

**SUBMISSION TO THE OHCHR FOR HRC REPORT 41/2  
BY KARAPATAN ALLIANCE PHILIPPINES  
9 DECEMBER 2019**

Karapatan, an alliance of human rights organizations, desks and individual advocates in the Philippines, is submitting this report on the human rights situation in the Philippines in response to the Call for Submissions by the UN High Commissioner for Human Rights Michelle Bachelet, in accordance to the UN Human Rights Council Resolution on the Philippines.<sup>1</sup>

Based on documentation gathered by Karapatan, from July 1, 2016 to date , we conclude that the human rights situation in the Philippines is worsening, marked by disrespect to the right to life and civil liberties, strengthened climate of impunity and closing civic and democratic spaces, and unmet obligations to core international human rights conventions, including the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and other UN instruments. Many recommendations during the 2017 Universal Periodic Review and of independent UN experts remain unheeded.

The impact of the Duterte administration's anti-narcotics program, counterinsurgency campaign, and its efforts to implement and enact policies that undermine its commitments to international and domestic human rights framework are among the stark indications of this spiraling situation. Extrajudicial killings (EJKs), enforced disappearance, illegal arrests and detention, torture, forcible evacuation and other rights violations were committed with impunity against families, communities, and human rights defenders (HRDs) in the course of the implementation of these policies.

On the first day of his presidency, President Duterte publicly vowed to kill all those involved in drugs and urged the public to kill drug addicts.<sup>2</sup> Numerous public pronouncements of the President prior to his election and in the past three years of his presidency bear similar declarations, including his pronouncements in the 2018 State of the Nation Address that he will continue the "illegal drugs war," vowing that "it will be relentless and chilling, if you will, as on the day it began."<sup>3</sup>

His directives executed by the Philippine National Police (PNP) through Oplan (Operational Plan) Double Barrel, Oplan Tokhang (knock and plead), Oplan Double Barrel Alpha, and Oplan Double Barrel Reloaded have resulted in the death of 5,526 drug personalities as of June 2019, according to data from the Philippine Drug Enforcement Agency (PDEA).<sup>4</sup> These figures have been questioned, considering inconsistencies with previous government reports, including the data released by the Office of the President in December 2017,<sup>5</sup> citing 3,967 drug

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1 Promotion and protection of human rights in the Philippines, OHCHR Website, 17 July 2019:  
<https://undocs.org/A/HRC/RES/41/2>

2 Philippines president Rodrigo Duterte urges people to kill drug addicts, The Guardian, 1 July 2016:  
<https://www.theguardian.com/world/2016/jul/01/philippines-president-rodrigo-duterte-urges-people-to-kill-drug-addicts>

3 Drug war will be 'as chilling as the day it began' - Duterte, Rappler, 23 July 2018:  
<https://www.rappler.com/nation/208009-duterte-war-on-drugs-chilling>

4 Drug war death toll now 5,526 – gov't data, GMA News, 18 July 2019:  
<https://www.gmanetwork.com/news/news/nation/701463/drug-war-death-toll-now-5-526-gov-t-data/story/>

personalities who died in anti-drug operations from July 2016 to November 2017 and 16,355 homicide cases under investigation from July 2016 to September 2017.

Many of those killed have not been tried and convicted by courts and have been arbitrarily included in “drug lists” drawn up by police and government units. Karapatan concurs with the analysis stated in the Communication and Complaint by Rise Up for Life and Rights to the International Criminal Court:<sup>6</sup>

- Through his pronouncements and policies, President Duterte has publicly vilified, ordered, incited, supported, and condoned these killings;
- Many of those killed were in the course of police “buy-bust operations” resulting in deaths of the victims for allegedly resisting arrest;
- For cases involving unidentified vigilantes or undercover police as suspected perpetrators, victims were killed by at least two unidentified assassins usually wearing helmets, riding in tandem in a motorcycle, with the gunman astride at the back of the driver;
- The killings have been widespread and pervasive, occurring in all regions of the country, and have occurred often in public places, in broad daylight, and in front of witnesses, illustrating the brazenness of the perpetrators;
- There is lack of interest on the part of government in pursuing investigation and prosecution of these crimes and the perpetrators; and,
- President Duterte has publicly avowed to pardon members of the State forces should they be charged in court.

