

Mandates of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity; 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 Special Rapporteur on freedom of religion or belief

REFERENCE:
AL PHL 6/2019

25 November 2019

Excellency,

We have the honour to address you in our capacities as Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity; 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 Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 32/2, 34/18, 41/12, 34/5 and 40/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning hatred, verbal harassment and threats against Mr. **Rhadem Camlian Morados**, including death threats and threats of kidnapping, disseminated on social media on account of his work on sexual orientation, gender identity and sex characteristics and his advocacy as a gay Muslim claiming that his religion is inclusive and affirmative of his sexuality.

Mr. Camlian Morados is a self-identified gay and Muslim human rights defender and documentary filmmaker from Mindanao, Philippines.

According to the information received:

Hate speech and other forms of verbal harassment against Rhadem Camlian Morados on account of his work on LGBTI issues in Mindanao are not new, but following a number of events they have escalated into coordinated attempts at seeking him out and committing violence against him.

The harassment allegedly began in December 2018, following Rhadem Camlian Morados' collaborations with an LGBTI organization on a series of seminars on legal aid for LGBTI victims of abuse and a culminating Pride March in the local area in June 2019. These escalated to threats of violence in June of this year, following similar activities with another LGBTI organization and the screening of his documentary "Lupah Sug" on LGBTI Muslim people in Mindanao. This half hour documentary narrates firsthand accounts of struggle for safe space and acceptance from a group of LGBTIQ people in the region. Their stories detail their experiences being LGBT and Bangsamoro, a heterogeneous ethno-linguistic group of Muslim persons from Southern Philippines.

Following these events, social media posts have reportedly used obscenely violent language against Mr. Camlian Morados and called for punishments, including kidnapping and death. Some of the posts from prominent Muslim groups also requested sympathizers and loyalist to the Islam to stop him from tainting the image of the religion and divine way of life.

In addition, various persons approached Mr. Camlian Morados' friends and family to seek information about his whereabouts. As a result, Mr. Camlian Morados felt forced to leave his home town and, in June 2019, he relocate to another city.

Other human rights defenders with whom Mr. Camlian Morados collaborates have reportedly also received similar forms of verbal harassment. In addition, it was also reported to him that the authorities of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) called for an investigation against him and for his arrest in accordance with shariah provisions.

These threatening messages and the actions that ensued have reportedly been caused by Mr. Camlian Morados' claim that the Muslim religion is inclusive and affirmative of his sexuality. Information at our disposal points to the fact that the Muslim community of Mindanao is allegedly critical of him for being a vocal and open gay Muslim, for empowering members of the LGBT community, and for advocating for anti-discrimination policies in the region.

Rhadem Camlian Morados shared information about his case with the Commission on Human Rights (CHR), the National Bureau of Investigation (NBI), the Criminal Investigation and Detection Group (CIDG), and the National Privacy Commission (NPC). He formally met with investigators of the CHR on 8 July 2019, and with the offices of the NBI and NPC on 10 July 2019. An affidavit was also filed on 10 July 2019 pursuant of this case. Both the CHR and the NPC accommodated Rhadem Camlian Morados, providing recommendations and plans of action. However, during the NBI meeting, the officer who received his affidavit allegedly downplayed the situation with comments such as "death threats lang pala" (Eng. "These are just death threats"). Rhadem Camlian Morados also met with the NBI's Cybercrime Division on 6 August 2019.

While we do not wish to prejudge the accuracy of these allegations, we express grave concern at hatred, harassment and threats against Rhadem Camlian Morados, including death threats and threats of kidnapping, disseminated on social media on account of his work on LGBTI issues and his advocacy as a gay Muslim claiming that his religion is inclusive and affirmative of his sexuality.

We express further concern about the well-being and safety of Mr. Camlian Morados and other human rights defenders working on sexual orientation, gender identity and sex characteristics in the Philippines. While we welcome the support provided by both the Commission on Human Rights and the National Privacy Commission, we are

concerned that the threats seem to be directly linked to his peaceful work protecting the human rights of LGBTI people in the Philippines, including those of Muslim faith. Given the risk that these incidents may lead to serious human rights violations against Mr. Camlian Morados and the LGBT community, and put their personal integrity and their life at risk, we consider these allegations of extreme gravity.

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.

