

Mandates of 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 rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders and the Working Group on the issue of discrimination against women in law and in practice

REFERENCE:
AL PHL 12/2017

2 October 2017

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders and Working Group on the issue of discrimination against women in law and in practice, pursuant to Human Rights Council resolutions 35/15, 34/18, 32/32, 34/5 and 15/23.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the deterioration of the human rights situation in the Philippines since 2016; the repeated targeting of human rights defenders, including women human rights defenders; the defamatory and intimidating public statements directed at the Commission on Human Rights of the Philippines (CHR), its members and the Chairperson Mr. **Chito Gascon**.

According to the new information received:

On 24 July 2017, while talking to representatives of media outlets, after his State of the Nation Address, President Duterte threatened to block any investigations on extrajudicial killings by the CHR and stated that the CHR would be "better abolished."

On 8 August 2017, the President of the Philippines updated a list of officials he accused of having links to drug syndicates, reportedly stating that "with God's help, it will soon become a death certificate." The list reportedly includes members of the judiciary and human rights defenders. President Duterte also allegedly threatened to investigate officials of the CHR.

On 15 August 2017, speaking one day after police allegedly killed 32 people in a series of raids near Manila against "drug personalities," President Duterte called for investigations of human rights defenders criticising the President or his policies, calling on police to shoot them for "obstructing justice." The President allegedly stated, "one of these days, you human rights groups, I will also investigate you (...) If they are obstructing justice, you shoot them." It is alleged that the President referred specifically to the CHR as a possible target for the above mentioned investigations and shootings, stating that he would seek the

abolition of the CHR if it continues conducting probes on military and police personnel involved in the killing of drug offenders.

On 12 September 2017, the House of Representatives of the Congress of the Philippines voted to introduce budget cuts to the CHR, reducing the 2018 budget from the proposed P649.484 million (approximately 13,000 USD) (inclusive of retirement and life insurance program) down to P1,000 (approximately 20 USD). On 20 September 2017, however, the House of Representatives decided to restore the CHR's annual budget.

The described deliberate vilification of the CHR, its Chair and other officials, including women, as well as the initial Congress vote on drastic budget cuts have happened against a general background of killings, intimidation, harassment and gender based attacks of a large number of human rights defenders in the Philippines for at least a year. We continuously receive information alleging an increasingly volatile situation for human rights defenders in the Philippines, as well as a prevailing environment of impunity in the context of high level officials' reported endorsement of the extra-judicial killings of alleged drug users. According to official statistics from the Philippine National Police (PNP), security forces and "unidentified gunmen" have killed at least 7,000 suspected drug users and dealers since 1 July 2016, with 3,116 of these killings attributed to the police. The rise of such extra judicial killings is reportedly linked to an increase in the killing of human rights defenders and other dissenting voices. Several dozens reported cases of killings of human rights defenders have also become known since 2016. Many of the individuals targeted have been defending land rights, the rights of indigenous peoples, women's rights and the preservation of the environment in relation to various commercial operations, in particular mining activity on the island of Mindanao.

This dramatic situation is further exacerbated by high level officials' hostile rhetoric and threats against human rights defenders and civil society, which also manifests itself by gender-biased comments directed specifically at women human rights defenders.

Serious concern is expressed at the defamation campaign directed at the CHR, its Chairperson as well as other members, including public statements containing threats and intimidation by high level public officials and the president himself. We also express our deep concern at actions and announcements by authorities of the Philippines which could impede the CHR's ability to exercise its mandate to probe "all forms of human rights violations involving civil or political rights" committed by Government officials, as per Section 18 of the Constitution of the Philippines. Such actions could result in far-reaching consequences on the exercise fundamental human rights and freedoms in the Philippines.

We also express our grave concern at the security, psychological and physical integrity of human rights defenders and civil society organisations receiving death threats and intimidations due to their criticism of extrajudicial killings resulting from the "war on drugs". These threats are in direct relation to their peaceful and legitimate work in defence of human rights.

Particular concern is expressed at allegations of complete impunity with regard the investigation of the more than 7,000 alleged extrajudicial killings, as well as reported executions of human rights defenders, including women. Although police statistics seek to differentiate between killings carried out by security forces and those allegedly committed by “unidentified gunmen” and “vigilantes,” we are worried that this does not reflect reality in the face of numerous reports we have received that police are allegedly responsible for the vast majority of these extrajudicial killings.

On this occasion, we also wish to reiterate the grave concerns expressed by the UN High Commissioner for Human Rights in his opening statement to the 36th Session of the Human Rights Council on 11 September 2017, about the “apparent absence of credible investigations into reports of thousands of extrajudicial killings, and the failure to prosecute any perpetrator”. He further noted that “many human rights defenders who are the honour of their country face a growing number of death threats” and called on the Government to “ensure they are accorded full protection and the right to freedom of expression and peaceful assembly without reprisals.”

