee a safe and enabling environment in which they can operate.
- Adopt and implement a law to ensure the protection of human rights defenders, with special attention placed on land and environmental rights defenders, indigenous rights defenders, and women rights defenders. In consultation with civil society, establish a mechanism that has the mandate and necessary resources for the protection of human rights defenders.
- Review restrictive laws and regulations to ensure their compliance with international human rights standards. Such laws include: defamation laws (under Articles 353-359 of the Revised Penal Code); the Cybercrime Prevention Act of 2012; foreign funding regulations under the Anti-Money Laundering Act of 2001; proposed amendments to the Human Security Act of 2007; and subpoena powers of Philippine National Police (PNP) and Criminal Investigation and Detection Group (CIDG).
- Repeal Executive Order No. 546 and Executive Order No. 264, which allow the continued existence of Civilian Volunteer Organisations (CVOs) and Citizen Armed Force Geographical Units (CAFGUs).
- Lift martial law in Mindanao and repeal military policies, such as *Oplan Kapayapaan*, which are known to have a devastating effect on local populations and human rights defenders.
- Work towards the implementation of recommendations made by former UN Special Rapporteur on extrajudicial, summary or arbitrary executions Philip Alston in 2008, following his mission to the Philippines.³¹⁴
- Ensure the adequate and proper implementation of existing mechanisms and laws through better functioning of the justice system. Combat impunity for past human rights violations through prompt, impartial, and transparent investigations and ensure adequate remedies for victims.
- Provide adequate resources to the Commission on Human Rights and ensure local authorities provide the body with the documentation needed to conduct investigations into alleged human rights violations.

313 The Philippines has not issued any standing invitations to UN Special Procedures. Visit requests and reminders sent by UN Special Procedures are as follows:

- UNSR on HRDs: visit requested in 2008, reminders sent in 2010 and 2012. Visit accepted in January 2015, reminders sent in January 2015, March 2015, and July 2015.
- UNSR on EJKs: visit requested in October 2016, accepted in October 2016, reminder sent in November 2016.
- UNSR on FOE: visit requested in 2004.
- UNSR on FOA: visit requested in 2011, reminder sent in 2013.
- UNSR on IPs: visit requested in 2016, reminder sent in 2018.
- UNSR on IDPs: no new visit requests since last visit completed in 2015.

314 UN Human Rights Council, 8th session, *Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, Addendum, Mission to the Philippines*, 16 April 2008, UN Doc. A/HRC/8/3/Add.2

-
- Ensure the meaningful participation of civil society in the development and implementation of public policies. Ensure that free, prior and informed consent (FPIC) is given by communities likely to be affected by any economic and development projects.

To the United Nations:

To Special Procedures mandate-holders of the UN Human Rights Council, including: the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right to freedom of peaceful assembly and of association; the Special Rapporteur on the rights of indigenous peoples; and the Special Rapporteur on the human rights of internally displaced persons:

- Ensure follow-up, in cooperation with other relevant Special Procedures mandate-holders, on individual cases of human rights defenders who have suffered killings and harassment, including threats and attacks, in the Philippines in relation to their human rights activities.
- Express serious concerns over the continued harassment of human rights defenders in the country and systematically and publicly condemn attacks against them.
- Urge the authorities of the Philippines to guarantee the physical safety and psychological well being and the rights of all human rights defenders.
- Continue to pay particular attention to the protection of human rights defenders in the Philippines, in accordance with the UN Declaration on Human Rights Defenders, and monitor the implementation of the recommendations addressed to the Philippines.
- Ask the Philippine government to increase its cooperation with Special Procedures, including by responding favourably to their repeated requests for country visits.

To the UN Human Rights Council:

- Establish an independent international investigation into all allegations of gross human rights violations, including extrajudicial killings, torture, enforced disappearances, kidnapping, and arbitrary detention that affect human rights defenders, in the context of the 'war on drugs,' martial law in Mindanao, and anti-terrorism operations.
- Mandate the Office of the UN High Commissioner for Human Rights (OHCHR) to monitor the situation of human rights defenders and report to the UN Human Rights Council on the challenges and risks they face.
- Condemn the attacks by the Philippine government on UN human rights mechanisms and call on the Philippines, as a member of the Human Rights Council, to uphold human rights standards expected from members and to fully cooperate with the Council and all its mechanisms.
- Call on the Philippine government to take immediate steps to end gross human rights violations, including extrajudicial killings, torture, enforced disappearances, kidnapping, and arbitrary detention that affect human rights defenders, and to publicly announce a transparent and accountable human rights-based approach to combating drugs after broad and meaningful consultation with civil society and victims' families.
- Call on the Philippine government to: end all forms of harassment, intimidation, and attacks against human rights defenders; ensure the protection of their rights to freedom of opinion and expression, freedom of peaceful assembly, and freedom of association; and ensure the independence of the judiciary, the Commission on Human Rights, and the Ombudsman.

