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Правозащитные органы и механизмы

Материалы в письменном виде, представленные Филиппинами: Комиссией по правам человека*

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* Национальное правозащитное учреждение с аккредитационным статусом категории «А», присвоенным Глобальным альянсом национальных правозащитных учреждений.

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Written statement of the Commission on Human Rights of the Philippines in relation to the report of the Secretary-General on reprisals

The Commission on Human Rights of the Philippines (“CHR”) brings to the Council’s attention the current issues pertinent to reprisals against individuals and organizations in the Philippines for their engagement with the United Nations and its mechanisms.

In 2018, a petition was filed by the Department of Justice against the Communist Party of the Philippines and New People’s Army (“CPP-NPA”) for their proscription as a terrorist organization under Section 17 of the previous anti-terrorism law, or the Human Security Act of 2007.¹ The petition originally named more than 600 persons as “terrorists.” Included therein were recognized human rights defenders, indigenous peoples’ representatives, and representatives of community-based organizations, a number of which had been long-standing partners of the UN, namely:²

- Victoria Tauli-Corpuz, former UN Special Rapporteur on the Rights of Indigenous Peoples and former Chairperson and member of the UN Permanent Forum on Indigenous Issues;
- Joan Carling, Co-Convenor of the Indigenous Peoples Major Group on Sustainable Development and former member of the UN Permanent Forum on Indigenous Issues;
- Jose Molintas, a human rights lawyer and a former member of the Expert Mechanism on the Rights of Indigenous Peoples;
- Windel Bolinget of the Cordillera Peoples Alliance; and
- Beverly Longid of the Indigenous Peoples Movement for Self-Determination and Liberation.³

The Philippine government, through its National Task Force to End Local Communist Armed Conflict (“NTF-ELCAC”), launched a red-tagging campaign which included a slide presentation entitled, “*The CPP4 Availing the UN Systems and International Solidarity Networks for the Advancement of the National Democratic Resolution vis-a-vis IP/ICC’s struggle in Mindanao.*” The presentation showed that “the CPP had purportedly infiltrated local indigenous people’s organizations all the way to the United Nations to advance their ‘terrorist’ activities.”⁵ It also had the names and photos of the aforementioned indigenous peoples’ rights leaders and activists.⁶

Furthermore, the Philippine government issued a document entitled, “*17 Atrocities of the CTG’s Against ICCs/IPs in Mindanao,*” which states that the 16th atrocity of the CPP-NPA

¹ Benjamin Pulta, “Court orders revival of DOJ bid to declare CPP-NPA terror group,” Philippine News Agency, 10 February 2020, available at <https://www.pna.gov.ph/articles/1093436> (Last accessed: 24 August 2020).

² Commission on Human Rights of the Philippines, Report on the Situation of Human Rights Defenders in the Philippines, July 2020, available at http://chr.gov.ph/wp-content/uploads/2020/07/CHRP-2020-Report-on-the-Situation-of-Human-Rights-Defenders.pdf?fbclid=IwAR21gKP_XSIM8vkq2n9E4b8KcKtphF6kShS4gPL_FMwtqq-4dP9C5wNrrDQ.

³ Id.

⁴ In 2002, the United States declared the CPP-NPA as a terrorist organization. The Philippines formally followed suit in 2017. President Rodrigo Duterte tagged the CPP-NPA as a terrorist organization under Republic Act No. 10168; See: <https://cisac.fsi.stanford.edu/mappingmilitants/profiles/communist-party-philippines-new-peoples-army>; See also: Presidential Communications Operations Office, “Duterte declares CPP-NPA a terrorist group,” 5 December 2017, available at https://pcoo.gov.ph/news_releases/duterte-declares-cpp-npa-terrorist-group/ (Last accessed: 18 April 2020).

⁵ Commission on Human Rights of the Philippines, Report on the Situation of Human Rights Defenders in the Philippines, July 2020, available at http://chr.gov.ph/wp-content/uploads/2020/07/CHRP-2020-Report-on-the-Situation-of-Human-Rights-Defenders.pdf?fbclid=IwAR21gKP_XSIM8vkq2n9E4b8KcKtphF6kShS4gPL_FMwtqq-4dP9C5wNrrDQ.

