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**ASSESSMENT OF THE HUMAN RIGHTS SITUATION IN THE PHILIPPINES AGAINST OBJECTIVE CRITERIA  
FOR ACTION BY THE UN HUMAN RIGHTS COUNCIL**

During the thirty-second session (HRC32) of the UN Human Rights Council in June 2016, Ireland delivered a statement on behalf of a cross-regional group of States proposing objective criteria – or “guiding principles” – to “help [the Human Rights Council] decide, in an objective and non-selective manner, when the Council should usefully engage with a concerned State, to prevent, respond to, or address violations and to assist in de-escalation of a situation of concern.” Since then, a number of further joint statements have reaffirmed those principles, including a cross-regional joint statement delivered by the Netherlands at the 35th session of the Council on behalf of 49 States,<sup>1</sup> and a joint statement delivered by Australia on behalf of 11 incoming members of the Council at the 37th session,<sup>2</sup> and by Fiji on behalf of 10 incoming members of the Council at the 40<sup>th</sup> session.<sup>3</sup>

Analysis by Amnesty International, detailed in this document, shows that nearly all of the criteria identified in the joint statement have been met in the case of the Philippines (see p.2-8). Despite credible allegations of thousands of unlawful killings committed since July 2016, the Philippine government has refused to acknowledge the seriousness of human rights violations and crimes under international law in the country, instead issuing blanket denials that violations are taking place and threatening and attacking human rights defenders, Special Procedures and the Commission on Human Rights of the Philippines (A-Status NHRI) in response to criticism. The current and former High Commissioners for Human Rights, Special Procedures and a number of States have raised concern about the serious allegations of extra-judicial executions, and the lack of investigations or accountability. The authorities have denied relevant Special Procedures access to the country to investigate and failed meaningfully to engage or cooperate with the Office of the High Commissioner for Human Rights (OHCHR) on this issue. The withdrawal of the Philippines from the ICC took effect 17 March 2019, meaning that the ICC will not be able to receive or seek evidence of alleged violations nor examine alleged violations that occurred after that date. Not only has there been no accountability for the killings, but Philippine President Rodrigo Duterte has explicitly encouraged police to commit executions and promised them immunity; the Philippine National Police has also rewarded police officers involved in deadly anti-drug operations with promotions to higher positions. In this climate of impunity, attacks against activists and human rights defenders, including killings, have escalated, while the authorities have cracked down on independent media in the country.

Since this situation fulfils many of the criteria set out in the Irish-led joint statement, Amnesty International calls on States, especially those that joined the HRC32 statement and/or subsequent joint statements reaffirming them, to take meaningful action to address the situation in the Philippines at the 41<sup>st</sup> regular session of the Human Rights Council, by launching an investigation into human rights violations committed in the context of the “war on drugs”. Such action is long overdue.

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<sup>1</sup> <https://www.universal-rights.org/wp-content/uploads/2017/06/Dutch-CRS-HRC35.pdf>.

<sup>2</sup> <http://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/joint-statement-to-interactive-dialogue-with-hc-for-hr-incoming-members-pledge-8-march-2018.pdf>.

<sup>3</sup> Fiji, Austria, Argentina, Bulgaria, Czech Republic, Denmark, Italy, The Bahamas, Togo, and Uruguay.

## ASSESSMENT OF HUMAN RIGHTS SITUATION IN THE PHILIPPINES AGAINST OBJECTIVE CRITERIA SET OUT IN THE HRC32 JOINT STATEMENT

Key: red means criteria fully met; amber means criteria partially met; green meets criteria not met.

