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**Submission by CIVICUS: World Alliance for Citizen Participation, NGO in
General Consultative Status with ECOSOC**

And

Karapatan – Alliance for the Advancement of People's Rights

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1. (A) Introduction

- 1.1** CIVICUS is a global alliance of civil society organisations and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, we proudly promote marginalised voices, especially from the Global South, and have members in more than 160 countries throughout the world.
- 1.2** Karapatan – Alliance for the Advancement of People’s Rights is (hereafter Karapatan) is an alliance of individuals, groups and organizations working for the promotion and defence of human rights in the Philippines. Its founders and members have been at the forefront of the human rights struggle in the Philippines since the time of the Marcos dictatorship. Founded in 1995, Karapatan has 16 regional chapters and is closely linked with various people’s and mass organizations through their human rights desks.
- 1.3** In this document, CIVICUS and Karapatan examine the Government of the Philippines’ compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyze the Philippines’ fulfillment of the rights to freedom of association, assembly, and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in May 2012. To this end, we assess the Philippines’ implementation of recommendations received during the 2nd UPR cycle relating to these issues and provide a number of specific, action-orientated follow-up recommendations.
- 1.4** During the 2nd UPR cycle, the Government of the Philippines received four recommendations relating to above mentioned freedoms. Of these recommendations, two were accepted and two were noted. An evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrate that the Government of the Philippines has not implemented the accepted recommendations relating to civil society space. While the government has persistently failed to address unwarranted restrictions on civic space since its last UPR examination, acute implementation gaps were found with regard to the right(s) to the protection of human right defenders, journalists and media workers.
- 1.5** CIVICUS and Karapatan are deeply concerned by the extrajudicial killing, intimidation and harassment of human right defenders, journalists and media workers.
- 1.6** CIVICUS and Karapatan are further alarmed by legal restrictions on the right to freedom of expression, in particular the criminalisation of libel and overbroad provisions of the 2012 Cybercrime Prevention Act.

- In Section B, CIVICUS and Karapatan examine the Philippines' implementation of UPR recommendations and compliance with international human rights standards concerning freedom of association.
- In Section C, CIVICUS and Karapatan examine the Philippines' implementation of UPR recommendations and compliance with international human rights standards related to the protection of human rights defenders, civil society activists and journalists.
- In Section D, CIVICUS and Karapatan examine the Philippines' implementation of UPR recommendations and compliance with international human rights standards concerning to freedom of expression, independence of the media and access to information.
- In Section E, CIVICUS and Karapatan examine the Philippines' implementation of UPR recommendations and compliance with international human rights standards related to freedom of assembly.
- In Section F, CIVICUS and Karapatan make a number of recommendations to address the concerns listed.

2. (B) Freedom of association

2.1 During the Philippines' examination under the 2nd UPR cycle, the government received no recommendations on the right to freedom of association.

2.2 Article III section 8 of the 1987 Constitution guarantees the right to freedom of association. Additionally article II, section 23 articulates that the State will take measures to support and encourage non-governmental, community-based or sectoral organisations that promote the welfare of the nation. Moreover, article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which the Philippines is a state party, also guarantees freedom of association. However, despite these commitments, the government has failed to take adequate measures to remove unwarranted bureaucratic and policy restrictions on the registration and operations of civil society organisations.

2.3 Although there are no legal barriers to form associations, practical barriers exist that prevent the full realisation of the right to association. Despite clear guidelines regarding the registration of CSOs, the registration process remains unduly onerous, and is subject to overly strict bureaucratic controls¹ :

- While all documentation required for registrations as a *non-stock corporation* must be manually submitted to the Security Exchange Commission (SEC), the

¹ CODE-NGO (2016). *Assessment of the Enabling Environment for Civil Society Organizations in the Philippines*. To be published.

SEC only maintains 8 field offices outside capital, Metro Manila, leaving scores of CSOs without direct access to the SEC across the Philippines' 18 administrative regions.

- At some localities CSOs reported experiencing layers of either unwarranted or extraneous barriers to accreditation including: 1) refusal or reluctance among Local Government Units (LGU)² to accredit CSOs which are deemed critical of the policies and actions of local officials; and 2) requirements that CSOs secure business permits or submit other documents. Such arbitrary limitations and prescriptions undermine the free exercise of the right to freedom of association and undermine the government's constitutional commitments to support and encourage the activities of CSOs.