⁶ Id.

is “For using the Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) in ruining the image of the Philippine Government in the eyes of the world through orchestrating International Solidarity Works and projecting lies contrary to the real situation and issues of the country.” The government thereafter sent a delegation composed of its selected “indigenous peoples” to the United States to conduct a campaign they referred to as “Breaking the Silence: Telling the Truth Caravan.” They organized town hall meetings and press conferences, supposedly to expose the atrocities of the CPP-NPA.⁷ One of the delegates stated that: “Another track is their exploitation of the United Nation system ... Former activist from the indigenous peoples in the Cordillera region and officers of the Cordillera Peoples Alliance and the Tebtebba project themselves as the champions of Indigenous Peoples Rights and Indigenous Peoples Rights Act. They were able to present themselves and become part of the UN system by becoming first as member of expert mechanisms, non-state representatives in the UN Permanent Forum for Indigenous issues, and now UN Rapporteur for Indigenous Peoples ... and arbitrarily issues statements against government efforts to address Muslim extremism and Indigenous Peoples radicalization.”⁸

Such efforts of the government to vilify and discredit the work of indigenous human rights defenders in the Philippines, who have a long track record in strengthening the indigenous peoples movement in the country, is unacceptable and demonstrates the insincerity of the government in its pronouncements to promote and protect the human rights of indigenous peoples. Such practices amount to intimidation and discouragement of human rights defenders from engaging with international bodies and accessing remedies available to them through international human rights mechanisms.⁹

State officials and supporters of the current Administration persist on their misinformed criticisms against the mandate of the CHR.¹⁰ When the UN Human Rights Council voted for a resolution on the human rights situation in the Philippines in July 2019, articles were published condemning the statements of the CHR, which called on the Philippine government to cooperate with the UN Office of the High Commissioner on Human Rights. One article stated, “With the kind of money that the public treasury spends on the CHR and its staff, the nation has a right to expect the Commission to be first in the line to explain to the world the real state of human rights in the country. But instead of doing that, CHR conducts itself like a resident critic of the government.”¹¹ Another article stated, “The Commission on Human Rights (CHR), spends no time defending the human rights situation in the country, and is clueless before actions like the UN Human Rights Council resolution calling for an international investigation of human rights violations in the Philippines.”¹²

⁷ Id.

⁸ Id.

⁹ Commission on Human Rights of the Philippines, Report on the Situation of Human Rights Defenders in the Philippines, July 2020, available at http://chr.gov.ph/wp-content/uploads/2020/07/CHRP-2020-Report-on-the-Situation-of-Human-Rights-Defenders.pdf?fbclid=IwAR21gKP_XSIM8vkq2n9E4b8KcKtphF6kShS4gPL_FMwtqq-4dP9C5wNrrDQ.

¹⁰ See Yen Makabenta, Philippine Human Rights Commission is neither independent nor legitimate, December 12, 2019, available at <https://www.manilatimes.net/2019/12/12/opinion/columnists/topanalysis/philippine-human-rights-commission-is-neither-independent-nor-legitimate/663445/> (last accessed: 18 April 2020).

¹¹ The Manila Times, “CHR must champion our country, govt for a change,” available at <https://www.manilatimes.net/2019/07/16/opinion/editorial/chr-must-champion-our-country-govt-for-a-change/584973/> (last accessed: 18 April 2020).

¹² Yen Makabenta, “First an autopsy, then resurrection under a human rights act by Congress,” July 20, 2019, available at <https://www.manilatimes.net/2019/07/20/opinion/columnists/topanalysis/first-an-autopsy-then-resurrection-under-a-human-rights-act-by-congress/586674/> (last accessed: 18 April 2020).

