

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

16 August 2018 ASA 35/8958/2018

# PHILIPPINES: RESPECT FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY OF ALL HUMAN RIGHTS ACTIVISTS INCLUDING NON-NATIONALS

Amnesty International is gravely concerned over the recent crackdown by the Philippine government on the exercise by non-nationals of their rights to freedom of expression and peaceful assembly. Most recently, on 14 August 2018, Professor Gill Boehringer, an Australian lawyer, academic and human rights activist, who had visited the country on numerous occasions over the past decade, was expelled by the Philippines' Bureau of Immigration (BI) who cited his alleged participation in "domestic protest actions in the past". Amnesty International urges the Philippine authorities to end its harassment of peaceful activists who enter the country and to respect the rights to freedom of expression and assembly of all peaceful activists, including non-nationals.

Gill Boehringer, 84 years old, arrived in the Philippines from Sydney on the evening of 7 August. However, according to his lawyer, BI agents prevented him from leaving the Ninoy Aquino International Airport as he was on the Bureau's 'blacklist'. According to his lawyer, Boehringer had been earlier instructed by the BI to board the earliest flight on 9 August to China, from where he was expected to take a flight to Australia. His doctor, however, expressed serious concerns about having Boehringer fly out of the country so soon, as he had by then developed a serious medical condition and needed medical treatment. Subsequently, Philippine media reported that the Secretary of the Department of Justice (DOJ) stated that Boehringer was refused entry because of his participation in "domestic protest actions in the past". Boehringer said that the DOJ cited his alleged participation in the mass demonstrations during the Asia-Pacific Economic Cooperation meeting in November 2015 and in another rally in February 2018 as the reasons for his being refused entry.

In a statement, Boehringer denied participation in the November 2015 protest. He also said he travelled to southern Philippines in February 2018 to observe educational activities at a school there, but there was no rally or political activity held during his visit. Boehringer added that while he has been "a critic of some of the policies and practices of three successive governments since coming to the Philippines as an International Election Observer in 2007 and 2010", this should be seen as his "contribution [to] the vibrant national discourse about how democracy can be strengthened, the rule of law protected and social justice ensured".

Boehringer was finally expelled on the afternoon of 14 August, after nearly a week of being held in custody at the airport. To date, according to his lawyer, Boehringer has not been informed in writing of the reasons for his expulsion.

The denial of entry to human rights activists for such reasons obstructs their right to defend human rights and can amount to a denial of their rights to freedom of expression and of peaceful assembly, as guaranteed by international human rights law. Such expulsions also create a negative effect on the exercise of the rights to freedom of expression and peaceful assembly by non-nationals who may now decide to reduce their activities in the country for fear of the action the Philippine authorities might take against them.

More broadly, under international law, States are obliged to treat all persons as equal before the law and without discrimination on any ground, including political or other opinion. Apart from a few political rights which under the Covenant apply specifically to citizens, the UN Human Rights Committee has underlined that "the general rule is that each one of the rights of the Covenant must be guaranteed without discrimination between citizens and aliens". Based on this, the rights to freedom of expression and peaceful assembly should be equally enjoyed by anyone in the Philippines, whether or not they are a citizen of the country.

The expulsion of Professor Boehringer takes place in the context of other recent denial of entry or expulsions of foreign missionaries and activists because they have allegedly engaged in protest actions in the Philippines in the past. These include Italian politician Giacomo Filibeck; Australian missionary Sister Patricia Fox; and three Methodist missionaries from Malawi, the USA, and Zimbabwe.

It also follows an intensifying campaign of harassment by the government against Philippine political activists and human rights defenders, including a petition to the Manila Regional Trial Court which named human rights defenders and activists in a list of over 650 individuals whom it sought to designate as “terrorists” under the Human Security Act of 2007 (Republic Act 9372), known colloquially as the anti-terrorism law. Among those listed was the UN Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz, a Philippine national. The Rapporteur was later removed from the list, but the names of numerous other activists remain.

In light of this alarming trend, Amnesty International calls on the Philippine authorities to immediately halt the harassment of Philippine activists and the expulsions of non-nationals on the basis of their engagement in domestic protests and other similar activities, and ensure respect for the rights to freedom of expression and peaceful assembly of all activists and human rights defenders in the Philippines. The organisation urges the Department of Justice, and its agency the Bureau of Immigration, to ensure that people are not expelled from the country for the peaceful exercise of their right to freedom of expression or their right to peaceful assembly. The International Covenant on Civil and Political Rights, which is legally binding on the Philippines as a State party, states that non-citizens lawfully in the territory may be expelled only in accordance with the law; unless compelling reasons of national security require otherwise. Non-citizens faced with an expulsion order must be able to put forward reasons against their expulsion and to have their case reviewed by the competent authority in a process where they have legal representation.

## **BACKGROUND**

In April 2018, media reported that Philippine authorities at the Mactan-Cebu International Airport denied entry to Giacomo Filibeck, an Italian national, who is deputy secretary-general of the Party of European Socialists (PES), on the stated ground that he had engaged in “illegal political activity”. Filibeck was to attend the congress of a sister organization of PES based in the Philippines. The Philippine Justice Secretary later stated that it is illegal for aliens to participate in “partisan political activities”.

Also in April 2018, the BI cancelled the visa of Australian missionary Sister. Patricia Fox, for allegedly engaging in political activity. Fox has been living in the Philippines for nearly three decades now and is a coordinator of a Roman Catholic order and an advocate of human rights and workers’ welfare. The BI stated that Fox’s participation in protest actions is a violation of the conditions of a missionary visa, and ordered her to leave the country within 30 days. President Rodrigo Duterte later said that he had ordered the investigation into the activities of Fox, whom he branded as an “undesirable” foreigner because of her “foul mouth” and “disorderly conduct”. She currently remains in the Philippines as she appeals the BI’s order.

In July 2018, media reported that the BI likewise ordered three Methodist missionaries – Miracle Osman of Malawi, Adam Thomas Shaw of the USA, and Tawanda Chandiwana of Zimbabwe – to leave the country. While Chandiwana and Shaw were said to have overstayed their visas, the BI added that the reasons for the expulsion of the three missionaries included their involvement in “leftist-organized activities”. Chandiwana had been detained by the BI for eight weeks before he was released and expelled on 4 July. Shaw and Osman also left the Philippines in the same month. In a statement, a United Methodist Global Ministries official said that part of its missionaries work is “standing up for life where it is threatened”. According to its website, the organisation works on church development, health care, and human rights, among others.