2.4 Since the Philippines previous UPR examination, military and paramilitary forces have continued to harass and vilify CSOs in an apparent attempt to discourage them from undertaking their legitimate work. CSOs operating in conflict areas have been subjected to unwarranted public stigmatisation including politically motivated epithets such as “communist front organisations”, with members and leaders attacked attributed to the Government's counterinsurgency programs such as the Oplan *Bayanihan*, with some of them experiencing physical, online and judicial harassment, while others have been assassinated.³

3. (C) Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists

3.1 Under the Philippines' previous UPR examination, the government received four recommendations on the protection of human rights defenders, journalists and civil society representatives. The government committed to two of these recommendations, namely to “take necessary measures to provide adequate protection to journalists and human rights defenders, in particular regarding enforced disappearances and extrajudicial killings” and to “take urgent measures to end extra-judicial killings, and enforced disappearances of human rights defenders, to investigate all cases and bring those responsible to justice”. However, as examined in this section, the government did not implement any of these recommendations.

3.2 Article 12 of the UN Declaration on Human Rights Defenders mandates states to take necessary measures to ensure protection to human rights defenders. The

² Local government in the Philippines

³ Karapatan (18 September 2015). *Human rights advocates file vs gov't, AFP Hitlist*. Press Release. Accessed on via: <http://www.karapatan.org/Human+rights+advocates+file+vs+gov%E2%80%99t,+AFP+%E2%80%99Hitlist%E2%80%9D> ; Inquirer.net (18 September 2015). *Lawmakers, rights advocates seek SC help vs AFP 'hit list'*. Accessed via <http://newsinfo.inquirer.net/723340/lawmakers-rights-advocates-seek-sc-help-vs-afp-hit-list>

ICCPR further guarantees the freedoms of expression, association and assembly. However, despite these protections, and the Philippines' commitment to implement recommendations to protect journalists and human rights defenders⁴, attacks on these groups, especially environmental, land and indigenous rights activists remain rife.

- 3.3** While the administration of Benigno Aquino III, from 2010 to 2016, has overseen a relative decline in the number of killings of human rights defenders in comparison with the previous administration, the government has failed to adequately ensure the full realisation of the protection of human right defenders and journalists from unwarranted attacks or to end impunity for extrajudicial killings against them. Progressive legislation proposed in 2013 – the Human Rights Defenders Bill or House Bill 1472 – has not been approved to date. The Bill, a piece of domestic legislation drawn up in accordance with the UN Declaration on Human Rights Defenders, aims to recognise HRDs, guarantee their rights, and provides for protection mechanisms for human rights defenders.
- 3.4** The 2007 Human Security Act (Republic Act N^o 9372), in its definition of “terrorism,” is so broad and vague that it extends even to peaceful protest actions critical of government. The law legalizes warrantless arrests even on dubious grounds, and extends the period of detention without charges beyond three days. The terrorist branding of an organisation also treats all its members guilty by association. These provisions violate the right to due process and presumption of innocence while posing a danger to individual and collective rights of the people, such as the right to peaceful assembly and the right to form unions. Press freedom and the right to freedom of expression are also threatened as journalists can also be targeted.
- 3.5** Worryingly, human rights defenders continue to be killed for exercising their fundamental rights. Three regional representatives of Karapatan have been killed since 2012, while several others have experienced harassment. The Chair of the Justice and Peace Action Group, Mr. Romualdo Palispis, was shot and killed on 30 June 2012 in front of his house in Aurora Province in Central Luzon.⁵ On 25 March 2014, William Bugatti, a Tuwali human right defender, was killed by unidentified assailants while travelling to his home in Bolog, Kiangon, Ifugao. Mr. Bugatti was active in a number of land and indigenous human rights movements and groups including the Cordillera Human Rights Alliance and the Cordillera Peoples Alliance. William Bugatti received threats from security agents subsequent to the initiation

