

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the rights of indigenous peoples and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

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22 January 2021

Excellency,

We have the honour to address you in our capacities as Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the rights of indigenous peoples and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 42/22, 44/5, 43/16, 42/20 and 40/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged fabricated murder charges against indigenous rights defender Mr. Windel Bolinget, online smears and 'red-tagging' of the Commissioner of the Philippines Human Rights Commission and staff members of NGOs campaigning on environmental issues, the killing of nine Tumandok indigenous leaders and indigenous rights defenders and the arrest of 16 members of the Tumandok community, including women indigenous rights defenders.

Mr. **Windel Bolinget** is an indigenous rights defender and belongs to the Kankanaey and Bontok indigenous peoples. Since 2009, he has served as the Chairperson of the Cordillera Peoples Alliance (CPA) and prior to this, worked as part of the CPA's Education Commission and then as Secretary General. He has worked to implement the CPA's programs in the region to promote human rights and indigenous peoples' rights, and has also advocated against industrial mining and dam projects in the region due to their negative environmental impact. Mr. Bolinget has previously been targeted in retaliation for his work defending indigenous peoples' rights. In 2006, he and other CPA leaders were subjected to surveillance by individuals connected to the military, and in February 2018, he and a number of other human rights defenders were included in a terrorist proscription list issued by the Department of Justice.

The **Cordillera Peoples Alliance (CPA)** is an alliance of over 300 indigenous people's organisations working in the Cordillera region. The CPA works to promote the human rights of indigenous communities, and establish recognition of such rights, whilst also organizing capacity-building trainings and seminars for indigenous communities.

Ms. **Karen Gomez Dumpit** is a woman human rights defender and the Commissioner of the Commission of Human Rights in the Philippines (CHRP).

The **Kalikasan People's Network for the Environment (Kalikasan PNE)** is a network of environmental NGOs, grassroots organizations, and environmental

advocates. It engages in campaigns, advocacy and education programmes to promote environmental issues, with a focus on grass-roots initiatives.

The **Center for Environmental Concerns (CEC)** is an NGO, which campaigns on environmental issues at a grassroots level, engaging local organizations from farming and fishing sectors, as well as indigenous communities. CEC is recognised partner by the UN Environment Programme and engages in policy advocacy and campaigns on environmental issues at national and international levels.

Tumandok nga Mangunguma nga Nagapangapin sa Duta kag Kabuhi (Tumandok) is a network of 17 indigenous communities from the towns of Tapaz and Jamindan in Capiz and Calinog in Iloilo on the island of Panay. The group was formed in 1996 to defend the rights of indigenous communities, advocate against government ordered land-grabbing operations and denounce increased militarization and human rights violations in their localities. In recent years, Tumandok has advocated against the construction of the Jalaur Mega Dam in Calinog, Iloilo and the Pan-ay mega dam in Tapaz, Capiz for the damaging environmental impact of the dams and the destruction of ancestral land in the construction process.

BAI-Anggoy is an indigenous women's organization working on Panay Island, and organizes workshops and education initiatives in local communities on issues including health and sustainable development.

Mr. **Roy Giganto** was an indigenous rights defender and the Chairperson of the Tumandok indigenous organisation. He was also a member of KATRIBU's National Council of Leaders, a national alliance of regional and provincial indigenous peoples' organizations representing various indigenous communities in the Philippines.

Mr. **Mario Aguirre** was an indigenous rights defender and formerly the Chairperson of the Tumandok organisation and Councillor of the Lahug barangay in Tapaz.

Mr. Bolinget has been the subject of three previous communications sent to your Excellency's Government by several Special Procedures mandate holders. The communications were sent on 23 February 2006 (PHL 1/2006), 15 November 2006 (PHL 32/2006) and 8 June 2018 (PHL 5/2018) respectively. We would like to thank your Excellency's Government for its response to PHL 32/2006 dated 6 February 2007, however we regret that no response was received from your Excellency's Government to the other two communications.