<p>Call for action by the UN SG, HC or another relevant UN organ, body or agency?</p>	<p><b>The current and former UN High Commissioners for Human Rights have raised significant concerns about the killings and the lack of accountability for the thousands of extrajudicial executions.</b></p> <p>During his term, former High Commissioner Zeid Ra’ad Al Hussein repeatedly raised concerns about the increase in violence and impunity in the country, heavily criticising President Duterte for directing the Philippine National Police to shoot and kill people suspected of drug-related offences and disregard possible international investigations.<sup>4</sup> In March 2018, he explicitly called on the Human Rights Council to respond to the President’s attacks on UN Special Rapporteurs on extrajudicial, summary or arbitrary executions, Agnes Callamard, and on the rights of indigenous peoples, Victoria Tauli-Corpuz.<sup>5</sup></p> <p>In March 2019, current High Commissioner Michelle Bachelet, in her first annual update to the 40<sup>th</sup> session of the Human Rights Council, expressed deep concern over the scale of killings noting that “several sources now estimate that up to 27,000 people may have been killed in the context of the campaign against illegal drugs since mid-2016.” She also flagged, <i>inter alia</i>, the lack of investigations and accountability at national level, and noted that “Special Rapporteurs of this Council have been subjected to threats; and opposition politicians, human rights defenders and journalists have been threatened, attacked and jailed.”<sup>6</sup> In February 2019, her Office called “for an independent and thorough review of all charges against [Maria Ressa, the CEO of the independent news outlet Rappler in the Philippines] and other media professionals in the Philippines, and [urged] the Philippines judiciary to safeguard their own independence by throwing out cases that are clearly politically motivated or are not in line with international human rights standards, including freedom of opinion and expression.”<sup>7</sup></p>
<p>Recommendation for action by a group of Special Procedures?</p>	<p><b>A group of 11 UN experts called for an independent probe by the HRC in June 2019.</b></p> <p>Special Procedures have voiced concern about the human rights situation in the country on numerous occasions since 2016. Among these:</p> <ul style="list-style-type: none"> <li>• In August 2016, a group of Special Procedures urged the Philippines to “cease extrajudicial killings of people suspected of drug-related offences.” They called “on the Philippine authorities to adopt with immediate effect the necessary measures to protect all persons from targeted killings and extrajudicial executions (...) drug-dependency should be treated as a public health issue and justice systems that decriminalise drug consumption and possession for personal use as a means to improve health outcomes.”<sup>8</sup></li> </ul>

<sup>4</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22041&LangID=E>

<sup>5</sup> In March 2018 the High Commissioner said, "This is, of course, unacceptable, for a special rapporteur [Agnes Callamard] acting on behalf of the international community, whose expertise is sought by the Human Rights Council, to be treated in this way...And, I hope, and I expect the Human Rights Council to respond accordingly." <https://news.un.org/en/story/2018/03/1004622>.

<sup>6</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24265&LangID=E>.

<sup>7</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24171&LangID=E>.

<sup>8</sup> **UN experts urge the Philippines to stop unlawful killings of people suspected of drug-related offences**, statement issued by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special

- In July 2017, the same Special Procedures experts, together with the Special Rapporteur on the sale and sexual exploitation of children, called on the Philippines to “reverse spiralling rights violations”, including summary executions of children.<sup>9</sup>
- A group of experts again issued a statement in November 2017, calling on the Government of the Philippines to carry out prompt, impartial investigations into the high number of killings in the context of the anti-drugs campaign and expressing concern about the number of new killings of men, women and children.<sup>10</sup> Despite this, no credible investigations have been carried out.
- In 2018, UN experts expressed “serious alarm” about the Government’s attempts to shut down critical news site Rappler. They noted that the news site has provided critical coverage of the anti-drugs campaign since it began in 2016 and expressed concern about further attacks on independent media in the country.<sup>11</sup>
- In May 2019, experts issued a statement expressing grave concern for accusations brought by the Government against the UN Special Rapporteur on the rights of indigenous peoples.<sup>12</sup>
- In June 2019, 11 experts called on the HRC to establish an independent investigation into human rights violations in the Philippines. The experts stated that they were “extremely concerned” over the “sharp” deterioration of human rights in the country, including the high number of killings in the country, in the context of the ‘war on drugs’ as well as killings of human rights defenders. They further stated that there was no indication that the government would conduct prompt and independent investigations into violations, and hold perpetrators to account, emphasising the government had done everything in its power to evade scrutiny and reject accountability.<sup>13</sup>

Rapporteur on the right to health, 18 August 2016: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20388>.