⁴ A/HRC/21/12 - Para. 129

⁵ International Coalition for Human Rights in the Philippines (12 July 2012). *Chair of human rights group killed in Aurora province, Central Luzon, Northern Philippines*. Urgent Alert. Accessed via: <http://www.humanrightphilippines.net/2012/07/chair-of-a-human-rights-group-killed-in-aurora-province-central-luzon-northern-philippines/>

of Oplan Bayanihan, the government counterinsurgency plan, in the Cordillera region, and appeared on a list which identified 28 individuals as “Municipality of Tinoc (Target Persons).⁶ Karapatan-Sorsogon spokesperson Teodoro Escanilla was killed on 20 August 2015 in Barcelona, Sorsogon. Escanilla was also involved in the community-based human rights organisation Sorsogon People’s Organisation, and a dzMS-AM radio anchor for the programme, Pamana ng Lahi.⁷

- 3.6** On 24 August 2014, human rights lawyer, Atty. Rodolfo Felicio was assassinated by four unknown perpetrators in Taytay, Rizal province. Rodolfo Felicio was a member of the National Union of Peoples’ Lawyers, and had represented many urban dwellers in cases of land disputes and displacement.⁸
- 3.7** On 1 September 2015, three human right defenders in the region of Surigao del Sur, Mindanao, were killed by paramilitary forces. Emerito Samarca, the Executive Director of the Alternative Learning Centre for Agricultural and Livelihood Development (ALCADEV), was killed in the town of Sitio Han-ayan. The Centre provides basic and technical training for Lumad indigenous children from communities without immediate access to government services. Two other Lumad leaders, Dionel Campus and Datu Juvello Sinzo, were also killed on the same day. Dionel Campus is a community leader and the chairperson of MAPASU (Malahutayong Pakigbisog Alang sa Sumusunod), an organisation focusing on indigenous rights.⁹
- 3.8** Women Human Rights Defenders (WHRDs) have also been subject to targeted persecution and harassment, unwarranted surveillance, criminalisation and arbitrary arrest. On 12 May 2015, the Criminal Investigation and Detection Group levelled fabricated criminal charges against Ms. Honey May Suazo, Secretary-General of the Southern Mindanao Regional Chapter of Karapatan and 15 other

⁶ Karapatan (28 March 2014). *Justice for William Bugatti*. Media statement. Accessed via: <http://www.karapatan.org/node/898> ; Bulatlat (26 March 2014). *Activist killed in Cordillera, rights group demands justice*. Accessed via: <http://bulatlat.com/main/2014/03/26/activist-killed-in-cordillera-rights-group-demands-justice/>

⁷ Karapatan (26 August 2016). *BS Aquino regime no let-up in hunting down human rights workers*. Press release. Accessed via: <http://www.karapatan.org/BS+Aquino+regime+no+let-up+in+hunting+down+human+rights+workers> ; Center for Media Freedom and Responsibility (24 August 2015). *Second journalist killed in a week*. Accessed via: <http://cmfr-phil.org/press-freedom-protection/press-freedom/second-journalist-killed-in-a-week/> ; The Philippine Star (21 August 2015). *Sorsogon radioman shot dead*. Accessed via: <http://www.philstar.com/headlines/2015/08/21/1490392/sorsogon-radioman-shot-dead>

⁸ Bulatlat (29 August 2014). *Rights lawyers mourn killing of colleague*. Accessed via: <http://bulatlat.com/main/2014/08/29/rights-lawyers-mourn-killing-of-colleague/>

⁹ Rappler (1 September 2015). *School head, 2 Lumad leaders killed in Surigao del Sur*. Accessed via: <http://www.rappler.com/nation/104433-school-head-lumad-leaders-killed-surigao-del-sur> ; Karapatan (7 September 2015). *(Updated) ALCADDEV Exec. Director, 2 Lumads killed by AFP units and paramilitary group; community members forced to evacuate*. Urgent Action. Accessed via: <http://www.karapatan.org/ALCADEV+Executive+Director,+Two+Lumads+killed+by+AFP+units+and+its+paramilitary+group>

leaders of CSOs. The spurious charges against the 16 defenders, including kidnapping, serious illegal detention and human trafficking, followed months of harassment, intimidation and surveillance by the local police. Suazo assisted victims of forced eviction in the highly militarised region of Talaingod region, in the province of Davao del Norte, and has led several fact-finding missions.¹⁰ In July 2016, the local court where the information was filed withdrew the warrant of arrest against Honey May Suazo and fellow HRDs following a strong national advocacy campaign.

