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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by Asia Pacific Forum on Women, Law and Development, a non-governmental organization in special consultative status

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

[04 June 2020]

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

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The Asia Pacific Forum on Women, Law and Development (APWLD), with its Philippine-based partners Tanggol Bayi and Karapatan, draw the United Nations (UN) Human Rights Council (HRC)'s attention to the worsening human rights situation in the Philippines amid the impacts of the COVID-19 pandemic, as we welcome the report and recommendations¹ of UN High Commissioner Michelle Bachelet in accordance to the UN HRC resolution 41/2² this 44th session of the Council.

The High Commissioner noted in her report the “persistent impunity for human rights violations,” stating the “overarching focus on public order and national security, including countering terrorism and illegal drugs” that has permeated the “implementation of existing laws and policies and the adoption of new measures, often at the expense of human rights, due process rights, the rule of law and accountability.”³

This situation described in the report has been aggravated, amid the COVID-19 pandemic. A new Anti-Terrorism Act of 2020 was recently passed in Congress, after President Rodrigo Duterte certified the proposed measure as urgent. The High Commissioner deemed the said act as one that “dilutes human rights safeguards, broadens the definition of terrorism and expands the period of detention without warrant from three to 14 days, extendable by another 10 days.” The report further cites that the “vague definitions” in the act “may violate the principle of legality.”⁴

The act contains provisions that dangerously infringe on people's democratic rights and civil liberties such as the rights of human rights defenders (HRDs), freedom of expression, assembly, and association; right to due process and to privacy; as well as the right against illegal and arbitrary detention, torture, to cruel and degrading treatment. Civil society organisations and freedom of expression advocates view its enactment as one that will seal the de facto martial law situation in the country.

We note further the High Commissioner's statements on the pervasive attacks against human rights defenders. Rights defenders like Gloria Apique,⁵ whose case was cited in the report, and Jory Porquia⁶ were killed in the past two months, bringing the total to 179 HRDs killed since Rodrigo Duterte's assumption as president. The case of the killing of Karapatan human rights worker Elisa Badayos was highlighted in the report, as an emblematic case of killings of human rights defenders. Judicial harassment against Karapatan human rights workers have likewise continued, with the arrests and continuing detention of Alexander Abinguna and Jennefer Aguhob, also an engineer, during the first quarter of the year. Trumped-up perjury charges against defenders were revived against Karapatan, Rural Missionaries of the Philippines and Gabriela, after being initially dismissed.⁷ Arrest warrants against leaders of said organisations were issued when one of them, Cristina Palabay, was leading an NGO delegation at the 43rd Human Rights Council session, which is viewed as a reprisal on the

¹ Report of the UN High Commissioner for Human Rights on the Situation in the Philippines, Office of the High Commissioner on Human Rights, 04 June 2020:

<https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>

² Promotion and protection of human rights in the Philippines, OHCHR Website, 17 July 2019:

<https://undocs.org/A/HRC/RES/41/2>

³ Report of the UN High Commissioner for Human Rights on the Situation in the Philippines, Office of the High Commissioner on Human Rights, 04 June 2020:

<https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>

⁴ Report of the UN High Commissioner for Human Rights on the Situation in the Philippines, Office of the High Commissioner on Human Rights, 04 June 2020:

<https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>

⁵ Woman peasant leader killed in Surigao del Sur, Bulatlat, 01 April 2020:

<https://www.bulatlat.com/2020/04/01/woman-peasant-leader-killed-in-surigao-del-sur/>

⁶ They shot my tatay nine times, Rappler, 01 May 2020: <https://www.rappler.com/nation/259499-they-shot-my-tatay-nine-times-jory-porquia>

⁷ Rights defenders decry revival of fabricated perjury charges, Bulatlat, 03 March 2020:

<https://www.bulatlat.com/2020/03/03/rights-defenders-decry-revival-of-fabricated-perjury-charges/>

NGO's participation in the report-making process of the UN HCR.⁸ In the same session, members of the Philippine mission in Geneva and from the National Task Force to End the Local Communist Armed Conflict have brazenly engaged in red-tagging and disinformation in the HRC43 plenary and immediately after it. Online and offline attacks by the vilifying Karapatan and other human rights and people's organisations have remained relentless, even during the pandemic. We attribute such attacks to the implementation of Executive Order No. 70, and thus reiterate our recommendation for the rescinding of such policy.