<sup>9</sup> **Philippines needs urgent action to reverse spiralling rights violations, UN experts say**, statement issued by the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right to health; and the Special Rapporteur on the sale and sexual exploitation of children, 31 July 2017: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21926&LangID=E>.

<sup>10</sup> **UN experts urge Philippines to stop attacks and killings in anti-drugs campaign**, statement issued by the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on the right to health, 23 November 2017: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22434&LangID=E>.

<sup>11</sup> **UN experts express serious alarm at effort to shut down independent media outlet in the Philippines**, statement issued by the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on freedom of expression, 25 January 2018: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22610&LangID=E>.

<sup>12</sup> **The Philippines: Renewed allegations against UN expert are "clearly retaliation,"** statement issued by the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection the right to freedom of opinion and expression; and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, 1 May 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24538&LangID=E>.

<sup>13</sup> **UN human rights experts call for independent probe into Philippines violations**, statement issued by 11 human rights experts including the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Chair of the Working Group on the issue of discrimination against women in law and in practice; the Special Rapporteur on the right to food; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association;; the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the right to health; the Special Rapporteur on the rights of indigenous people; the Special Rapporteur on violence against women, its causes and consequences; and the Special Rapporteur on the Independence of Judges and Lawyers.

<p>Does the State concerned have an “A status” NHRI?</p> <p>If so, has that institution drawn the attention of the international community to an emerging situation and called for action?</p>	<p><b>The A-Status NHRI has raised concern about the situation and called for access to UN investigators.</b></p> <p>The Commission on Human Rights of the Philippines (CHR), an ‘A’ accredited NHRI, has been critical of the government’s ‘war on drugs’, issuing numerous statements that have included calling for police to adhere strictly to the rule of law, and expressing concerns about the killing of children by police in the country.<sup>14</sup> In January 2017, the CHR condemned the Government’s withdrawal of its invitation to the Special Rapporteur on extrajudicial, summary or arbitrary executions and in September 2017, the CHR again called for the Government to allow UN investigators into the country to examine alleged violations.<sup>15</sup></p> <p>The CHR has come under attack from the Government on the basis of its work to raise the alarm over extrajudicial executions.<sup>16</sup> The Chair of the CHR, Jose Luis ‘Chito’ Gascon, has been subjected to repeated personal attacks by the President.<sup>17</sup></p>
<p>Has the State concerned been willing to recognise that it faces particular human rights challenges and laid down a set of credible actions, including a time-table and benchmarks to measure progress, to respond to the situation?</p>	<p><b>The Philippine authorities have denied that extrajudicial executions are happening and even encouraged further killings.</b></p> <p>While the Philippine authorities have acknowledged that police and other unknown persons have killed thousands of people in the ‘war on drugs’,<sup>18</sup> they have refused to accept that the killings are a problem, or that they should be halted. Rather, they have maintained that the administration’s approach is necessary to “save lives, preserve families, protect communities and stop the country from sliding into a narco-state”,<sup>19</sup> and have insisted that those killed by police resisted arrest, despite significant evidence to the contrary.<sup>20</sup></p> <p>The President has publicly encouraged the killings, and explicitly warned drug suspects they will be killed, while promising that he will not allow police officers to go to jail for ‘performing their duty’ in the ‘war on drugs’.<sup>21</sup> As he enters his fourth year as President, Duterte has indicated that the killings will continue – and perhaps even increase – until the end of his term in 2022, warning that the approach will be “harsher in the days to come”.<sup>22</sup> Reports as well as research undertaken by Amnesty International has indicated that many police officers that were responsible for committing or overseeing unlawful killings have in fact been rewarded and promoted to senior positions in other regions in the country, resulting in a surge in killings in those areas.<sup>23</sup></p> <p>The authorities have therefore unsurprisingly demonstrated no commitment to addressing and remedying the human rights concerns expressed by local, national and international civil society organizations, the Commission on Human Rights of the Philippines, the High Commissioner for Human Rights, UN Special Procedures and some States. There have been no visible efforts to launch credible investigations at the national level into the systematic and widespread killings, which Amnesty International believes amount to crimes</p>

<sup>14</sup> See for example, <http://chr.gov.ph/2017-2/>.