The issue of killings of human rights defenders has previously been raised with your Excellency's Government by Special Procedures mandate holders in multiple communications, most recently in the communication PHL 5/2020, sent on 28 September 2020. We regret that no response has been received to this communication, in which the killings of two human rights defenders were raised. Additionally, on 29 June 2020 we have raised our concerns regarding the protection and promotion of a number of fundamental human rights, in particular concerns regarding the designation of individuals and civil society and humanitarian organization as "terrorists" related to the Anti-Terrorism Act of 2020 in PHL 4/2020.¹ We would like to thank you for your Excellency's Government for its response of 12

¹ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25384>

October 2020.

According to the new information received:

Concerning Mr. Bolinget

Since April 2020, Mr. Bolinget began to receive increased and intensified attacks and threats on social media. He and some of his colleagues from the CPA were tagged in hundreds of posts on Facebook, labelling them as communists and terrorists. Mr. Bolinget's family members were also subjected to similar attacks online.

On 6 August 2020, a case was filed in Davao del Norte against Mr. Bolinget and nine other individuals, for their alleged involvement in the murder of an indigenous leader on 21 March 2018 in Brangay Gupitan, Kapitalong, Davao del Norte. The victim was a member of a local indigenous organisation, which was one of two indigenous organisations in Davao del Norte, to state publicly their belief that a paramilitary group was responsible for the killing, shortly after the killing occurred in 2018. A relative of the victim testified to this, recounting that the victim had received death threats from the same paramilitary group prior to his killing.

Four of the nine individuals named in the case, including Mr. Bolinget, are indigenous leaders. The implication of Mr. Bolinget in the murder is without factual basis, as he has never been to Barangay Gupitan where the indigenous leader was killed. The accusation against him is deemed an attempt to discredit Mr. Bolinget and the CPA, and silence his advocacy for the rights of indigenous people in Cordillera.

On 10 December 2020, flyers with a photo of Mr. Bolinget and described him as immoral and claimed he is a recruiter for the CPP New People's Army (NPA) were scattered along the road near his home in La Trinidad, Benguet leading to Baguio City. The same flyers were also posted around Baguio City.

In late December, Mr. Bolinget was made aware that it was believed an arrest warrant would be served against him. The Regional Court in Tagum City had reportedly issued the arrest warrant on 25 September 2020 for all nine individuals named in the case; however, Mr. Bolinget was not aware of its existence. The arrest warrant lists Mr. Bolinget's place of residence in Mindanao, Davao del Norte, where the alleged murder took place, despite Mr. Bolinget's place of residence being Baguio City. Upon receiving this information and fearing for his personal safety, Mr. Bolinget went into hiding.

Since late December, Mr. Bolinget's home and the regional secretariat of the CPA have reportedly been subjected to surveillance by individuals connected to the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP). Mr. Bolinget's family and colleagues have been approached by officers on a number of occasions, inquiring as to his whereabouts.

On 19 January 2021, the Director of the Police Regional Office-Cordillera (PRO-COR) issued a "shoot to kill" order against Mr. Bolinget, if he is seen to "resist arrest". Mr. Bolinget's family fear that if arrested, he may be at risk of being subjected to a "tokhang" execution, an extrajudicial killing under the

pretext of “resisting arrest” or if the victim is seen to have “fought back” (“nanlaban”). That morning, the PRO-COR also issued posters, advertising a P100,000 (approximately 2,200 USD) bounty for Mr. Bolinget’s arrest.

Mr. Bolinget’s lawyers are taking the necessary steps to submit a request that the arrest warrant issued against him be quashed, citing the reported lack of a preliminary investigation with respect to due process.

On 19 January 2021, Mr. Bolinget submitted himself to the National Bureau of Investigation (NBI), to ensure he is granted access to legal services. At the time of writing this communication, Mr. Bolinget is in the custody of the NBI.

Concerning Ms. Gomez Dumpit

On 11 October 2020, the official Facebook page of the Southern Luzon Command of the Philippine Army posted a statement entitled “Response on the Statement made by CHR Commissioner Karen Dumpit against the UNHRC”. The statement is attributed to General Antonio G. Parlade Jr., Commanding General of the Southern Luzon Command and the National Taskforce to End the Communist Local Armed Conflict (NTF-ECLAC).

