

46th Session of the Human Rights Council

Item 10: General Debate

22 March 2021

Delivered by Fr Angelito Cortez OFM

Madam President,

This is a joint statement of Franciscans International, the Swiss Catholic Lenten Fund, International Federation of Human Rights (*FIDH – tbc*), Dominicans for Justice and Peace with the support of Task Forced Detainees of the Philippines (TFDP), Association of the Major Religious Superiors of the Philippines (AMRSP), Franciscans Solidarity Movement for Justice, Peace and Integrity of Creation (FSM JPIC), Philippines Alliance of Human Rights Advocates (PAHRA).

Despite the adoption of the Council Resolution 45/33 on the Philippines, **we are concerned that impunity remains the norm for human rights violations and abuses. The International Criminal Court (ICC) in its last report on preliminary examinations found that there is “a reasonable basis to believe that the crimes against humanity of murder, torture and the infliction of serious physical injury and mental harm as other inhuman acts” were committed during the implementation of the War on Drugs policy in the Philippines between at least July 2016 and March 2019.**¹

We are alarmed by the House Bill No. 7184, that presumes the guilt of drug suspects without proper investigation by law enforcement agents.² This Bill violates the Philippine constitution and human rights norms and creates the conditions for even more impunity.

Meanwhile, other serious human rights violations have continued unabated. We strongly condemned the killing of nine unarmed activists on 7 March 2021.³ Prior to this massacre, the President made a statement endorsing killing the alleged communist rebels.⁴

The practise of intimidation through baseless allegations, in particular red-tagging, against those who are critical of the government policies continues. On 23 January 2021, the spokesperson of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) posted a statement accusing 18 public and private education institutions in the Philippines of

¹ See the Report on Preliminary Examination Activities in 2020 of the International Criminal Court (ICC) Office of the Prosecutor, December 2020: <https://www.icc-cpi.int/itemsDocuments/2020-PE/2020-pe-report-eng.pdf>. Given the withdrawal of the Philippines from the ICC Statute, that took effect on 17 March 2019, the ICC has jurisdiction over international crimes committed in the Philippines up to and including 16 March 2019. The ICC Office of the Prosecutor is conducting a preliminary examination into the situation since February 2018.

² <https://www.rappler.com/nation/house-approves-bill-presumes-drug-suspects-guilty-until-proven-innocent>

See also: [CHR says HB 7184 on presumption of guilt for drug suspects imperils rights | Inquirer News](https://newsinfo.inquirer.net/1402734/bill-seeking-presumption-of-guilt-for-drug-suspects-an-alarming-knee-jerk-reaction-to-pnp-pdea-misencounter-amnesty-international#ixzz6o46OZYzg) and <https://newsinfo.inquirer.net/1402734/bill-seeking-presumption-of-guilt-for-drug-suspects-an-alarming-knee-jerk-reaction-to-pnp-pdea-misencounter-amnesty-international#ixzz6o46OZYzg>

³ See the statement of OHCHR

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26865&LangID=E>

⁴ See <https://newsinfo.inquirer.net/1403556/duterte-order-to-police-military-on-reds-kill-them-all>, where President Duterte said “If there’s an encounter and you see them armed, kill, kill them, don’t mind human rights, I will be the one to go to prison, I don’t have qualms.”

being hotbeds for communist recruitments.⁵ On 15 January 2021 the Philippines Department of National Defense (DND) unilaterally ended the 1989 Accord with the University of the Philippines (UP) over supposed communist recruitment activities at the university. The termination would allow the police and military to enter UP campuses freely. These unfounded accusations show an attempt by the government to limit civic spaces and muzzle educational institutions in the exercise of their right to freedom of expression and opinion.⁶

We are also concerned about the latest government policy that would make foreign funding for NGOs contingent on clearance from the Department of Foreign Affairs,⁷ which shows the efforts of the government to control the civic space.

These recent policies raise serious doubts about statements of the Government on its will to allow for CSOs engagement as they attack freedom of expression and association and aim to curtail activities of CSOs under the banner of national security and/or counterterrorism.

We call on the Human Rights Council to ensure accountability for human rights violations in the Philippines, including by ensuring “independent, impartial and effective investigations into the killings”⁸, and strongly urge the Government of the Philippines to comply with its international human rights obligations, as well as to take concrete and measurable steps in the implementation of the two Council resolutions.

Thank you.

⁵ See <https://www.gmanetwork.com/news/news/nation/772920/top-universities-among-18-schools-nga-recruitment-is-taking-place/story/> which mentioned well-known public and private universities as as University of the Philippines (UP), the Polytechnic University of the Philippines (PUP), Far Eastern University (FEU), Ateneo de Manila University (ADMU), University of Santo Tomas (UST), Pamantasan ng Lungsod ng Maynila (PLM), De La Salle University (DLSU), University of Makati as recruitment haven for communists.

⁶ In the last few years, government officials, including the President, have accused progressive organisations, human rights defenders, church workers, as well as UN Experts of being members or supporters of the communist party, due to their critical views on the government’s policies.

⁷ On 05 February 2021, the Department of Foreign Affairs sent a Note No. 2021-0592 to the Diplomatic Missions Accredited to the Republic of the Philippines, mentioning that “The Department of Foreign Affairs of the Republic of the Philippines present its compliments to all Diplomatic Missions accredited to the Republic of the Philippines and has the honor to inform the latter that all foreign government funding intended for Philippine non-government organizations (NGOs), regardless of mode of disbursement, transfer or download of funds, shall be coursed through the Department of Foreign Affairs of the Philippines for appropriate clearance.”

⁸ Report of the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in the Philippines, UN Doc. A/HRC/44/22, 4 June 2020, paras 85 & 88.