<sup>15</sup> Chito Gascon said: “We call on the government to extend a standing invitation to all UN special rapporteurs and other relevant mechanisms in order to assist with ensuring that the perpetrators of human rights violations will ultimately be held to account in order to end the climate of impunity that has prevailed in this country for far too long,” <http://newsinfo.inquirer.net/933074/gascon-urges-duterte-to-allow-un-probe-of-rights-abuses> See also: <http://globalnation.inquirer.net/151985/philippines-in-spotlight-at-geneva-meet-over-drug-war-slays>.

<sup>16</sup> E.g. see <https://www.rappler.com/nation/176597-sona-2017-duterte-chr-ombudsman>; <http://cnnphilippines.com/news/2017/09/12/Commission-on-Human-Rights-CHR-House-budget.html>.

<sup>17</sup> <https://www.amnesty.org/download/Documents/ASA3575662017ENGLISH.pdf>.

<sup>18</sup> <http://newsinfo.inquirer.net/988352/pnp-admits-4251-killed-in-war-on-drugs>.

<sup>19</sup> Foreign affairs Secretary Alan Peter Cayetano commented on this during the high-level debate at the 72nd Session of the United Nations General Assembly in New York in September 2017:

<http://www.manilatimes.net/duterte-drug-war-necessary-protect-rights-filipinos-cayetano/352534/>.

<sup>20</sup> Amnesty International, ‘If you are poor you are killed’ Extrajudicial executions in the Philippines ‘war on drugs’, January 2017 <https://www.amnesty.org/en/documents/asa35/5517/2017/en/>.

<sup>21</sup> See for example, <https://newsinfo.inquirer.net/993827/duterte-tells-drug-suspects-to-stay-in-jail-if-they-want-to-live-longer>.

<sup>22</sup> See for example, <https://news.abs-cbn.com/news/02/20/19/duterte-drug-war-to-be-harsher-in-the-coming-days>.

<sup>23</sup> See for example, <https://www.rappler.com/nation/224501-rise-drug-killings-central-luzon-pnp-says-commanders-hardworking>.

	<p>against humanity, apart from in one high-profile case relating to the killing of 17-year-old minor Kian delos Santos.<sup>24</sup> Moreover, the authorities have hindered efforts by international mechanisms to investigate allegations of human rights violations.</p>
<p>Is the State concerned engaging in a meaningful, constructive way with the Council on the situation?</p>	<p><b>The authorities have continued to defend their violent approach, in the face of criticism at the Council.</b></p> <p>During the Universal Periodic Review of Philippines in May 2017, Philippine officials defended the ‘war on drugs’ campaign and denied that extrajudicial executions were taking place. They claimed that, despite credible evidence to the contrary, the deceased violently resisted arrest during police operations.<sup>25</sup> They eventually rejected 154 of 257 recommendations, including all recommendations relating to addressing the extrajudicial executions, which were made by over 40 States.<sup>26</sup> Following the review, rather than reflecting on the need to address the concerns, former Foreign Secretary Alan Peter Cayetano berated the High Commissioner on Human Rights for “severely mischaracterising” the Philippines’ human rights record.<sup>27</sup></p> <p>As a member of the Council, the Philippines is expected not only to “uphold the highest standards in the promotion and protection of human rights”, but also to “fully cooperate with the Council” and its mechanisms. The government has shown complete disregard for the authority and integrity of the Council – not only have they refused to cooperate with the Special Procedures, a Council mechanism, but they have issued personal threats, including threats of violence, against Special Procedures mandate-holders.</p>
<p>Is the State concerned effectively cooperating with HRC Special Procedures, including by allowing country visits?</p>	<p><b>The Philippine authorities have denied access to HRC Special Procedures and even attacked and sought to criminalise them.</b></p> <p>In the same time period, 32 communications were sent by Special Procedures and only 20 have received replies. Of those replies, only 10 address the substantive allegations. Not one Special Procedures country visit to the Philippines has taken place since President Duterte took power in June 2016, despite 24 outstanding visit requests.<sup>28</sup> Not only is the Government refusing to effectively cooperate with the Special Procedures, but they have issued personal threats, including threats of violence, against certain mandate-holders. As a member of the Council, this is clearly unacceptable.</p> <p>In October 2016, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the right to health requested permission to visit the Philippines to conduct a joint fact-finding mission in 2017. The government imposed a number of conditions as pre-requisites for the visit, including that the Special Rapporteur holds a public debate with the President, answer his questions, and that before answering questions from government officials and the President the Special Rapporteur takes an ‘oath’.<sup>29</sup> The Special Rapporteur on extrajudicial, summary or arbitrary executions rejected the preconditions, and urged the Government to reconsider their demands, in line with the Code of Conduct.<sup>30</sup> Since the Special Rapporteur’s rejection, the Duterte administration, including the</p>