The post was allegedly made in response to Ms. Gomez Dumpit’s participation in the 45th session of the Human Rights Council, and the media interviews she gave in response to the adoption of the resolution on technical cooperation and capacity-building to support efforts to promote and protect human rights in the Philippines.²

On 1 December 2020, Ms. Gomez Dumpit participated in a hearing in the Senate Committee on National Defense on red tagging, as a representative of the CHRP. A few days following the hearing, Ms. Gomez Dumpit was alerted to a Facebook post by the Undersecretary of the Presidential Communications Office and Spokesperson of the NTF ELCAC. The post included a link to a video of a press conference by an individual who is not a government official, but has reportedly been involved in alleged efforts by government officials to target individuals believed to be connected to the Communist Party of the Philippines (CPP) and the armed opposition group, the New People’s Army (NPA). In the video, the individual is quoted as saying: “It is disturbing, the statement of the Commission on Human Rights earlier, we take serious offense and we put into doubt that statement of Commissioner Dumpit representing Human Rights as if she was speaking this afternoon in the Senate as the extension of the CPP information bureau”. The individual in the video also expressed critical remarks towards Ms. Gomez Dumpit and the Commission for its cooperation with UN mechanisms and the European Union.

Concerning allegations of extrajudicial killings in Panay

In recent months, members of Tumandok have reportedly been accused by military officials of being affiliated with the CPP-NPA, supposedly in reprisal for the group’s advocacy against the construction of the Jalaur and Pan-ay mega dams. In December, indigenous leaders of the Lahug and Tacayan

² A/HRC/RES/45/33: <https://undocs.org/pdf?symbol=en/A/HRC/RES/45/33>

barangays contacted the Commission on Human Rights of the Philippines (CHRP) concerning threats that their residents had reportedly received from military and police officers deployed in these barangays. Residents were reportedly verbally accused by police officers of being “terrorists” and allegedly encouraged to sign documents in order to clear their name of these accusations. Those who refused to sign such documents were reportedly subjected to intensified threats by the officers, including threats that they could be charged under the Anti-Terrorism Act.

At about 4 a.m. on 30 December 2020, officers of the Philippine Army, Philippine National Police (PNP) and Criminal Investigation and Detection Group (CIDG) deployed in a joint operation to the Tumandok villages in Tapaz, Capiz and Calinog, Iloilo. The reported purpose of the operation was to serve 28 arrest warrants to members of Tumandok communities, accusing the individuals of possession of firearms and affiliation with the CPP-NPA. Firearms, ammunition and explosives were reportedly seized by police and military officers during the operation.

Nine individuals were reportedly killed by police and military officers during the operation, due to their alleged resistance when being served the arrest warrant. Mr. Giganto and Mr. Aguirre were killed after armed officers forcibly entered their homes while they and their families were sleeping and shot the two men.

During the operation, it is reported that 16 individuals were arrested by the military and police officers upon serving arrest warrants against them. It is reported that six women human rights defenders and members of the indigenous women’s organization BAI-Anggoy were among those arrested. Since being detained, the 16 individuals have had access to legal representation and contact with their families. Six of those detained have reportedly appeared before a judge on charges of illegal possession of firearms and explosives, who granted bail to be posted. The bail sum is currently being negotiated.

Following the events of 30 December 2020, 78 families from the villages in Tapaz and Calinog evacuated due to fear for their safety. The families have now returned to their villages, where military and police officers remain stationed, despite reported assurances from local government that the officers would no longer be stationed in the communities. The presence of these officers has prevented some of the members of these communities from carrying out their livelihood activities.

Concerning Kalikasan PNE and the Center for Environmental Concerns (CEC)

The organizations Kalikasan PNE and the Center for Environmental Concerns (CEC) share an office space together in Quezon City. On 19 September 2019, the organisations were made aware that their offices were under surveillance by the Criminal Investigation and Detection Group (CIDG) and that a raid on the office was being planned, pending the issuance of search warrants. Staff members of the organisations had noticed an increased police presence in the office’s surrounding area, and believed that the reported surveillance and plan to raid the office was in response to Kalikasan PNE’s participation in a

National Inquiry on Human Rights Defenders organized by the Commission on Human Rights. Following receipt of the information that there were plans to raid the office, the two organisations contacted their legal representation. No raid on the office was ultimately carried out.