In the context of the already dire situation of the country’s civic and democratic spaces, government’s campaign against illegal drugs has increased the level of impunity. Prior to President Duterte, extrajudicial killings of human rights defenders (HRDs) and political dissenters have been committed with impunity. Under the Duterte administration, the same framework of counterinsurgency program of previous governments has been employed, together with other repressive policies, resulting in a high number of EJKs of HRDs and civilians. From July 2016 to November 2019, Karapatan documented 293 victims of EJKs perpetrated in line with the counterinsurgency program, with 167 defenders killed or an average of one to two HRDs killed every week. Our documentation also bears at least 429 victims of frustrated killings; these victims have survived or have escaped from attempts by suspected perpetrators from State actors.

Prior to the killings or frustrated murders, the victims and/or their organizations have been routinely labelled as “front organizations” of the Communist Party of the Philippines (CPP) and/or the New People’s Army (NPA).<sup>7</sup> Such labelling has been documented in the various pronouncements of President Duterte and his officials, including those from the Armed Forces of the Philippines.

In his speech in Marawi City in October 2017, Duterte said: *“You know, you should look closely. You legal fronts, acting like you’re all legal, Karapatan. I came from your ranks.*

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5 The Duterte Administration Year-End Report: 2017 Key Accomplishments, December 2017:

<https://www.foi.gov.ph/requests/aglzfmVmb2ktcGhyHgsSB0NvbnRlbnQiEVBDT08tMzMzMzg4NTUyMDEyDA>

6 Communication and Complaint by Rise Up for Life and for Rights, 28 August 2018: <https://www.scribd.com/document/387193529/Communication-and-Complaint-by-Rise-Up-for-Life-and-for-Rights>

7 The Communist Party of the Philippines, which has been in existence since 1968, is waging a “national democratic revolution through protracted people’s war,” with the New People’s Army (NPA): <https://cpp.ph/>

*This Kilusang Mayo Uno. All of you from Tindig Pilipino, this Piston. You are really the legal cover of the Communist Party of the Philippines. You use poverty as your excuse, Mayo Uno is playing you for a fool, Piston is playing you for a fool, Bayan is playing you for a fool, we know you are one with the NPA. You are one great conspiracy. All of you are really committing rebellion right now. ... I will be frank with you. We kill each other, we kill each other, you will be killed.”<sup>8</sup>*

In yet another speech in August 2019, President Duterte declared: *Karapatan is a front, a group of demons in the Philippines, you know what you did in Negros is not just fighting. The danger there is you are now implementing the commune system of the dispirited communist party strategy.”<sup>9</sup>*

Three UN Special Rapporteurs have expressed concern over President Duterte’s statements, which “may lead to persons being incited to exercise violence against Karapatan and its members, who are already facing a severely hostile environment.” The independent experts further said: “We are concerned that such speech by the President undermines not only the work of civil society, but also the faith of civil society in State institutions and, thus, the quality and level of their participation in democracy.”<sup>10</sup>

However, such forms of public vilification continued, through numerous statements of President Duterte and officials of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), which was created through Executive Order (EO) No. 70.<sup>11</sup> Karapatan and other human rights, civil society and people’s organizations, humanitarian NGOs and even foreign funders have been stigmatized. Leaflets, posters, infographics, streamers, and fliers have proliferated online and in various parts of the country, presumably disseminated by State actors, vilifying leaders and members of these organizations. In an act of reprisal on Karapatan’s engagement with the UN and foreign governments on the human rights situation in the Philippines, slanderous materials and baseless accusations were disseminated by the NTF-ELCAC at the UN, European Union and other international fora.