<sup>24</sup> Ibid.

<sup>25</sup> <https://www.amnesty.org/download/Documents/ASA3571542017ENGLISH.pdf>.

<sup>26</sup> <https://www.amnesty.org/en/documents/asa35/7154/2017/en/>.

<sup>27</sup> <https://www.dfa.gov.ph/newsroom/dfa-releasesupdate/13910-ph-scores-un-high-commissioner-for-mischaracterizing-human-rights-situation>.

<sup>28</sup> <https://spinternet.ohchr.org/Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en>.

<sup>29</sup> <https://news.un.org/en/story/2016/12/548012-philippines-un-expert-rejects-government-imposed-conditions-fact-finding>.

<sup>30</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21045&LangID=E>.

	<p>President himself, have repeatedly attacked the Special Rapporteur and her Office. The Office of the High Commissioner for Human Rights has condemned the President’s threats against Ms. Callamard numerous times.<sup>31</sup></p> <p>In March 2017, the High Commissioner criticised President Duterte’s statements to the Philippine National Police that they should not cooperate with UN Special Procedures or international investigators who may probe human rights violations if they visit the Philippines.<sup>32</sup> In September 2017 and again in March 2018, the Philippines reportedly told UN officials, including the UN Secretary General, that the government would consider allowing a UN Special Rapporteur to visit the country but specified this should not be the most relevant expert, Agnes Callamard, whose mandate focuses on extrajudicial executions.<sup>33</sup> Over a year later, no such visit has been facilitated.</p> <p>In February 2018, the Department of Justice filed a petition before the Supreme Court that sought to designate human rights defenders, including the UN Special Rapporteur on the rights of indigenous peoples, Ms. Victoria Tauli-Corpuz, a Philippine national, as “terrorists” under the country’s anti-terrorism law. Ms. Tauli-Corpuz had spoken out against the government, criticizing the displacement of Indigenous peoples during military operations in the south of the country. The Office of the High Commissioner for Human Rights has also condemned her treatment.<sup>34</sup> Ms. Tauli-Corpuz was again singled out and subjected to renewed accusations by the government in March 2019, a move that was also condemned by UN Special Procedures.<sup>35</sup></p>
<p>Is the State concerned engaging with OHCHR, including in the field of technical assistance...</p>	<p>While there is an ongoing dialogue on a number of human rights issues between the OHCHR, international human rights mechanisms and the Permanent Mission of the Philippines in Geneva, Amnesty International understands that there has been no concrete engagement at the country level or in the field of technical assistance to ensure the Government’s ongoing anti-drug operations are in line with their human rights obligations.</p>
<p>... and effective engagement with the UN Human Rights</p>	<p>The Philippines is party to eight of the nine core human rights conventions<sup>36</sup> and six of the optional protocols thereto.<sup>37</sup> It has overdue reports pending for CCPR (2016) and CERD (2012).</p> <p>There have been two reviews of the Philippines since the ‘war on drugs’ began – the Committee on the Elimination of Discrimination against</p>

<sup>31</sup> See for example: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22421&LangID=E>.

<sup>32</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22772&LangID=E>.

<sup>33</sup> See for example, <https://www.philstar.com/headlines/2017/09/30/1744257/dfa-chief-phl-ready-welcome-hr-probe>; <http://www.sunstar.com.ph/article/421043/UN-rapporteurs-except-Agnes-Callamard-welcome-to-visit-Philippines>.

<sup>34</sup> <https://news.un.org/en/story/2018/03/1004622>.