On 7 April 2020, an article appeared on the government website Philippine News Agency including a statement from the NTF-ELCAC, which described the CEC as having been “unwittingly exploited by the CPP”. The NTF-ELCAC also advised the public against donating to the organization’s relief drive in the aftermath of Typhoon Tisoy (Kammuri) and for communities affected by the COVID-19 pandemic. A similar article including statements from the NTF-ELCAC against the CEC had also been published on the news website on 4 December 2019.

On 14 December 2020, an individual associated with the NTF-ELCAC made a post on Facebook, alleging that a staff member of Kalikasan PNE was formerly affiliated with the NPA. The Kalikasan PNE staff member was named in the Facebook post.

On 23 December 2020, a subsequent post was made on Facebook, reiterating the allegation about the Kalikasan PNE staff member, and included a photo of the individual.

Without prejudging the accuracy of the information received, we express serious concern as to the killings of the above-mentioned indigenous rights defenders, the arrest of indigenous leaders and indigenous rights defenders during the same operation and the threats made against them and members of their communities preceding the killings and arrests. We also express our grave concern in relation to the allegedly baseless implication of Mr. Bolinget in the murder of an indigenous leader in 2018, and the “shoot to kill” order that has been issued in relation to the arrest warrant issued against him. The targeting of these indigenous rights defenders through intimidation, threats, and smears by high-level officials, criminalisation and extrajudicial killings is of particular concern, as it appears to be in direct retaliation for their legitimate and peaceful activities promoting indigenous peoples’ rights and the defence of their traditional lands, territories and resources.

We also wish to express our serious concern regarding the ‘red-tagging’ of some of the above mentioned human rights defenders and the unfounded allegations that they and their organizations are affiliated with armed groups, in apparent attempts to discredit their legitimate human rights activities. We are concerned that such allegations will not only denigrate their efforts to denounce human rights violations, but also the efforts of other human rights defenders and human rights organisations, contributing to a chilling effect on civil society and the ability to freely exercise the right to freedom of expression and freedom of assembly and association without fear of retaliation. We are also seriously concerned by the apparent attempts to portray human rights activities as unlawful, disingenuous or a threat to national security, and the deterring effect this may have on human rights defenders and civil society actors from reporting on human rights violations, contributing to a deterioration of human rights in the Philippines.

The ‘red-tagging’ of human rights defenders by labelling them as “communists” and or “terrorists” and the portrayal of them and their work as a threat to national security, including through statements by high level officials of your

Excellency's Government both online and offline, is an issue of serious concern, for it contributes to a normalisation of, and seemingly attempts to provide justification for, the extrajudicial killing of human rights defenders, and creates a context in which such killings can take place with relative impunity.

In relation to this concern, we would like to refer your Excellency's Government to the report of the High Commissioner for Human Rights on the human rights situation in the Philippines, presented at the 44th session of the Human Rights Council in June 2020. In her report, the High Commissioner highlighted the extremely negative impact the current focus on national security policy has had on human rights in the Philippines, underscoring that harmful rhetoric by high-level officials has compounded this impact. The High Commissioner noted that in line with the scaling up of the State response to countering 'terrorism', through key national security laws and policies, those working to promote and protect human rights have been acutely affected, particularly in the context of 'red-tagging' smears, whereby individuals or groups are labelled, at times interchangeably, as communists or 'terrorists'.

In connection to 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 respective mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and comments which you may have on the above mentioned allegations.
2. Please provide information as to the measures taken to ensure the physical and psychological integrity of Mr. Bolinget whilst in the custody of the National Bureau of Investigation (NBI).
3. Please provide information as to the factual and legal basis for the inclusion of Mr. Bolinget in the case filed in relation to the murder of an indigenous leader in 2018, as well as the reasoning for issuing a "shoot to kill" order for his arrest.
4. Please provide information as to the factual and legal basis for the killing of nine Tumandok indigenous leaders and human rights defenders and the arrest of 17 members of the Tumandok community, and the arrest warrants issued against them.
5. Please provide information about the current status of legal proceedings against abovementioned individuals.
6. Please provide information, and where available, the results of any investigations into the killing of the above-mentioned indigenous leaders and human rights defenders.

