

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

Ref.: AL PHL 1/2025  
(Please use this reference in your reply)

4 February 2025

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolution 52/9.

I appreciate the disposition of the Government to continue the fruitful and constructive dialogue initiated during my visit to the Philippines from 23 January 2024 to 2 February 2024.

In this connection, I would like to bring to the attention of your Excellency's Government information I received during my visit that **Ms. Agnès Callamard continues to be blacklisted and banned from entering the Philippines, in alleged retribution for her previous work as Special Rapporteur.**

Ms. Callamard is Secretary General of Amnesty International since March 2021. She is a distinguished human rights activist, and her career in human rights and humanitarian work globally, in civil society organisations, the United Nations and in academia spans over three decades. From August 2016 to March 2021, Ms. Callamard served as the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions.

According to the information received:

During Ms. Callamard's UN mandate, among many other issues and in line with the terms of her mandate, she focused on alleged unlawful killings in the Philippines.

On 17 August 2016, Ms. Callamard sent her first joint communication to the Government of the Philippines with other special procedures mandates ([AL PHL 2/2016](#)). In this letter, they raised their concern about the rising number of killings by police or hitmen in the context of the then Government's anti-drug campaign. Ms. Callamard subsequently issued 8 communications criticising the use of force in anti-drug operations and a total of 42 communications that criticised lethal use of force against alleged drug users, farmers, human rights defenders, and protesters to President Duterte's government. In each of the communications, she called for investigations into reported incidents. In 2017,

His Excellency  
Mr. Enrique Austria Manalo  
Secretary for Foreign Affairs

Ms. Callamard participated in an academic conference on drug-related issues in Manila.

In response to these actions, Ms. Callamard was subjected to criticism from President Duterte. In August 2017, President Duterte called Ms. Callamard “a fool” and shortly after threatened to “slap” her if she continued to investigate him and the anti-drug campaign. In May 2018, he called Ms. Callamard “malnourished” in a speech in which he defended the war on drugs and criticised all investigations into it.

In parallel to these public statements, Ms. Callamard was targeted by a massive online trolling campaign which targeted and criticised her for her stance on the war on drugs and her concerns about the alleged unlawful killings. She also received death threats and several thousand tweets per day, many of which were misogynist and threatening in nature.

In her current role as Secretary General of Amnesty International, Ms. Callamard regularly travels to various countries of interest to Amnesty International. In April 2023, while planning for a trip by Ms. Callamard to the Philippines, Amnesty International learned that she was “blacklisted” by the Philippines authorities and consequently banned from entering the country. Ms. Callamard sent an official request asking for full information on the travel ban.

On 7 June 2023, Amnesty International obtained official confirmation of the “blacklisting” order dated 20 April 2018. The order declared that, on 11 April 2018, the Bureau of Immigration received a letter from the National Security Adviser and Director General of the National Security Council requesting the Bureau to arrest and deport Ms. Callamard, as well as representatives of the International Criminal Court, if they attempted to enter the country to investigate the Government’s campaign against illegal drugs. The letter also labelled Ms. Callamard as an “undesirable alien.”

Amnesty International also obtained information indicating that two cases against Ms. Callamard are currently open with the National Intelligence Coordinating Agency. The nature of these cases is unknown.

Without wishing to prejudge the accuracy of the allegations above, we express our concern regarding the prohibition to enter the Philippines imposed on Ms. Callamard in retaliation for her work as Special Rapporteur on extrajudicial, summary or arbitrary executions, including sending public communications to the Government of the Philippines regarding unlawful killings in the context of President Duterte’s lethal war on drugs and violent treatment of human rights defenders and other civil society actors.

We emphasize that Member States have an obligation to respect the mandate of Special Rapporteurs, as independent experts appointed by the Human Rights Council, and to refrain from any adopting any sanctions or punitive measures against them in retribution for their work. In its resolution 5/2, the Council urged “all States to cooperate with, and assist, the special procedures in the performance of their tasks,”

which implicitly includes refraining from any sanctions or punitive measures for their work. The sanctions imposed against Ms. Callamard go against such resolution.

