

Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Working Group on discrimination against women and girls

Ref.: AL PHL 4/2025
(Please use this reference in your reply)

2 June 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 52/4, 51/8, 52/9 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **arrest and detention of Ms. Salome Crisostomo Ujano in Malolos City since 2021**.

Ms. **Salome (Sally) Crisostomo Ujano** is a woman human rights defender who has served as Executive Director of the Women's Crisis Center (WCC), resource mobilization officer and coordinator of the WCC survivors' support program, and National Coordinator of Philippines Against Child Trafficking (PACT). Ms. Ujano was also involved in the drafting and implementation of laws such as the Anti-Violence Against Women and their Children Act of 2004. Through these roles, she has worked closely with the Philippine National Police Women and Child Protection Units and the National Commission on the Role of Filipino Women, advocating for the rights of survivors of abuse and victims of violence against women and children. The woman human rights defender was recognized for this work when she was awarded the 'Natataging Babae' award from the Commission on Women of Malolos, Bulacan in 2004.

According to the information received:

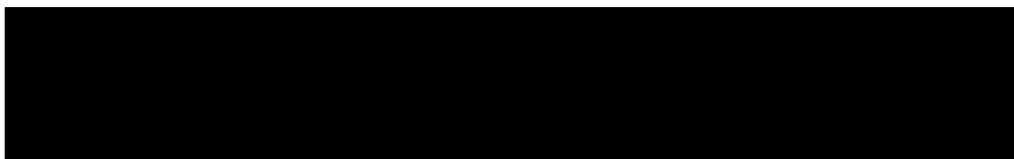
In 2005, Ms. Salome Crisostomo Ujano was working as Executive Director of the WCC and pursuing a masters degree at St. Scholastica's College. On 28 June 2006, an arrest warrant was issued for Ms. Ujano by Branch 59 of the Lucena City Regional Trial Court on the basis of allegations of rebellion related to the alleged ambush of two military personnel by members of the New People's Army (NPA) that is alleged to have occurred sometime between 19-25 November 2005 in Quezon Province.

On 14 November 2021, Ms. Ujano was arrested in Malolos City by unidentified plainclothes police officers who claimed that she had been in hiding. The woman human rights defender was then brought into police custody and detained in Taguig City Jail on the basis of the charges filed against her in 2006. Ms. Ujano reportedly had not received any court summons before her arrest. On 29 December 2022, following one year of imprisonment, the woman human

rights defender was provisionally released.

On 16 May 2024, Ms. Ujano was re-arrested and convicted by Branch 266 of the Taguig City Regional Trial Court on charges of rebellion and accused of being a high-ranking officer and member of a group involved in a series of crimes committed against government troops. The information used to charge Ms. Ujano stated that more than sixty unidentified members of the NPA ambushed and fired upon members of the Philippine Army. According to evidence introduced by the prosecution, Ms. Ujano had been identified by two witnesses in a video conference hearing who claimed that they had seen her engaging in hostilities against government troops. In response to these allegations, the woman human rights defender provided an alibi reportedly supported by witness testimonies and documentary evidence, such as bank checks and WCC reports, which provided that during 19-25 November 2005, she had been engaged in professional and personal activities at various locations up to 100 km from where the events in question were supposed to have taken place.

On the same date, 16 May 2024, Ms. Ujano was sentenced by Branch 266 of the Taguig City Regional Trial Court to serve a minimum of ten years in prison and a maximum of 17 years and four months. The woman human rights defender was placed in the custody of the Correctional Institution for Women (CIW) in Mandaluyong City where she remains detained at this time, pending appeal.



The woman human rights defender receives basic medical care within the CIW but has been advised by her doctor that she requires medical tests that require facilities which the CIW cannot provide. Ms. Ujano's legal representatives have submitted the required documents for court approval to grant the woman human rights defender this medical attention but the delay in process has left Ms. Crisostomo Ujano without the prescribed medical intervention for over one year.

Without prejudging the accuracy of the allegations, we are deeply concerned about the continued criminalisation and alleged arbitrary arrests of woman human rights defender Ms. Salome Crisostomo Ujano. We are particularly concerned about the apparent lack of due process employed in the arrest of Ms. Ujano and the fact that the woman human rights defender was held in pre-trial detention for one year before her provisional release. It is of our utmost concern that the authorities did not respect Ms. Ujano's right to due process and that she was unaware of the charges she faced until her detention, fifteen years after the charges were filed. If confirmed, the alleged facts would appear to contravene, among other norms, with articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by the Philippines on 23 October 1986, which guarantee the rights not to be arbitrarily deprived of liberty and the right to a fair trial.