7. Please provide information as to concrete steps that have been taken or may be in the process of being taken to prevent further killings of human rights defenders in the Philippines from occurring. Please indicate how these measures have sought to protect women human rights defenders in particular. If no such steps have been taken on either of these points, please indicate a manner in which we may be able to engage with your Government as to the development and implementation of such concrete steps.
8. Please provide information on why accusations related to membership of a terrorist organisation, have been levied against these named human rights defenders and indicate how this complies with United Nations Security Resolution 1373, and a strict understanding of the definition of terrorism as elucidated by international law norms including but not limited to United Nations Security Council Resolution 1566 (2004).
9. Please provide information in details of how your Excellency's Government's counter-terrorism efforts, and specifically the use of "terrorist proscription lists" issued by the Department of Justice comply with the United Nations Security Council resolutions [1373 \(2001\)](#), [1456\(2003\)](#), [1566 \(2004\)](#), [1624 \(2005\)](#), [2178 \(2014\)](#), [2341 \(2017\)](#), [2354 \(2017\)](#), [2368 \(2017\)](#), [2370 \(2017\)](#), [2395 \(2017\)](#) and [2396 \(2017\)](#); as well as Human Rights Council resolution [35/34](#) and General Assembly resolutions [49/60](#), [51/210](#), [72/123](#) and [72/180](#) and 73/174 in particular with international human rights law, refugee law, and humanitarian law.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. 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.

We may 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.

Moreover, we would like to inform your Excellency's Government that after having transmitted an allegation letter to the Government, the Working Group on Arbitrary Detention may transmit the cases through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the allegation letter procedure and the regular procedure.

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

Elina Steinerte
Vice-Chair of the Working Group on Arbitrary Detention

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

José Francisco Cali Tzay
Special Rapporteur on the rights of indigenous peoples

Fionnuala Ní Aoláin
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Annex

Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to draw your attention to articles 6, 9, 14, 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Philippines on 23 October 1986, which guarantee the rights to life, and that no one should be arbitrarily deprived of their life, liberty and security of person, fair trial guarantees, including the presumption of innocence, freedom of opinion and expression and freedom of association. These rights are also guaranteed under articles 3,7,9,10,11,19 and 20 of the Universal Declaration of Human Rights (UDHR).

We would also like to refer to Human Rights Committee General Comment no. 36 (CCPR/C/GC/36), which states that State parties must respect the right to life. This entails the duty to refrain from engaging in conduct resulting in arbitrary deprivation of life. States parties must also ensure the right to life and exercise due diligence to protect the lives of individuals against deprivations caused by persons or entities whose conduct is not attributable to the State. The obligation of States parties to respect and ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life. States parties may be in violation of article 6 even if such threats and situations do not result in loss of life

We would like to refer your Excellency's Government to 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 and 2 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 and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 5 (b), which provides for the right to form, join and participate in non-governmental organizations, associations or groups;
- article 5 (c), which provides for the right to communicate with non-governmental or intergovernmental organizations;
- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 9, paragraph 4, point a), which provides for the right to unhindered access to and communication with international bodies;
- article 12, paragraphs 2 and 3, which 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 furthermore wish to refer to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the General Assembly in 2007, which elaborates upon existing binding rights in the specific cultural, historical, social and economic circumstances of indigenous peoples. In particular, we would like to recall article 7 of the UNDRIP which provides that indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person. Article 26 asserts the right of indigenous peoples to ‘the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired’.

UNDRIP states in Article 32 that ‘indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources’ and that ‘States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources’. Article 32 also affirms that ‘States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact’.

We would like to draw your attention General Assembly Resolution 68/181 whereby States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights. This should include the establishment of comprehensive, sustainable and gender-sensitive public policies and programmes that support and protect women defenders. Such policies and programmes should be developed with the participation of women defenders themselves. (OP5, 19 and 20)

We would also like to refer to Human Rights Council resolution 22/6, which urges States to ensure that measures to combat terrorism and preserve national security are in compliance with their obligations under international law and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights. (OP 10). In addition, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has urged States to ensure that their counter-terrorism legislation is sufficiently precise to comply with the principle of legality, so as to prevent the possibility that it may be used to target civil society on political or other unjustified grounds. A/70/371, para 46(c).