These public statements incite violence and killings and are considered direct orders and policy pronouncements by State forces on the ground. At least 12 human rights workers of Karapatan were killed, after such pronouncements by the government and military officials. Pictures of Atty. Benjamin Ramos, a Karapatan officer in Negros, and Escalante city councilor Bernardino Patigas Sr., also a Karapatan rights worker in the same province, were included in a poster of so-called “CNN personalities”<sup>12</sup> disseminated in April 2018. Seven months after, in

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8 Speech of President Rodrigo Roa Duterte during his visit to Marawi City, Presidential Communications Operations Office, 17 October 2017: [https://pcoo.gov.ph/wp-content/uploads/2017/10/20171017-Speech\\_of\\_President\\_Rodrigo\\_Roa\\_Duterte\\_during\\_his\\_Visit\\_to\\_Marawi\\_City-1.pdf](https://pcoo.gov.ph/wp-content/uploads/2017/10/20171017-Speech_of_President_Rodrigo_Roa_Duterte_during_his_Visit_to_Marawi_City-1.pdf)

9 Duterte calls Karapatan an “organization of demons in the Philippines”, Philippine Daily Inquirer, 2 August 2019: <https://newsinfo.inquirer.net/1149408/duterte-calls-karapatan-an-organization-of-demons-in-the-philippines>

10 Communication from Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to the Philippine Government, 23 April 2018: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23712>

11 Executive Order No. 70 Institutionalizing the Whole-of-Nation Approach in attaining inclusive and sustainable peace, creating a national task force to end local communist armed conflict, and directing the adoption of a national peace framework, 4 December 2018: <https://www.officialgazette.gov.ph/downloads/2018/12dec/20181204-EO-70-RRD.pdf>

12 A government abbreviation for Communist Party of the Philippines-New People’s Army-National Democratic Front of the Philippines

November 2018, Ramos was killed by two motorcycle-riding men, who are suspected state agents.<sup>13</sup> Patigas was killed in April 2019, while driving his motorcycle.<sup>14</sup>

These pronouncements have also made human rights workers increasingly vulnerable to attacks by suspected state forces. Karapatan-Negros coordinator Elisa Badayos, who was then leading a fact-finding mission in November 2017, was killed by motorcycle-riding men.<sup>15</sup> Karapatan paralegal Mariam Uy Acob was also killed by two motorcycle-riding men in September 2018.<sup>16</sup> Ryan Hubilla and Nelly Bagasala, Karapatan paralegals assisting political prisoners in Sorsogon province, were killed by two men onboard a motorcycle in June 2019.<sup>17</sup> Many of these killings were perpetrated by men wearing masks and riding motorcycles without plate numbers, obviously to avoid being identified.

Aside from public pronouncements by government officials vilifying Karapatan members, prior incidents of threats and harassment from soldiers experienced by the victims point to the culpability of State actors. Karapatan Secretary General Cristina Palabay and other Karapatan human rights workers have received death threats and threats of violence, some misogynistic in nature, via calls, texts and online spaces.<sup>18</sup>

Karapatan documented killings of HRDs by known military perpetrators. This includes the killing of indigenous youth HRD Obello Bay-ao in September 2017 by two paramilitary members, who have been charged with murder.<sup>19</sup> Seven members of an indigenous people's group in South Cotabato were killed by soldiers from the 10<sup>th</sup> Infantry Division, 33<sup>rd</sup> and 27<sup>th</sup> Infantry Battalions in December 2017.<sup>20</sup> Fourteen members and leaders of peasant organizations in Negros were killed by the PNP-Region 7 during its Synchronized Enhanced Managing of Police Operations (SEMPO) in March 2019. The SEMPO was conducted using search warrants issued by a judge from another locality.<sup>21</sup>