The alleged arbitrary arrest and continued detention of Ms. Ujano is deeply worrying, as it appears to be in direct response to her legitimate and important work as a woman human rights defender in the Philippines. This creates a hostile environment for human rights defenders in the Philippines, which in turn generates fear amongst human rights defenders, preventing them from carrying out their work and from exercising their legitimate rights to freedom of association and to freedom of expression. In this regard, the allegations above could amount to a violation of article 19 of the ICCPR, which guarantees the right to freedom of opinion and expression.

The former UN High Commissioner warned in her 2020 report that red-tagging human rights defenders – labelling them as communists or terrorists – is extremely dangerous and that human rights defenders must be protected from this type of targeting. Furthermore, the Human Rights Council resolutions noted grave concern about the fact that “in some instances, national security and counter-terrorism legislation and other measures, such as laws regulating civil society organizations, have been misused to target human rights defenders or have hindered their work and endangered their safety in a manner contrary to international law.” Further, the Special Rapporteur on freedom of opinion and expression highlighted, in her preliminary observations at the end of her visit to the Philippines, that red-tagging specifically suppresses legitimate activism, journalism, debate and criticism which are part and parcel of freedom of expression, and she made specific recommendations we would encourage the Government to consider.

We further recall the recent ruling of the Supreme Court of the Philippines on 8 May 2025, which declared red-tagging, vilification, labelling, and guilt by association as a threat to people’s life, liberty, and security. Any criminalisation of human rights defenders due to unfounded accusations or labelling as communists or terrorists, is therefore inconsistent with this decision.

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 the factual and legal basis for the alleged arbitrary arrest of woman human rights defender Ms. Salome Crisostomo Ujano and explain how is this compatible with international human rights law standards, including on freedom of expression. Please provide information regarding allegations of lack of due process that was followed during the indictment of the woman human rights defender, in particular why Ms. Ujano was not informed of the charges filed against her until she was arrested fifteen years later; as well as why the evidence that places her far away from the events in question was not considered.

3. Please explain what measures are being taken to guarantee Ms. Ujano's right to adequate medical care while in detention, particularly considering the reported deterioration in her health. Please explain also why she has not yet received the medical treatment prescribed by her doctors, despite submitting supporting documentation and requesting court approval.
4. Please outline the measures your Excellency's Government have put in place to prevent further harassment, arbitrary arrests, attacks, threats and killings against human rights defenders in the Philippines. Please indicate the measures taken to guarantee the establishment of a safe and enabling environment for the work of human rights defenders, specifically through the adoption of a law for the protection and recognition of 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.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the present communication and the regular procedure.

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

Matthew Gillett
Vice-Chair on Communications of the Working Group on Arbitrary Detention

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

Laura Nyirinkindi
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to of the International Covenant on Civil and Political Rights, ratified by the Philippines on 23 October 1986.

Concerning Ms. Ujano's detention, we would particularly like to refer to article 9 of the ICCPR, which guarantees the rights to liberty and security of person, and provides that no person should be arbitrarily arrested, detained or deprived of their liberty and that one must be promptly informed of the reasons for the arrest and of any charges against him or her. Article 9(4) also entitles everyone detained to challenge the legality of such detention before a judicial authority. United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court state that the right to challenge the lawfulness of detention before a court is a self-standing human right, the absence of which constitutes a human rights violation. We also draw your attention to article 14 of the ICCPR, which enshrines that all persons are to be seen as equal before the courts and tribunals. In this article, the presumption of innocence before proven guilty as well as explicit fair trial guarantees are outlined. Furthermore, article 14 states the right of all persons to have adequate time and facilities to prepare their defence, either on their own or in consultation with a legal representative of their own choosing.

Furthermore, in its general comment No 35, the Human Rights Committee has found that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), freedom of assembly (art. 21), and freedom of association (art. 22). This has also been established in consistent jurisprudence of the Working Group on Arbitrary Detention.