We equally echo the concerns expressed by Dr. Beate Rudolf, Chairperson of the Global Alliance of National Human Rights Institutions (GANHRI), the UN-recognized umbrella body of National Human Rights Institutions (NHRIs), in the letter addressed to the Chair of the CHR on 11 September 2017. Referring to the aforementioned press statement by President Duterte in his State of the Nation address on 24 July 2017, where he affirmed he would block any investigations by the CHR into alleged abuses by security forces in the Philippines, and stated that the CHR would be “better abolished,” Dr. Rudolf expressed her concern “that such statements severely put at risk the independence and mandate of the Commission.” She reiterated the CHR’s full compliance with the Paris Principles as reaffirmed by its recent re-accreditation with “A” status by GANHRI. Dr. Rudolf expressed her support for the CHR, writing that the CHR is “highly respected among NHRIs and within the international human rights community for your exemplary work and high commitment to uphold human rights standards even in the most difficult circumstances.”

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide further information on any measures being taken to ensure that the CHR, which is a vital institution for promoting and protecting human rights, can continue to carry out the mandate entrusted to it by the Constitution and explain how the general vilification of the CHR could be

considered compatible with Philippine's obligations under its Constitution and international human rights law.

3. Please indicate what measures have been taken to guarantee the physical and psychological integrity of human rights defenders, including women human rights defenders, members of the CHR and its Chair Chito Gascon, who have allegedly been receiving death threats and suffering intimidation for their work in defense of human rights.
4. Please provide information on the factual basis and methodology used for the Philippine National Police's distinction between police killings and killings by "unidentified gunmen" and "vigilantes" of the more than 7,000 killings of alleged drug users which took place since 1 July 2016.
5. Please provide detailed information on ongoing investigations into the more than 7,000 killings of alleged drug users recorded by the Philippine National Police since 1 July 2016, as well as investigations into the alleged killings of human rights defenders. If no investigations are underway, please explain why.
6. Please indicate what measures are being taken to ensure that human rights defenders, including women human rights defenders, are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

David Kaye

Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Annalisa Ciampi

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst

Special Rapporteur on the situation of human rights defenders

Kamala Chandrakirana

Chair-Rapporteur of the Working Group on the issue of discrimination against women in
law and in practice

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We would like to refer to articles 3 and 6 (1) of the International Covenant on Civil and Political Rights (ICCPR) which the Philippines ratified on 23 October 1986, which guarantee the equal right of men and women to the enjoyment of all civil and political rights set forth in the Covenant. We would also like to refer to article 6 (1) of the International Covenant, which provides that the inherent right to life of every individual shall be protected by law and that no one shall be arbitrarily deprived of his life.

We moreover appeal to your Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with article 19 of the ICCPR. In this connection, we refer to Human Rights Council resolution 12/16, calling on States to refrain from imposing restrictions which are not consistent with article 19(3) of the ICCPR.

Furthermore, we would like to refer to articles 21 and 22 of the ICCPR, which provide for the right of peaceful assembly and the right to freedom of association, respectively.

In addition, we wish to bring to the attention of your Government article 25 (a) of the ICCPR, which provides for the right to take part in the conduct of public affairs without any discrimination or unreasonable restriction.

With regard to allegations of extrajudicial killings, we would like to draw your Excellency's government's attention to the Human Rights Committee's General Comment No. 6, para. 3, which considers article 6 (1) of the ICCPR to include an obligation of States to take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces. In addition, in its General Comment No. 31, the Committee stated that there is a positive obligation on States Parties to ensure the protection of the rights contained in the Covenant against violations by its agents.

Furthermore, we would like to respectfully remind your Government of the Second Optional Protocol to the ICCPR, ratified by the Philippines on 20 November 2007, which requires States parties to prohibit executions and adopt all necessary measures to abolish the death penalty within their jurisdiction.

We would also like to bring to the attention of your Excellency's Government the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN

Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1, 2, 6 and 12 of the Declaration.

With respect to the allegations of intimidation and threats directed at the CHR, we wish to refer Your Excellency's Government to the Human Rights Council resolution 33/15 on National Human Rights Institutions.

We would also like to remind your Government of Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by the Philippines 5 August, 1981 which provides that states parties will take all appropriate measures to eliminate discrimination against women in political and public life.

We would also like to draw your attention to the 2013 General Assembly resolution 68/181 on protecting women human rights defenders as well as Human Rights Council resolution 31/32, in which States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders.

Also, as highlighted by the Working Group on discrimination against women in law and in practice in one of its reports (A/HRC/23/50), stigmatization, harassment and outright attacks have been used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians. Women defenders are often the target of gender-specific violence, such as verbal abuse based on their sex; they may experience intimidation, attacks and death. Violence against women defenders is sometimes condoned or perpetrated by State actors. In 2012, recognizing the importance of eliminating violence against women in public and political life, the General Assembly, in its resolution 66/130, called for an environment of zero tolerance for violence against women elected officials and candidates for public office.