The use of search warrants resulted in highly questionable raids and arrests of HRDs. During the March 2019 SEMPO, 15 HRDs were arrested based on the same set of search warrants issued by the same judge.<sup>22</sup> From October 31 to November 5, 2019, at least nine search warrants were used by military and police to effect the arrest of 62 HRDs in Negros and Manila, in the course of raids conducted in the offices of human rights and people's organizations and homes of some of the HRDs. A judge based in Quezon City in the National Capital Region issued the nine warrants, a day after her meeting with Police General Debold Sinas, the same police official who led the SEMPO in Negros and was recently appointed as police chief in the National Capital Region.<sup>23</sup>

What is consistent in these cases are testimonies by those arrested that the so-called evidence of guns, bomb-making materials and explosives, and materials considered

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13 Karapatan factsheet on the extrajudicial killing of Benjamin Ramos, November 2018

14 Karapatan factsheet on the extrajudicial killing of Bernardino Patigas Sr., April 2019

15 Karapatan factsheet on the extrajudicial killing of Elisa Badayos, November 2017

16 Karapatan factsheet on the extrajudicial killing of Mariam Uy Acob, September 2018

17 Karapatan factsheet on the extrajudicial killing of Ryan Hubilla and Nelly Bagasala, June 2019

18 Karapatan factsheet on threats and harassment against Cristina Palabay, Clarizza Singson, Zara Alvarez, Mary Ann Gabayan, Audrey Beltran, Reylan Vergara,

19 Karapatan factsheet on the extrajudicial killing of Obello Bay-ao, September 2017

20 Karapatan factsheet and factfinding report on the Lake Sebu massacre, December 2018

21 Karapatan report on the factfinding and solidarity mission in Negros Oriental, 04-08 April 2019

22 Ibid.

subversive documents were planted in the locations where they were arrested or in their belongings.

The same testimonies have been given by HRDs, including trade unionists and peace advocates, who have been arrested under the Duterte administration and are still currently detained. Many of them, who are considered political prisoners, are facing the formulaic non-bailable charges of illegal possession of explosives and other trumped-up cases. This includes the cases of peace advocates Rey Casambre, Ferdinand Castillo, Vicente Ladlad, Adelberto Silva, Renante Gamara, Frank Fernandez, Cleofe Lagtapon, and Esterlita Suaybaguio, as that of the cases of unionists Rowena and Oliver Rosales, Juan Alexander Reyes and Marklen Maojo Maga.<sup>24</sup> Currently, there are attempts to separate and transfer them to different over-congested jails as an additional form of cruel treatment.

As of November 2019, there are 629 political prisoners incarcerated in various jails, including 382 arrested under the current administration. At least 3,130 individuals have been subjected to arbitrary or illegal arrest. Karapatan considers these forms of charges and arrests of HRDs resulting in their unjust detention as forms of judicial harassment by government, which is also a form of reprisal on their work as HRDs, peace advocates and critics of the current administration.

Another form of judicial harassment, which is also viewed as reprisal on attempts to seek legal protection from the courts, is the baseless perjury charge against 12 officers of Karapatan, along with NGOs Rural Missionaries of the Philippines and Gabriela.<sup>25</sup> After subjecting Karapatan to a daily barrage of smear and defamation attacks and threats against its officers and members, eight of its officers filed a court petition for the issuance of the writs of amparo and habeas data, but soon after, the said perjury charges were filed against them by National Security Adviser Hermogenes Esperon.

The Human Security Act (HSA), also known as the anti-terror law, is also being used to hail rights defenders to court and subject them to judicial harassment, despite bearing no sufficient evidence to back up these charges. UN Special Rapporteur on the rights of indigenous peoples Victoria Tauli-Corpuz, Karapatan National Chairperson Elisa Tita Lubi, and more than 600 individuals, including a hundred HRDs and peace advocates were included in a Justice Department petition proscribing the CPP and NPA as terrorist organizations.<sup>26</sup> Peasant leaders Jomorito Guaynon, Ireneo Udarbe and four others faced charges under the HSA.<sup>27</sup> While most of the names have been stricken from the proscription petition and charges against Guaynon and Udarbe under the HSA have been dismissed, these HRDs still face threats to their lives and security.