While there are reports on the release of prisoners during the pandemic, we raise the concern that political prisoners, criminalised and charged with fabricated cases, are seemingly excluded in the course of these releases. There are 619 political prisoners, with 97 suffering from various ailments and 55 elderly. 98 of these political prisoners are women.⁹ To press for the humanitarian release of prisoners amid the pandemic, 22 political prisoners filed a petition before the Supreme Court on April 8, 2020.¹⁰ As of this writing, more than two months after, the petition has yet to be decided upon. Furthermore, instead of releasing prisoners to decongest jails and mitigate the impact of the pandemic, defenders such as elderly Teresita Naul¹¹ were arrested and jailed.

From March 17 to May 31, 2020, the PNP arrested 57,177 individuals for violations of quarantine measures.¹² Many were subjected to violent, cruel and degrading treatment such as beatings, being put in dog cages, being made to kiss, sing and dance before authorities, forced to do strenuous physical exercises, put under the scorching heat of the sun, or being placed in coffins to teach them a lesson.¹³ They were daily wage earners who were asking for food aid from government, homeless persons or low-risk offenders.

This was after President Duterte issued his "shoot-them-dead" statement, referring to quarantine violators.¹⁴ Meanwhile, top government officials including PNP National Capital Region Chief Debold Sinas,¹⁵ a senator,¹⁶ and an undersecretary,¹⁷ who violated these procedures enjoy immediate exoneration and impunity for liability, validating the perception of double standards of law and justice and the ruthlessness of draconian approaches.

Gender-based violence is a cause of concern during the government-imposed lockdown. From March 15 to April 30, 2020, the Philippine National Police recorded 671 incidents involving violence against women and children and 70 incidents of rape.¹⁸ Reports of persons

⁸ UN and States can and must do more to prevent and address reprisals, International Service for Human Rights, 03 May 2020: <https://www.ishr.ch/news/reprisals-un-and-states-can-and-must-do-more-prevent-and-address-reprisals-0>

⁹ Karapatan documentation, May 2020.

¹⁰ Seeking compassion, detainees ask SC for temporary release amid COVID-19 threats, ABS-CBN, 08 April 2020: <https://news.abs-cbn.com/news/04/08/20/seeking-compassion-detainees-ask-sc-for-temporary-release-amid-covid-19-threat>

¹¹ Teresita Naul: advocate for the poorest, World Organisation Against Torture, May 2020: <https://www.omct.org/human-rights-defenders/statements/philippines/2020/05/d25825/>

¹² 2,875 Filipinos still detained for violating quarantine, Rappler, 01 June 2020: <https://www.rappler.com/nation/262537-pnp-report-detained-filipinos-coronavirus-quarantine-violators-may-31-2020>

¹³ Karapatan monitoring and various news outlets.

¹⁴ 'Shoot them dead': Duterte warns against violating lockdown, Al Jazeera, 02 April 2020: <https://www.aljazeera.com/news/2020/04/dead-duterte-warns-violating-lockdown-200401164531160.html>

¹⁵ Birthday salu-salo for NCRPO chief Sinas amid ECQ, Rappler, 13 May 2020: <https://www.rappler.com/nation/260657-ncrpo-chief-sinas-birthday-celebration-ecq-may-2020>

¹⁶ Makati hospital berates Sen. Pimentel for violating quarantine protocols, CNN Philippines, 25 March 2020: <https://www.cnnphilippines.com/news/2020/3/25/Koko-Pimentel-Makati-Medical-Center-quarantine-protocol.html>

¹⁷ Mocha Uson asked to resign as OFW visit in Batangas seen to violate ban on 'mass gatherings', Interaksyon, 27 April 2020: <https://www.interaksyon.com/politics-issues/2020/04/27/167233/mocha-uson-asked-resign-ofw-visit-in-batangas-seen-to-violate-ban-on-mass-gatherings/>

¹⁸ 6th Report of President Rodrigo Roa Duterte to the Joint Congressional Oversight Committee, Official Gazette website, 04 May 2020: <https://www.officialgazette.gov.ph/downloads/2020/05may/20200504-Report-to-the-Joint-Congressional-Oversight-Committee.pdf>

in authority raping women in exchange of quarantine pass, food and money¹⁹ were published by media outlets.

