

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association**

Ref.: AL PHL 3/2025  
(Please use this reference in your reply)

4 April 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of human rights in the context of climate change; Special Rapporteur on the human right to a clean, healthy and sustainable environment; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 52/4, 57/31, 55/2, 52/9 and 50/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged surveillance and harassment since 2023 of human rights defenders working to combat climate change and enact a just transition in the Cebu Province in the Philippines.**

The **Philippine Movement for Climate Justice (PMCJ)** was formed by a coalition of Filipino organisations in July 2009, in the aftermath of the 13th Conference of the Parties to the UN Framework Convention on Climate Change, held in Bali, Indonesia in 2007. The PMCJ advocates for ambitious emission reductions, the transition away from the use of fossil fuels for energy production, particularly coal, and people-centred development. It works on education and empowerment at the grassroots level in the Philippines and also engages judicial mechanisms. **PMCJ-Cebu** is a chapter of the organisation based in Cebu City, in the Central Visayas region.

According to the information received:

On 27 February 2025, at approximately midnight, an unidentified man attempted to forcibly enter the office of the Cebu Chapter of the PMCJ in Cebu City. After failing to enter the office by the front door, the man, whose face was covered with a motorcycle helmet, left with two other men on a motorbike. This incident occurred one week after PMCJ-Cebu staff noted unknown motorcycles parked outside their office late at night, sparking suspicions of surveillance, as the staff are familiar with the vehicles typically parked in front of the office.

Prior to these events, PMCJ-Cebu staff had experienced several other suspected instances of surveillance. These are allegedly connected to the organisation's advocacy around the human rights and climate impact of several fossil-fuel energy projects in the region, including the coal-fired power plant owned by Aboitiz Power-Therma Visayas Inc (Aboitiz Power) and the Vivant Corporation in Toledo City, which the companies are seeking to expand.

On 15 November 2024, following activities organised in the nearby Toledo City in the context of the Global Day of Action, an international event calling for climate justice around the world, a masked man took photographs of PMCJ-Cebu staff before fleeing when confronted by other local human rights defenders.

On 24 March 2024, in a further suspected act of surveillance, human rights defenders from PMCJ-Cebu were photographed by a group of three unidentified people following a meeting with local human rights defenders in Toledo City. During the meeting, the human rights defenders discussed the impacts of the Aboitiz Power-Vivant Corporation owned coal-fired power plant in the city. Upon realising that they had been spotted, the unidentified individuals fled.

On the morning of 28 June 2023, human rights defenders from PMCJ-Cebu and a nearby PMCJ Chapter held a 10- to 15- minute peaceful protest in front of the KEPCO SPC-owned coal-fired power plant in Naga City. The human rights defenders were initially apprehended by local police officers, who accused them of being paid protestors sent from a neighbouring town, and threatened to arrest them, accusing them of being supporters of insurgents.

Without wishing to prejudge the accuracy of the information received, we express concern at the alleged surveillance of members of the Philippine Movement for Climate Justice in Cebu Province and the suspected attempt to break into their office. We express further concern at the obstruction they have allegedly faced in the peaceful exercise of their human rights, including their right to freedom of peaceful assembly, for the purpose of promoting and protecting human rights in the context of climate change and advocating for a just transition from fossil fuels. We note with concern that the alleged harassment, surveillance and restrictions appear to take place in direct connection to their human rights defence work, climate change advocacy and exercise of their right to freedom of expression. We recall that States have a duty to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (CCPR/C/GC/34, para. 23).

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 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 as to any investigation which may be open against members of the PMCJ, along with the legal and factual basis justifying any such investigation or measures, and how any such action is compatible with articles 17, 19, 21 and 22 of the International Covenant on Civil and Political Rights, to which the Philippines is a

party.

3. Please provide information regarding the measures taken to ensure a prompt and impartial investigation into the alleged attempted break-in into the PMCJ premises, as well as the alleged surveillance they are reportedly being subjected to. Please provide information on the protection measures taken to ensure the safety of PCMJ human rights defenders.
4. Please provide information as to the steps taken by your Excellency's government to ensure that human rights defenders working on issues connected to climate change and a just transition can operate freely, safely, and without fear of retaliation or reprisals of any sort, in particular in the Cebu Province, in accordance with the UN Declaration on Human Rights Defenders.

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.

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

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Elisa Morgera

Special Rapporteur on the promotion and protection of human rights in the context of climate change

Astrid Puentes Riaño

Special Rapporteur on the human right to a clean, healthy and sustainable environment

Irene Khan

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

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

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government articles 17, 19, 21 and 22 of the International Covenant on Civil and Political Rights, ratified by the Philippines on 23 October 1986, which guarantee the rights to privacy, to freedom of expression and to freedom of peaceful assembly.