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23 Karapatan factfinding mission report and factsheets on the raids of offices and homes and arrests of human rights defenders in Negros and Manila, November 2019

24 Karapatan factsheets on the arrests and detention of Rey Casambre, Ferdinand Castillo, Vicente Ladlad, Adelberto Silva, Renante Gamara, Frank Fernandez, Cleofe Lagtapon, Esterlita Suaybaguio, Rowena and Oliver Rosales, Juan Alexander Reyes and Marklen Maojo Maga, 2017-2019

25 Karapatan urgent appeal on the trumped up charges against Karapatan, RMP and Gabriela, September 2019. The charges have since been dismissed except for Sister Elenita Belardo, RGS, of RMP.

26 Karapatan factsheet and urgent appeal on the inclusion of rights defenders and peace advocates in the petition proscribing the CPP and NPA as terrorist organizations, April 2018

27 Karapatan factsheet on the arrest and detention of Jomorito Guaynon, Ireneo Udarbe, Gerry Basahon, Gerald Basahon, Mylene Coleta, Marivic Coleta, January 2019

Members of the opposition such as Sen. Leila de Lima and Vice President Leni Robredo, together with other opposition and religious leaders are facing charges which are seen as retaliatory actions regarding their vocal stance against extrajudicial killings in line with the drug war. Supreme Court Chief Justice Maria Lourdes Sereno faced questionable quo warranto proceedings that resulted in her removal from her post and the dominance of appointees by the President at the Supreme Court.

Through these trumped-up charges, opposition to government policies, peace advocacy, along with human rights, social justice and development work, are criminalized. Alongside these forms of violations on the freedom of association are violations of HRDs' freedom of expression. Karapatan and other NGOs, as well as online community news organizations, experienced cyberattacks bringing down the organizations' websites. Karapatan's website was down for three weeks, after denial of distribution service (DDoS) attacks ranging from 1,000 to 3,000 per second targeted the site.<sup>28</sup>

Communities of HRDs and civilians have likewise faced various forms of attacks. Former Karapatan human rights worker Honey Mae Suazo has been missing since November 2019. Her case and of nine others have been documented as cases of enforced disappearance, despite the existence of a law criminalizing the act of enforced or involuntary disappearances.<sup>29</sup> Small-scale miners and members of peasant organizations Janry Mensis and "Jerry" were abducted and tortured by soldiers.<sup>30</sup> At least 454,060 individuals forcibly evacuated from their communities, in the course of bombings conducted by soldiers in Marawi City and many communities in Mindanao, Eastern Visayas, Bicol, Cagayan Valley, and Southern Tagalog.<sup>31</sup> At least 3,043 victims of forced or fake surrenders were documented in Mindanao and other parts of the country, wherein civilians and rights defenders are coerced into presenting themselves to soldiers in military camps and signing documents that they are "rebel returnees."<sup>32</sup>

Human rights violations against HRDs and communities are driven by policies and programs of the Duterte administration that severely cause the constriction and closing of civic and democratic spaces in the country, on top of its anti-illegal drugs policy.

Through its Oplan Kapayapaan (Peace) and Oplan Kapanatagan (Stability), a militarist "whole-of-nation" approach is adopted by government to address the ongoing armed conflict in the country. The establishment of the NTF-ELCAC through EO 70 is the latest of government measures to systematize and institutionalize such approach. With the appointment of 73 military and police officials to positions in at least 46 government agencies, Duterte's counterinsurgency program, like the previous ones, does not distinguish civilians, or non-armed individuals, from armed combatants, resulting in widespread, systematic and grave violations of human rights and civil liberties such as the right to life, to due process, against arbitrary or unlawful arrests and detention, the right to freedom of association and expression.