<sup>35</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24538&LangID=E>.

<sup>36</sup> These are the International Convention on the Elimination of All Forms of Racial Discrimination; International Covenant on Civil and Political Rights; International Covenant on Economic, Social, and Cultural Rights; Convention on the Elimination of all Forms of Discrimination against Women; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Rights of the Child, International Convention on the Protection of the Rights of all Migrants Workers and Members of their Families; Convention on the Rights of Persons with Disabilities. (The Philippines has not ratified the International Convention for the Protection of all Persons from Enforced Disappearance).

<sup>37</sup> These are the Optional Protocol to the International Covenant on Civil and Political Rights; Second Optional Protocol to the International Covenant on Civil and Political Rights; Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women; Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Treaty Bodies?	<p>Women (July 2016) and the Committee on Economic, Social and Cultural Rights (October 2016). Both Committees noted as positive the ‘constructive engagement’ and ‘constructive dialogue’ of the government, respectively.<sup>38</sup></p> <p>However, concerns were raised during the review of the Committee on Economic, Social and Cultural Rights about the “rise in the number of extrajudicial killings of drug suspects (which) has drastically increased in recent months and (the) large number of people (that) have been arrested and detained in already overcrowded prisons”. The Committee urged “the State party to put a stop to extrajudicial killings and all forms of violence against drug users; to promptly and thoroughly investigate all reported cases and punish the perpetrators with sanctions commensurate with the gravity of the crime; and to take all measures necessary to ensure that the fight against drug trafficking does not have a discriminatory impact on the poor and marginalized”.<sup>39</sup></p> <p>The Government did temporarily remove police from anti-drug operations. However, police were later reassigned. The Government has not implemented any of the Committee’s other recommendations to credibly investigate the killings “and punish the perpetrators with sanctions commensurate with the gravity of the crime”. To date, police officers have been convicted of murder in just one high-profile case, that of Kian de los Santos,<sup>40</sup> and reported killings by police and other unknown gunmen, many of them suspected of having links to the police, continue.<sup>41</sup></p>
Has a relevant regional mechanism or institution identified the situation as requiring the attention of the international community?	<p>The ASEAN Intergovernmental Commission on Human Rights (AICHR) does not comment on the human rights situations/violations in ASEAN member states. Civil society organisations and parliamentarians from the region have, however, expressed their deep concern about the situation in the Philippines, including the ASEAN Parliamentarians for Human Rights,<sup>42</sup> FORUM-ASIA – a collective of regional NGOs,<sup>43</sup> and the ASEAN Peoples Forum.<sup>44</sup></p>
Is the State concerned cooperating with relevant regional organisations?	<p>The Philippines is still engaging as a member of the ASEAN Intergovernmental Commission on Human Rights, though as mentioned above, the Commission does not address specific human rights violations.</p>
Is the State concerned facilitating or obstructing access	<p><b>The past three years have seen an increasing crackdown on human rights defenders and more recently, independent media.</b></p> <p>In November 2016, President Duterte reportedly threatened to “behead” and “kill” human rights defenders that criticise the country’s</p>

<sup>38</sup> CEDAW/C/PHL/CO/7-8, Committee on the Elimination of Discrimination against Women, Concluding observations on the combined seventh and eighth periodic reports of the Philippines, 25 July 2016; para. 2; [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/PHL/CO/7-8&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/PHL/CO/7-8&Lang=En) p

Committee on Economic, Social and Cultural Rights, Concluding observations on the combined fifth and sixth periodic reports of the Philippines; 26 October 2016 para. 2 [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/PHL/CO/5-6&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/PHL/CO/5-6&Lang=En).

<sup>39</sup> E/C.12/PHL/CO/5-6, Committee on Economic, Social and Cultural Rights, Concluding observations on the combined fifth and sixth periodic reports of the Philippines\* 26 October 2016, para 54. [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/PHL/CO/5-6&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/PHL/CO/5-6&Lang=En).

<sup>40</sup> <https://www.amnesty.org/en/latest/news/2018/11/philippines-first-conviction-of-police-officers-in-war-on-drugs-shows-its-deadly-reality/>.