Following CHR Commissioner Karen Gomez-Dumpit's statements during¹³ and after¹⁴ the 45th session of the Human Rights Council regarding the resolution on Technical Assistance and Capacity-Building for domestic efforts on human rights in the Philippines, she was red-tagged through a series of posts coming from official Facebook pages run by the Philippine Army¹⁵ as well as the Philippine government's information arm, the Philippine News Agency.¹⁶ In particular, General Antonio G. Parlade, Jr., then Commanding General of the Southern Luzon Command and Spokesperson of the NTF-ELCAC, accused Commissioner Gomez-Dumpit, along with CHR Chairperson Chito Gascon, of supporting the CPP-NPA-NDF, and branded them as *"termites trying to destroy our homes from the under."* General Parlade made the following statements, *"the government, through our permanent representatives in Geneva, led by Ambassador Garcia, did a wonderful job at presenting the real score about the human rights situation in the Philippines. Instead of congratulating them, the CHR continues to cast doubt on the government's ability to observe International Conventions on Human Rights and the International Humanitarian Law. Why does the CHR do this? They are termites trying to destroy our homes from the under. Who benefits when they do this? Certainly not the country but its enemies,"*¹⁷ referring to the CPP-NPA-NDF and its allies.¹⁸

Consequently, Commissioner Gomez-Dumpit, Chairperson Gascon, CHR Executive Director Jacqueline Ann C. De Guia, and the CHR itself have been red-tagged through a series of YouTube videos uploaded by staunch supporters of the Duterte Administration.¹⁹

Hence, despite impressions of the Philippine government to engage with the UN, the situation on the ground remains unchanged. Language that incites hatred and violence still prevails. General Parlade's act of red-tagging negatively impacts the work of the CHR as a whole, and represents the further aggravation of the human rights crisis in the country. General Parlade and the spokespersons of the NTF-ELCAC remain free to continue these vicious attacks and falsehoods against the CHR, human rights defenders, and those that they view as "against the government." The attacks on the CHR and other human rights defenders are illustrative of the continuing shrinking civic space in the Philippines.

The CHR continues to call on the Philippine government to strive towards ending reprisals and the "red-tagging" of human rights defenders and organizations, and discern the work of human rights defenders and the CHR as the watchdogs and monitors of the State in fulfilling its obligations under international human rights norms and domestic laws.

¹³ Statement of the Commissioner Karen Gomez-Dumpit, delivered on 5 October 2020 during Item 10 General Debate - 35th Meeting, 45th Regular Session of the Human Rights Council, <http://webtv.un.org/search/item10-general-debate-35th-meeting-45th-regular-session-human-rights-council/6197882723001/?term=Karen%20gomez%20dumpit&sort=date&page=2#player>.

¹⁴ Cathrine Gonzales, "UNHRC resolution on human rights in PH fell short of expectations - CHR," Inquirer, 9 October 2020, available at <https://globalnation.inquirer.net/191467/fwd-chr-unhrc-resolution-on-human-rights-in-ph-fell-short-of-expectations> (Last accessed: 1 June 2021); Aleta Nieva Nishimori, "UN rights body resolution 'short of expectations' but chance for gov't to improve: CHR," ABS-CBN News, 9 October 2020, available at <https://news.abs-cbn.com/news/10/09/20/un-rights-body-resolution-short-of-expectations-but-chance-for-govt-to-improve-chr> (Last accessed: 1 June 2021).

¹⁵ See the link to the Facebook post: <https://www.facebook.com/SouthernLuzonCommandAFP/posts/2698584067068316>.

¹⁶ Priam Nepomuceno, "Parlade puzzled by CHR exec's 'tarring' of PH human rights win," Philippine News Agency, 12 October 2020, available at <https://www.pna.gov.ph/articles/1118207> (Last accessed: 1 June 2021).

¹⁷ See the link to the Facebook post: <https://www.facebook.com/SouthernLuzonCommandAFP/posts/2698584067068316>; Priam Nepomuceno, "Parlade puzzled by CHR exec's 'tarring' of PH human rights win," Philippine News Agency, 12 October 2020, available at <https://www.pna.gov.ph/articles/1118207> (Last accessed: 1 June 2021).

¹⁸ Priam Nepomuceno, "Parlade puzzled by CHR exec's 'tarring' of PH human rights win," Philippine News Agency, 12 October 2020, available at <https://www.pna.gov.ph/articles/1118207> (Last accessed: 1 June 2021).

¹⁹ See the link to the YouTube video: <https://www.youtube.com/watch?v=mbaCL9n8o-A>.