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28 Attributing the attacks against media and human rights websites in the Philippines, Qurium Media Foundation, 29 March 2019: <https://www.qurium.org/alerts/philippines/attributing-the-attacks-against-media-human-rigths-philippines/>

29 Karapatan factsheets on the disappearance of Honey Mae Suazo and nine other victims of enforced disappearance, 2016 to 2019

30 Karapatan factsheet on the abduction and torture of Janry Mensis and Jerry, December 2018

31 Karapatan factsheets on cases of forced evacuation and bombings, 2016-2019

32 Karapatan factsheets on cases of forced or fake surrenders, 2016 to 2019

Labelling organizations of human rights defenders, religious institutions, and humanitarian organizations as “front organizations” of the CPP and NPA and as “terrorists,” and doing so without an ounce of evidence brought before a competent and independent court, makes leaders and members of these groups as vulnerable targets for State violence. This counterinsurgency program has also led to the criminalization of human rights defenders, through the Inter-Agency Committee on Legal Action and consequently through the legal engagement cluster of the NTF-ELCAC, which is assigned to prepare legal offensives against alleged CPP and NPA members, including those from the so-called front organizations.

The counterinsurgency measures are propped up by policies that engender such rights violations. The declaration and subsequent extension of martial law in Mindanao through Proclamation No. 216<sup>33</sup> has resulted in 106 victims of EJKs, 136 frustrated murders, 1,637 illegal arrests, 1,483 fake or forced surrenders, and more than 400,000 victims of forcible evacuation due to bombings.<sup>34</sup>

Likewise, the issuance of Memorandum Order No. 32,<sup>35</sup> increasing the number of police and military personnel deployed in the provinces of Samar, Negros Occidental, Negros Oriental, and the Bicol region, resulted in at least 52 victims of EJKs and 62 illegal or arbitrary arrests and detention in the said areas.<sup>36</sup> Immigration laws including Bureau of Immigration Operations Order No. SBM-2015-025<sup>37</sup> were used against HRDs like Australian missionary Patricia Fox and lawyer Gill Boehringer denying them entry and/or stay in the Philippines due to their support for victims of human rights violations.<sup>38</sup>

Women HRDs are also increasingly at risk under the current administration, with at least 43 WHRDs killed and 93 women arbitrarily or illegally arrested and detained.<sup>39</sup> Pronouncements of President Duterte that incite violence against women have been widely published in mainstream media.

Despite all these documented rights violations, and the corresponding cases filed before the Commission on Human Rights, the Supreme Court, and local courts, no State actor, perhaps except for the case of Kian delos Santos, a victim of drug-related EJK, has been convicted. If complaints do prosper into court cases, warrants of arrests have been difficult to enforce or serve to perpetrators, and thus trial is unable to commence. Relatives of victims have noted that law enforcement officials are amiss in undertaking their functions to locate and thus serve the warrants. They are also of the view that the military are providing protection to the perpetrators. When victims of state vilification, threats, and harassment avail of remedies to seek legal protection such as the petitions of the writs of amparo and habeas data, such as in

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33 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: <https://www.officialgazette.gov.ph/downloads/2017/05may/20170523-PROC-216-RRD.pdf>

34 Karapatan factsheets and documentation on human rights violations in relation to the declaration of martial law in Mindanao, 23 May 2017 to 23 May 2019

35 Memorandum Order No. 32 reinforcing the guidelines for the Armed Forces of the Philippines and the Philippine National Police in implementation of measures to prevent and suppress lawless violence, 22 November 2018: <https://www.officialgazette.gov.ph/downloads/2018/11nov/20181122-MO-32-RRD.pdf>

36 Karapatan factsheets and documentation on human rights violations in relation to the issuance of Memorandum Order No. 32, 22 November 2018 to 30 November 2019