As 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 the full details of any measures put in place to ensure the physical and psychological integrity of Rhadem Camlian Morados and members of LGBTI organizations Mr. Camlian Morados collaborated with.
3. Please provide information on the measures your Excellency's Government has taken to halt and publically condemn the homophobic hate speech disseminated on social media and details of the investigations that are taken place. In the event that the alleged perpetrators of the above mentioned hate speech and hate crimes were identified, please provide the full details of any prosecutions undertaken. Have penal, administrative or other sanctions been imposed on the alleged perpetrators?
4. Please indicate what measures have been taken to ensure that human rights defenders, including those defending the human rights of LGBT persons of faith, can operate in an enabling environment and can carry out their legitimate activities without fear of threats, harassment or criminalisation of any kind.
5. Please provide information on any plans to enact legislation that would include the grounds of sexual orientation and gender identity as prohibited grounds for discrimination, hate speech, incitement to discrimination, and incitement to violence and hate crimes.
6. Please provide information on any other measures taken by the authorities to prevent further calls for, and acts of discrimination, incitement, hostility and violence against the LGBT community.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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.

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

Victor Madrigal-Borloz
Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

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

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

Michel Forst
Special Rapporteur on the situation of human rights defenders

Ahmed Shaheed
Special Rapporteur on freedom of religion or belief

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, without expressing at this stage an opinion on the facts of the case, we would like to recall Articles 2, 6, 9, 17, 18, 19, 20, 21, 22 and 26 of the International Covenant on Civil and Political Rights (ICCPR), to which the Philippines acceded on 23 October 1986. These rights are of universal nature and apply to everyone, irrespective of their sexual orientation or gender identity.

We would like to refer to Article 19 of the ICCPR, which provides that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

We would like to also recall that the International Covenant on Civil and Political Rights provides in its Article 20(2) that States must prohibit by law and to ensure full enforcement of the law against every incident of advocacy of hatred that constitutes incitement to discrimination, hostility or violence in accordance with Article 20(2), which is further provided for by the Human Rights Committee in Paragraph 8 of its General Comment No. 34.

The rights to freedom of peaceful assembly and of association are protected in article 20 of the Universal Declaration of Human Rights and in articles 21 and 22 of the ICCPR. We would furthermore wish to recall the Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/41/41 Para. 12) which reaffirms that States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards. This means ensuring that the rights to freedom of peaceful assembly and of association are enjoyed by everyone, without discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (as provided under article 2 (1) of the International Covenant on Civil and Political Rights).

With respect to the threats against Rhadem Camlian Morados, we remind your Excellency that states parties have a positive obligation to exercise due diligence and ensure the protection of individuals against violations of rights, which may be committed not only by its agents, but also by private persons or entities (CCPR /C/103/D/1862/2009), and to punish, investigate and bring perpetrators to justice (CCPR/C/21/Rev.1/Add.13, paras. 8). In this frame, it is incumbent upon States to provide “effective protection through judicial or other means to individuals and groups who are in danger of extralegal, arbitrary or summary executions, including those who receive death threats,” (paragraph 4 of the Principles on the Effective Prevention and Investigation of ExtraLegal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65).

We would also like to refer to 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 (A/RES/53/144, adopted on 9 December 1998), also known as the UN Declaration on Human Rights Defenders. In particular, we would like to draw your attention to Article 1, 2, and 6 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels, as well as right to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms, while each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. Article 7 of the same Declaration provides for the right to develop and discuss new human rights ideas and principles and to advocate their acceptance. Further, article 12, paragraphs 2 and 3, provides that the State shall take all necessary measures to ensure the protection of everyone 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 Declaration.

We would also like to refer to resolution 24/21 of The Human Rights Council, which reminds States of their obligation to respect and fully protect the civil, political, economic, social and cultural rights of all individuals, inter alia the rights to freedom of expression and opinion and to assemble peacefully and associate freely, online as well as offline, including for persons espousing minority or dissenting views or beliefs, and that respect for all such rights, in relation to civil society, contributes to addressing and resolving challenges and issues that are important to society, such as (...) empowering persons belonging to minorities and vulnerable groups, (...) empowering women and youth, (...) and the realization of all human rights. (A/HRC/RES/24/21, para 1)

Finally, we would like to refer to resolutions 17/19, 27/32, 32/2, and 41/18 of the Human Rights Council, expressing grave concern for acts of violence and discrimination based on sexual orientation and gender identity. On the basis of international human rights norms and standards and the work of the United Nations human rights treaty bodies and special procedures, the United Nations High Commissioner for Human Rights has recommended that States, inter alia, prohibit discrimination and protect individuals from violence and discrimination on the basis of sexual orientation and gender identity; prohibit incitement of hatred and violence on the grounds of sexual orientation and gender identity, and holding to account those responsible for related hate speech; ensure that individuals can exercise their rights to freedom of expression, association and peaceful assembly in safety without discrimination on grounds of sexual orientation and gender identity and support public information campaigns to counter homophobia and transphobia (A/HRC/29/23, A/HRC/19/41).

In its 2018 report to the Human Rights Council, the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity urged States to take measures to protect defenders and supporters of the rights of

lesbian, gay, bisexual, trans and gender non-conforming persons from attacks, intimidation and other abuses, and to create safe and enabling spaces for their work (A/HRC/38/43).