.....
To the European Union and its member states and other states:

- Pay particular attention to the situation and protection of human rights defenders in the Philippines, in accordance with the UN Declaration on Human Rights Defenders as well as the European Union, the Swiss, the French, the Irish, the Dutch, the Finnish, the Norwegian, and the Canadian Guidelines on Human Rights Defenders.
- Take all protective, preventive, and responsive measures necessary, in particular by:
 - Meaningfully and regularly engaging with human rights defenders and providing visibility to the activities of civil society.
 - Publicly recognising the crucial role of human rights defenders including by meeting with human rights defenders who have been harassed and/or criminalised.
 - Attending all public hearings in proceedings against human rights defenders.
 - Providing financial support to human rights defenders to enable them to pursue their work.
 - Systematically and publicly condemn killings and any acts of harassment, including threats and attacks, carried out against human rights defenders.
- Continue to monitor the implementation of recommendations addressed to the authorities in the Philippines.
- Prioritise the situation of human rights defenders during the monitoring process of the Philippines' implementation of the conventions under the Generalised System of Preferences Plus.
- Use all available instruments, including the Partnership and Cooperation Agreement (PCA) and the Generalised System of Preferences Plus to demand the Philippines end extrajudicial killings and any acts of harassment, including threats and attacks that affect human rights defenders.
- Put Free Trade Agreement negotiations on hold until threats, attacks, and killings faced by human rights defenders are fully investigated and the perpetrators are held accountable.
- Take advantage of the revision of the Generalised System of Preferences Plus to add the Rome Statute of the International Criminal Court (ICC) to the list of conventions to be ratified.



Forum-Asia

The research for this report was conducted with the support of FORUM-ASIA.

Establishing the facts

Investigative and trial observation missions

Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed rigorous and impartial procedures to establish facts and responsibility. Experts sent to the field give their time to FIDH on a voluntary basis.

FIDH has conducted more than 1,500 missions in over 100 countries in the past 25 years. These activities reinforce FIDH's alert and advocacy campaigns.

Supporting civil society

Training and exchanges

FIDH organises numerous activities in partnership with its member organisations, in the countries in which they are based. The core aim is to strengthen the influence and capacity of human rights activists to boost changes at the local level.

Mobilising the international community

Permanent lobbying before intergovernmental bodies

FIDH supports its member organisations and local partners in their efforts before intergovernmental organisations. FIDH alerts international bodies to violations of human rights and refers individual cases to them.

FIDH also takes part in the development of international legal instruments.

Informing and reporting

Mobilising public opinion

FIDH informs and mobilises public opinion. Press releases, press conferences, open letters to authorities, mission reports, urgent appeals, petitions, campaigns, website... FIDH makes full use of all means of communication to raise awareness of human rights violations.

17 passage de la Main-d'Or - 75011 Paris - France

Tél. : + 33 1 43 55 25 18 / Fax : + 33 1 43 55 18 80 / www.fidh.org



Created in 1985, the World Organisation Against Torture (OMCT) works for, with and through an international coalition of over 200 non-governmental organisations - the SOS-Torture Network - fighting torture, summary executions, enforced disappearances, arbitrary detentions, and all other cruel, inhuman and degrading treatment or punishment in the world and fighting for the protection of human rights defenders.

Assisting and supporting victims

OMCT supports victims of torture to obtain justice and reparation, including rehabilitation. This support takes the form of legal, medical and social emergency assistance, submitting complaints to regional and international human rights mechanisms and urgent interventions. OMCT pays particular attention to certain categories of victims, such as women and children.

Preventing torture and fighting against impunity

Together with its local partners, OMCT advocates for the effective implementation, on the ground, of international standards against torture. OMCT is also working for the optimal use of international human rights mechanisms, in particular the United Nations Committee Against Torture, so that it can become more effective.

Protecting human rights defenders

Often those who defend human rights and fight against torture are threatened. That is why OMCT places their protection at the heart of its mission, through alerts, activities of prevention, advocacy and awareness-raising as well as direct support.

Accompanying and strengthening organisations in the field

OMCT provides its members with the tools and services that enable them to carry out their work and strengthen their capacity and effectiveness in the fight against torture. OMCT presence in Tunisia is part of its commitment to supporting civil society in the process of transition to the rule of law and respect for the absolute prohibition of torture.

8 rue du Vieux-Billard - PO Box 21 - CH-1211 Geneva 8 - Switzerland

Tel: +41 22 809 49 39 / Fax: +41 22 809 49 29 / www.omct.org



Activities of the observatory

The Observatory is an action programme based on the belief that strengthened co-operation and solidarity among human rights defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression of which defenders are victims.

With this aim, the Observatory seeks to establish:

- A mechanism of systematic alert of the international community on cases of harassment and repression of defenders of human rights and fundamental freedoms, particularly when they require urgent intervention;
- The observation of judicial proceedings, and whenever necessary, direct legal assistance;
- International missions of investigation and solidarity;
- A personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- The preparation, publication and world-wide dissemination of reports on violations of the rights and freedoms of individuals or organisations working for human rights around the world;
- Sustained action with the United Nations and more particularly the Special Rapporteur on Human Rights Defenders, and when necessary with geographic and thematic Special Rapporteurs and Working Groups;
- Sustained lobbying with various regional and international intergovernmental institutions, especially the Organisation of American States (OAS), the African Union (AU), the European Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States, the Association of Southeast Asian Nations (ASEAN) and the International Labour Organisation (ILO).

The Observatory's activities are based on consultation and co-operation with national, regional, and international non-governmental organisations.

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the "operational definition" of human rights defenders adopted by FIDH and OMCT: "Each person victim or at risk of being the victim of reprisals, harassment or violations, due to his or her commitment, exercised individually or in association with others, in conformity with international instruments of protection of human rights, to the promotion and realisation of the rights recognised by the Universal Declaration of Human Rights and guaranteed by the different international instruments".

To ensure its activities of alert and mobilisation, the Observatory has established a system of communication devoted to defenders in danger. This system, called Emergency Line, can be reached through:

E-mail: Appeals@fidh-omct.org

FIDH Tel: + 33 1 43 55 25 18 Fax: + 33 1 43 55 18 80

OMCT Tel: + 41 22 809 49 39 Fax: + 41 22 809 49 29