37 Operations Order No. SBM-2015-025 Prohibition on foreign tourists in engaging in political activities in the Philippines, 03 July 2015: [https://immigration.gov.ph/images/OPERATIONORDER/2015\\_Issue/SBM-2015-025.pdf](https://immigration.gov.ph/images/OPERATIONORDER/2015_Issue/SBM-2015-025.pdf)

38 Karapatan factsheets on the case of Sr. Patricia Fox and lawyer Gil Boehringer, 2018

39 Karapatan factsheets and documentation on human rights violations against women, 1 July 2016 to 30 November, 2019

the cases of Karapatan, RMP, Gabriela and the National Union of Peoples' Lawyers, they face a blank wall as their petitions are dismissed by the Court of Appeals. Clearly, victims have nowhere to go, in terms of local remedies available to pursue justice and accountability.

Double standard of justice has likewise been noted, comparing the government's attitude towards the resolution of these rights violations vis-a-vis its enabling of the political rehabilitation of the Marcoses through the hero's burial of former dictator Ferdinand Marcos, the release from detention of the President's allies including former President Arroyo and former Senate President Juan Ponce Enrile; and the non-prosecution and promotion of military and police generals involved in cases of rights violations.

In November 2018, the Philippine Securities and Exchange Commission (SEC) released Memorandum Nos. 15<sup>40</sup> and 17.<sup>41</sup> Many non-profit and non-governmental organizations (NPOs/NGOs) opined that the memoranda infringe on their independence, as these will enable undue classification and regulation of the organizations, government interference in their activities, and violations on the right to privacy and the right to freedom of religious and political beliefs, which all may lead to the blacklisting or illegalization of human rights and development NGOs.

There were also recent actions, pronouncements and measures by government officials to defund or restrict funding for human rights and development work. Among these are (1) numerous representations made by the NTF-ELCAC to diplomatic missions in the Philippines and to foreign ministries in various countries to cease funding support for human rights defenders and development organizations in the Philippines, (2) pronouncements of the foreign affairs secretary addressed to foreign governments to "clear" donations and grants to NGOs in the country with his department,<sup>42</sup> and (3) the release of the Bureau of Customs Memorandum Circular No. 211-2019 on the suspension of loans and grants from countries which voted for the resolution on the Philippines at the UN Human Rights Council.<sup>43</sup>

The government also disseminated misinformation regarding the status of the registration with the SEC of Karapatan and four other NGOs,<sup>44</sup> which was contested by Karapatan's documentation proving the legal status of the organization and its compliance to reportorial requirements by the SEC.<sup>45</sup>

There are attempts to pursue additional measures that will result in the full closure of civic and democratic space in the country. Proposals to reimpose the death penalty continue to be among the top legislative agenda of Duterte's allies in the legislative branch, with 10 pending bills in the Senate and 13 bills filed in the House of Representatives. Bills lowering the

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40 SEC Memorandum Circular No. 15 series of 2018 Guidelines for the protection of SEC-registered non-profit organizations from money laundering and terrorist financing abuse ("NPO Guidelines"), 7 November 2018: <http://www.sec.gov.ph/wp-content/uploads/2018/11/2018MCNo15.pdf>

41 SEC memorandum Circular No. 17 series of 2018 Revision of the General Information Sheet to include beneficial ownership information, 27 November 2018: [http://www.sec.gov.ph/wp-content/uploads/2018/11/2018MCNo17\\_.pdf](http://www.sec.gov.ph/wp-content/uploads/2018/11/2018MCNo17_.pdf)

42 Teddy Locsin wants foreign donations to NGOs cleared with DFA, The Philippine Star, 2 June 2019: <https://www.philstar.com/headlines/2019/06/02/1922931/teddy-locsin-wants-foreign-donations-ngos-cleared-dfa>

43 Malacanang suspends talks on loans, grants from countries backing UN probe into drug war, Rappler, 21 September 2019: <https://www.rappler.com/nation/240669-philippines-suspends-talks-loans-grants-countries-support-un-resolution-drug-war>

44 Karapatan, 4 other NGOs have revoked SEC registration, Philippine News Agency, 8 May 2019: <https://www.pna.gov.ph/articles/1069216>

45 Rights group refutes PH gov't's claim to UN chief, ABS-CBN, 24 September 2019: <https://news.abs-cbn.com/news/09/24/19/rights-group-refutes-ph-govts-claim-to-un-chief>

minimum age for criminal responsibility from 15 years old to 13 or 12 years old are still pending before Congress.