Article 17 of the ICCPR establishes the right of everyone to freedom from arbitrary or unlawful interference with their privacy, family, home, or correspondence, as well as to unlawful attacks on their honor and reputation, and the right to the protection of the law against such interference or attacks. The Human Rights Committee, in general comment No. 16, has emphasized that the obligations imposed by this article require State parties to refrain from engaging in interferences inconsistent with article 17 and to provide the legislative framework prohibiting such acts by natural or legal persons.<sup>1</sup> Interference authorized by States can only take place on the basis of law, which itself must comply with the provisions, aims and objectives of the ICCPR.<sup>2</sup> The Committee stressed that the introduction of the concept of arbitrariness in article 17 is intended to guarantee that even interference provided for by law should be in accordance with the provisions, aims and objectives of the ICCPR and should be, in any event, reasonable in the particular circumstances.<sup>3</sup>

Article 19 of the ICCPR guarantees the right of all persons to freedom of expression, encompassing the freedom to seek, receive and information and ideas of all kinds. Any restrictions on freedom of expression must be strictly limited and meet the high threshold set out in article 19(3) of the Covenant, following which any limitations must be determined by law and conform to the strict tests of necessity and proportionality. As underlined by the Human Rights Committee in general comment No. 34, States have a duty to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression. 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 be in receipt of appropriate forms of redress.”<sup>4</sup>

Article 21 of the Covenant, which guarantees the right to peaceful assembly, may only be restricted where such restrictions are provided for by law, and where they are necessary in a democratic society, in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. Elaborating on the obligations of state parties to the Covenant stemming from article 21, the Human Rights Committee, in general comment No. 37, has stressed that peaceful assemblies “can in some cases be inherently

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<sup>1</sup> Human Rights Committee, *General Comment No. 16*, CCPR/C/GC/16, para 9

<sup>2</sup> *Ibid.*, para 3

<sup>3</sup> *Ibid.*, para 4

<sup>4</sup> Human Rights Committee, *General Comment No. 34*, CCPR/C/GC/34, para 23

or deliberately disruptive and require a significant degree of toleration. 'Public order' and 'law and order' are not synonyms, and the prohibition of 'public disorder' in domestic law should not be used unduly to restrict peaceful assemblies."<sup>5</sup>

The recognition of the right of peaceful assembly imposes a corresponding obligation on States parties to respect and ensure its exercise without discrimination. This requires States to allow such assemblies to take place without unwarranted interference and to facilitate the exercise of the right and to protect the participants. The second sentence of article 21 provides grounds for potential restrictions, but any such restrictions must be narrowly drawn. There are, in effect, limits on the restrictions that may be imposed.

We also recall that article 22 of the ICCPR protects the right to freedom of association, including the rights of everyone to associate with others and to pursue common interests. Freedom of association is closely linked to the rights to freedom of expression and to peaceful assembly and is of fundamental importance to the functioning of democratic societies. These rights can only be restricted in very specific circumstances, where the restrictions serve a legitimate public purpose as recognized by international standards and are necessary and proportionate for achieving that purpose.

We would like to draw to the attention of you 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 wish 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. We would also like to recall articles 5(a) and 6(b) of the Declaration, which guarantee the right to meet or assemble peacefully, as well as the right to freely publish, impart or disseminate to other views, information and knowledge on all human rights and fundamental freedoms. In addition, we refer to article 12(1) and (2) of the UN Declaration on Human Rights Defenders, which provide that everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms, and that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, 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 present Declaration.

In this vein, we recall Human Rights Council resolution 31/32, which in paragraph 2 calls upon all States to take all measures necessary to ensure the rights and safety of human rights defenders, and Human Rights Council resolution 38/12, which calls on States to take all steps necessary to prevent threats, attacks, discrimination, arbitrary arrests and detention or other forms of harassment, reprisals and acts of intimidation against civil society actors, to investigate any such alleged acts, to ensure

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<sup>5</sup> Human Rights Committee, *General Comment No. 37*, CCPR/C/GC/37, para 44

access to justice and accountability, and to end impunity where such violations and abuses have occurred.

We further recall that the Human Rights Council and the United Nations General Assembly respectively recognized the right to a clean, healthy and sustainable environment with the adoption of resolutions 48/13 and 76/300.

Finally, we wish to refer to the Framework Principles on Human Rights and the Environment, presented to the Human Rights Council in March 2018 (A/HRC/37/59), which set out basic obligations of States under human rights law as they relate to the enjoyment of a safe, clean, healthy and sustainable environment. In particular, we would like to refer to principle 4, which provides, that “States should provide a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence.”