With overcrowded hospitals, shortage of medical personnel and equipment, and exorbitant hospital fees driven by privatisation, reproductive and basic health care services are becoming less accessible to women and their families.²⁰ At least 18.9 million people, including women, informal and daily wage workers, are most affected by the crisis.²¹ The Department of Labor and Employment estimates that 10 million Filipinos will lose jobs this year, with 2.6 million displaced from their jobs permanently as of May.²² Workers in economic zones are forced to work, without paid leaves or day-offs, risking workers' health and disregarding labor rights. However, only 21% of these displaced workers were to receive cash assistance.²³ Thousands of migrant workers are also displaced during the crisis, but are given inadequate cash subsidies.²⁴

Threats of formal declaration of martial law abound, while many of poor communities grapple with the lack of mass testing procedures, direly inadequate food and financial aid, and lack of protection and insecurity of frontline health workers.

Thus, we welcome the report of Ms. Bachelet on the widespread human rights violations in the Philippines as well as her observations on the failure of domestic mechanisms to ensure accountability. Her report amplifies the call for justice and accountability, with the shrinking democratic and civic space in the Philippines. We further provide the following recommendations, in addition to the High Commissioner's stated recommendations:

- For the UN Human Rights Council to adopt a resolution providing for the independent investigation on the human rights situation in the Philippines, which includes possible mechanisms such as a Commission on Inquiry, and monitoring and reporting of the OHCHR to the HRC;
- For the Philippine government to officially invite UN special procedures, including those on extrajudicial killings, human rights defenders, freedom of association and peaceful assembly, freedom of expression, to conduct independent investigation on allegations of rights violations;
- For the Philippine government to rescind its policies pertaining to its campaign against illegal drugs and counterinsurgency, including Executive Order 70 and Memorandum Order 32, that gravely impact on the human rights situation;
- For the Philippine government to cease the enactment of the Anti-Terrorism Act of 2020;
- For the Philippine government to stop extrajudicial killings, enforced disappearances, torture, illegal or arbitrary arrests and detention and other rights violations and to ensure accountability of perpetrators and indemnification of victims and their families;

¹⁹ To cross coronavirus border, prostituted women abused by cops first, Rappler, 21 May 2020: <https://www.rappler.com/newsbreak/in-depth/260588-prostitutes-abused-by-cops-first-cross-coronavirus-border>

²⁰ Philippines: How women pay the price of pandemic-induced health care shortages, dw.com, 15 May 2020: <https://www.dw.com/en/philippines-how-women-pay-the-price-of-pandemic-induced-health-care-shortages/a-53454534>

²¹ ECQ disrupts livelihood of 19M: Millions of working people left behind by poor government response, Ibon Foundation, 01 May 2020: <https://www.ibon.org/millions-of-working-people-left-behind-by-poor-govt-response/>

²² DOLE estimates 10 million workers will lose jobs this year due to COVID-19 pandemic, CNN Philippines, 21 May 2020: <https://www.cnn.ph/news/2020/5/21/dole-estimates-ten-million-workers-will-lose-jobs-covid-pandemic.html>

²³ 200k workers get DOLE aid, DOLE website, 05 April 2020: <https://www.dole.gov.ph/news/200k-workers-get-dole-aid/>

²⁴ DOLE needs additional P9.4B cash aid to cover all workers affected by crisis, Rappler, 27 April 2020: <https://www.rappler.com/nation/259195-dole-needs-additional-billions-cash-aid-cover-all-affected-workers-coronavirus>

- 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;
 - For the Philippine government to be reminded of the United Nations Standard Minimum Rules for the Treatment of Prisoners and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders for its improvement of the conditions in prisons;
 - For the Philippine government to take all measures to put an end to gender-based violence and hold accountable the perpetrators, especially persons of authority, who committed the said offenses, and provide services for women and girls including counselling, shelters and reproductive health services, as well as the provision of substantive consultation processes and funding for women's and civil society organisations to enable them to do their work in assisting women and girls in need of assistance.
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