<sup>41</sup> See for example <https://www.rappler.com/nation/203127-archbishop-soc-villegas-statement-murder-vulgarity>.

<sup>42</sup> <https://aseanmp.org/2017/08/25/release-senator-de-lima-end-extrajudicial-killings-philippines/>.

<sup>43</sup> <https://www.forum-asia.org/?p=25920>.

<sup>44</sup> [http://www.acsc-apf.org/pages/summaryl\\_statement%20ACSC\\_AFP\\_2017.html](http://www.acsc-apf.org/pages/summaryl_statement%20ACSC_AFP_2017.html).

and work on the part of humanitarian actors, human rights defenders and the media?

human rights record. In August 2017, he reportedly told police to shoot human rights activists who were “obstructing justice”, or to charge them with conspiracy.<sup>45</sup> In February 2018, the President and senior officials made threats against human rights organisations in the country, attempting to link them to ‘drug lords’.<sup>46</sup> Amid this climate of impunity, dozens of human rights defenders, including lawyers, have been killed since July 2016. Others have received threats to their life.<sup>47</sup>

Prisoner of conscience Senator Leila de Lima, a prominent critic of the ‘war on drugs’, was arrested in February 2017 on politically motivated charges solely for the peaceful exercise of her human rights. She remains in detention awaiting trial, over two years later.<sup>48</sup>

According to a press freedom organization, the situation of journalists and other media workers in the Philippines has deteriorated in recent years since the ‘war on drugs’ began, raising serious concerns over the right to freedom of expression in the country.<sup>49</sup> The President has increasingly threatened media agencies that have been critical of the government’s drug policy.

The independent news website Rappler had its registration revoked, following the publication of a series of in-depth reports and regular updates on unlawful killings and associated violations in the ‘war on drugs’.<sup>50</sup> Websites of alternative media organizations have repeatedly become inaccessible following distributed denial of service (DDos) attacks that use thousands of computers to drive fake traffic to these sites. These groups, which regularly publish reports critical of the government, believe only the government has the means and the impetus to paralyze their operations.<sup>51</sup> The Editor in Chief of prominent news media site Rappler, Maria Ressa, is facing multiple politically motivated charges of tax evasion, and cyberlibel.<sup>52</sup> Rappler has been a consistent critic of President Rodrigo Duterte and his administration, publishing detailed investigations into some of the thousands of extrajudicial executions committed by police and other unknown armed persons during drug-related operations.<sup>53</sup> In 2019, other prominent journalists have been accused, without credible proof, of working to destabilize the government and oust Duterte, and have been threatened with criminal charges.<sup>54</sup>

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<sup>45</sup> <https://www.amnesty.org/download/Documents/ASA3575662017ENGLISH.pdf>.

<sup>46</sup> <https://www.amnesty.org/en/documents/asa35/8156/2018/en/>.

<sup>47</sup> See for example <https://www.amnesty.org/en/documents/asa35/0273/2019/en/>, <https://www.amnesty.org/en/documents/asa35/0156/2019/en/>.

<sup>48</sup> <https://www.amnesty.org/en/latest/news/2018/02/philippines-detained-duterte-critic-must-be-freed-immediately/> and <https://www.amnesty.org/en/latest/news/2019/02/philippines- outspoken-senator-marks-two-years-arbitrary-detention/>.

<sup>49</sup> <https://rsf.org/en/philippines>.

<sup>50</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22610&LangID=E>.

<sup>51</sup> <https://www.rappler.com/technology/news/223007-altermidya-statement-ddos-attacks-against-member-sites>.

<sup>52</sup> <https://www.amnesty.org/en/documents/asa35/9871/2019/en/>.

<sup>53</sup> <https://www.amnesty.org/en/latest/news/2018/12/philippines-end-harassment-prominent-duterte-critic-maria-ressa/>.

<sup>54</sup> <https://news.abs-cbn.com/news/04/25/19/nupl-raises-oust-duterte-matrix-before-sc?fbclid=IwAR2hEwYBApNosWskBWr3rJs-zVYqriZnRTyWbgUuwqafmODq-gWPvDgQqho>.