By prohibiting former Special Rapporteur Callamard's entry, the Government of the Philippines appears to have retaliated against a mechanism of the Human Rights Council.

Further, we are concerned about the impact of the continued existence of this ban on Ms. Callamard's current work as Secretary General of Amnesty International, a well-respected international human rights organization. This travel ban, together with the two pending cases against her, seriously hinder Ms. Callamard's ability to successfully carry out her work as Secretary General of Amnesty International in relation to the Philippines.

The United Nations Special Rapporteur on freedom of opinion and expression, in her Preliminary observations at the end of her visit to the Philippines at the invitation of the current government, warmly welcomed the renewed engagement of the current Marcos Administration with the international human rights community and noted three visits of the Special Procedures already since the beginning of this Administration's term as positive signals. In light of this constructive approach towards the Special Procedures, we encourage your Excellency's Government to remove the sanctions and close any investigations still open against Ms. Callamard.

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 my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would 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 information on any steps taken by your Excellency's Government to review and remove the sanctions placed by the previous Administration against Ms. Callamard. If no action has been taken, please explain why.
3. Please clarify whether your Excellency's government has any on-going investigation or charge against Ms. Callamard and if so, the justification for them in line with the international obligations of the Philippines.
4. Please confirm whether Ms. Callamard may apply for a visa to travel to the Philippines without any risk of arrest, deportation or harassment from the authorities.

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. As I was informed about this case during my visit to the Philippines last year, this communication, as well as any response from your Excellency's Government, may also be included in the report that I will present to the Human Rights Council in June 2025 on my official visit to the Philippines.

Please note that, as the allegations in this communication relate to harassment and sanctions by a Member State against the Special Procedures, a copy of this letter has been shared with the President of the Human Rights Council.

While awaiting a reply, I 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 my highest consideration.

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

## 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 following human rights norms and standards applicable to the case, specifically article 19 of the Universal Declaration on Human Rights (UDHR) and article 19 the International Covenant on Civil and Political Rights (ICCPR), ratified by the Philippines on 23 October 1986, which protect the right to freedom of opinion and expression.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed. In this regard, the Human Rights Committee stated that the restrictions must be “the least intrusive

instrument among those which might achieve their protective function”. (CCPR/C/GC/34, para. 34).

In its resolution 12/16, the Human Rights Council called on States to refrain from imposing restrictions that are not consistent with article 19(3), including: discussion of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups (A/HRC/RES/12/26). Furthermore, in paragraph 9, the Human Rights Committee affirmed that “no person may be subject to the impairment of any rights under the Covenant on the basis of his or her actual perceived or supposed opinions”, and that “it is incompatible with paragraph 1 to criminalise the holding of an opinion”.

We would also like to refer to Human Rights Council resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms. Furthermore, Human Rights Council resolution 12/16 calls on States to refrain from imposing restrictions which are not consistent with article 19(3), including: discussion of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

Notably, we emphasize that Member States have an obligation to respect the mandate of Special Rapporteurs, as independent experts appointed by the Human Rights Council, and to refrain from adopting any measures against them in retribution for their work. In its resolution 5/2, the HRC urged “all States to cooperate with, and assist, the special procedures in the performance of their tasks,” which implicitly includes refraining from any sanctions or retaliation measures in retribution for their work.

Finally, we note that the Human Rights Council has repeatedly condemned “all acts of intimidation or reprisal, both online and offline, by State and non-State actors against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights” (HRC resolutions [54/24](#), [48/17](#), [42/28](#), [36/21](#), [24/24](#) and [12/2](#)). In such resolutions, the HRC also urged all States to prevent and refrain from all acts of intimidation or reprisal. We also recall resolutions [74/146](#) and [72/247](#) by the UN General Assembly on the same matter.

In the latest Secretary General’s report on “Cooperation with the United Nations, its representatives and mechanisms in the field of human rights”, he insisted that “Member States bear the primary responsibility for preventing and addressing reprisals” and reiterated his “call to States to refrain from, prevent and ensure accountability for any acts of intimidation and reprisal for cooperation with the United Nations” ([A/HRC/57/60](#), para. 132).