Article 19 of the ICCPR refers to the right to hold opinions without interference, and the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, through any medium they wish. 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 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 and that restrictions must be “the least intrusive instrument among those which might achieve their protective function” (CCPR/C/GC/34, para. 34).

Similarly, the right to freedom of peaceful assembly under article 21 can be subjected to restrictions only as narrowly defined by the ICCPR, if such restrictions are clearly established by law for a legitimate aim and be “necessary in a democratic society” and proportionate to the achievement of the legitimate aim. There must be a ‘pressing social need’ for the interference in the enjoyment of these rights (A/HRC/20/27), and States have to ensure that any restrictive measures fall within the limit of what is acceptable in a “democratic society”.

“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 (A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1). The right of peaceful assembly is, moreover, a valuable tool that can and has been used to recognize and realize a wide range of other rights, including economic, social and cultural rights. It is of particular importance to marginalized individuals and groups. Failure to respect and ensure the right of peaceful assembly is typically a marker of repression” (CCPR/C/GC/37).

In relation to the allegations indicating that the individual mentioned above is being targeted because of her activities defending human rights, 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.

In addition, we would like to reiterate your Excellency’s Government of its obligation under the International Convention on the Elimination of Discrimination against Women (CEDAW) through its ratification on 5 August 1981, in particular article 7, which provides that States shall take appropriate measures to eliminate discrimination against women in the political and public life of the country.

As stressed by the Working Group on discrimination against women and girls in one of its thematic reports to the Human Rights Council (A/HRC/23/50), women human rights defenders are often the target of gender-specific violence, such as intimidation, attacks, and death threats, which are sometimes condoned or perpetrated by State actors. The Working Group has further called upon States to eliminate all forms of violence against women in order to fulfil women's human rights and to facilitate women's participation in political and public life.

Moreover, as the Working Group on discrimination against women and girls expressed in its report on girls' and young women's activism (A/HRC/50/25), girls and young women are mobilizing worldwide to demand and catalyse change on critical global issues. They are at the forefront of initiatives aimed at transforming societies towards social justice, gender equality and sustainability. The realization of girls' and young women's human right to participate in public and political life, including organizing and engaging actively with a variety of State and non-State actors, is essential for the protection of their human rights. The Working Group on discrimination against women and girls has called on States to ensure that mechanisms are in place to solicit the views of girls and young women in all matters of public interest affecting them directly or indirectly and to give due weight to those views.

Furthermore, in its report to the Human Rights Council on women deprived of liberty (A/HRC/41/33), the Working Group on discrimination against women and girls noted that deprivation of liberty is deeply linked to gender. The Working Group underscored that women human rights defenders, perceived as challenging traditional notions of family and gender roles in society (A/HRC/40/60, para. 28), are increasingly at risk of facing criminalization and detention as a result of their legitimate public activism (see A/HRC/16/44 and Corr. 1). This is because stereotypes about a woman's "proper" role dictate not only how she should (not) behave within the home but also in public, and defying those standards in public may put women at risk of deprivation of liberty. Women who seek to participate in political, economic, social or cultural leadership in their communities or nations may be acting in defiance of stereotypes obliging women to stay quiet and invisible and defer to male governance. They may thus be stigmatized, or even criminalized or confined, to prevent them from speaking out or taking action (A/73/301). The Working Group on discrimination against women and girls has recommended States to eliminate any laws or policy measures designed to criminalize the public roles of women.

We also refer your Excellency's Government to the General Assembly resolution 68/181, adopted on 18 December 2013, on the protection of women human rights defenders. Specifically, we would like to refer to articles 7, 9 and 10, whereby States are called upon to, respectively, publicly acknowledge the important role played by women human rights defenders; take practical steps to prevent threats, harassment and violence against them and to combat impunity for such violations and abuses; and ensure that all legal provisions, administrative measures and policies affecting women human rights defenders are compatible with relevant provisions of international human rights law.

Finally, 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) and (c), which provides for the right of all persons to form, join and participate in non-governmental organizations, associations and groups; and to communicate with non-governmental or intergovernmental organizations;
- article 6 point(a) and (b), which provides for the right of all persons to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms and freely to publish, impart or disseminate to others views on these matters;
- article 11 which provides that everyone has the right, individually or in association with others, to the lawful exercise of their profession;
- 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.