Among the measures that will directly impact on civic and democratic space in the Philippines are proposals to amend the anti-terror law. At least four bills are pending at the Senate, while five bills are up for deliberation at the House of Representatives regarding the amendments to the HSA. Defense Secretary Delfin Lorenzana has been quoted widely by the media proposing the lifting of martial law in Mindanao in exchange for the enactment of bills amending the HSA, which contain draconian and highly questionable provisions that will further criminalize and stigmatize political dissent, human rights and social justice work, humanitarian and development work.

Among the proposed amendments are the inclusion of several legitimate acts of dissent and protest including transport and trade union strikes, humanitarian response and assistance such as provision of medical and legal assistance to persons suspected as terrorists as acts of terrorism; prosecution of journalists if they will not divulge their sources on issues pertaining to alleged terrorist acts; lengthened period of detention of persons suspected as terrorist to 30 days without a warrant, which can make individuals vulnerable to torture and cruel treatment; the removal of safeguards for abuse such as the penalties for wrongful detention, among others.

Secretary Lorenzana, Interior and Local Government Secretary Eduardo Ano, and Presidential Peace Adviser Carlito Galvez also voiced out their recommendation to revive Republic Act 1700, or the Anti-Subversion Law, which was repealed in 1991, to criminalize membership or association with the CPP, NPA and their so-called front organizations.<sup>46</sup>

With the prioritization of proposed laws that impact on human rights and civil liberties in a Congress dominated by the President's allies, the filing of trumped-up charges against critics and HRDs, the arbitrary detention of political prisoners, the severe deficiencies of domestic redress mechanisms to render justice and the brazenness of law enforcement, military and government officials in committing and justifying rights violations, the country's legal and justice system is weaponized against dissent and criticism.

Meanwhile, a long-overdue measure that provides legal recognition and protection mechanisms for human rights defenders continue to languish in Congress. Four bills filed in Congress have yet to be scheduled for hearings at the committee levels.

#### Recommendations:

1. For the UN Human Rights Council to adopt a resolution providing for the initiation of an independent fact-finding mission or a Commission on Inquiry regarding the human rights situation in the Philippines;
2. For the Philippine government to officially invite UN special procedures, including those on extrajudicial killings, human rights defenders, indigenous peoples, freedom of association and peaceful assembly, freedom of expression, to conduct independent investigation on allegations of rights violations in the Philippines;

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46 The Trouble with the New Anti-Subversion Act Push for the Philippines, The Diplomat, 09 October 2019: <https://thediplomat.com/2019/10/the-trouble-with-the-new-anti-subversion-act-push-for-the-philippines/>

3. For the Philippine government to rescind its policies and program pertaining to its campaign against illegal drugs and counterinsurgency campaigns that gravely impact on the human rights situation;
4. For the Philippine government to cease all efforts to enact the reimposition of the death penalty, the measure lowering the minimum age of criminal responsibility, the amendments to the Human Security Act, and the revival of the Anti-Subversion law;
5. For the Philippine government to work for the legislation of the Human Rights Defenders Protection Bill;
6. For the Philippine government to stop extrajudicial killings, enforced disappearances, torture, illegal or arbitrary arrests and detention and other human rights violations and provide measures to ensure accountability of perpetrators and indemnification of victims and their families;
7. For the Philippine government to release all political prisoners and to halt the policy and practice of judicial harassment, criminalization of human rights work and political dissent; and,
8. For the Philippine government to abide by the all international instruments pertaining to human rights and international humanitarian law.