3.9 Environmental rights and land rights activists also face a range of systematic and discriminatory persecution as a result of their work. On 13 September 2014, Mr. Fausto Orasan, a staunch anti-mining and anti-illegal logging activist and leader of the Higaonon tribe in Cagayan de Oro in the Misamis Oriental Province, was shot and killed by unknown assailants near the village of Tuburan. A year earlier Mr. Orasan survived separate attempt on his life.¹¹ Three other tribal leaders were killed in August 2014 in several locations across the country as a result of their campaigns against the activities of mining and extractive industries in their ancestral lands.¹²

3.10 Journalists and media workers also continue to be routinely killed and harassed to suppress their legitimate activities. Since the Philippines' last UPR examination in 2012, 21 journalists have been killed. As many as 9 journalists were killed in 2013 due to their reporting.¹³ In 2015 alone, at least 5 journalists have been murdered due to their activities as journalists. The below examples, while not exhaustive, are emblematic of the unabated use of lethal force and the lack of accountability to silence independent media across the country.

3.11 August 2015 was one of the deadliest months on record for journalists with three journalists murdered over the course of three weeks. On 18 August 2015 Gregorio Ybanez, the publisher of the local newspaper, Kabuhayan News Services, was shot and killed front of his house in Tagum City, Davao Province. Ybanez was the president of the Davao del Norte Press and Radio-TV Club.¹⁴ The following day,

¹⁰ Karapatan (16 July 2015). *AFP files trumped-up criminal case vs. Karapatan –SMR Sec.Gen., leaders of people's orgs.* Appeal for action. Accessed via: <http://www.karapatan.org/AFP+files+trumped-up+criminal+case+vs.+Karapatan-SMR+Sec.Gen,+leaders+of+people%E2%80%99s+orgs>

¹¹ Minda News (14 September 2014). *Anti-mining Lumad leader in Cagayan de Oro killed.* Accessed via: <http://www.mindanews.com/top-stories/2014/09/anti-mining-lumad-leader-in-cagayan-de-oro-killed/>

¹² Karapatan (2014). *2014 Karapatan Year-End Report On the Human Rights Situation in the Philippines.* Accessed via: <http://karapatan.org/2014+Human+Rights+Report>

¹³ Database on the killing of journalists in the Philippines since 1986 of the CSO Centre for Media Freedom and Responsibility. Accessed via <http://cmfr-phil.org/mediakillings/>

¹⁴ InterAksyon.com (19 August 2015). *President of Davao del Norte media organization killed.* Accessed via: <http://interaksyon.com/article/116266/president-of-davao-del-norte-media-organization-killed>; Sun Star Davao (19 August 2015). *Newspaper publisher shot dead in Tagum City.* Accessed via:

Teodore Escanilla, a dzMS-AM radio anchor for the program, Pamana ng Lahi, human right defender and spokesperson for Karapatan in Sorsogon Province (see above) was gunned down in his house in Barcelona town.¹⁵ One week later on 27 August 2015, Cosme Diez Maestrado, a news anchor with dxOC radio station was shot 10 times in Ozamiz City, Misamis Occidental Province.¹⁶ Maestrado was known for his staunch criticism of local officials and had survived a previous attempt on his life in 2011.

3.12 Elvis Banggoy Ordaniza, a radio reporter for radio station dxWO Power 99 FM, was shot and killed in his home on 16 February 2016 in the province of Zamboanga del Sur, on the island of Mindinao. He previously reported on the illicit drug trade and illegal gambling.¹⁷ Saturnino “Jan” Estanio, a radio reporter and commentator for station DxRS, and his 12 year-old son were also shot, on 1 July 2016, by unidentified assailants on motorcycles. Saturnino Estanio was also reporting illegal gambling, drugs and criminality in Surigao City, Surigao del Norte Province, Mindanao.¹⁸

3.13 The above cases point to a systemic problem in the Philippines for lack of security for human rights defenders and journalists and a failure by law enforcement agencies to put an end to this epidemic of assassination of those working in the public interest. President Rodrigo Duterte, who took office on 30 June 2016, publically announced that a special multiagency task force would be formed with the aim of investigating the killings of media workers.¹⁹ The Task Force is expected to be comprised of both law enforcement agencies and representatives of media outlets.

<http://www.sunstar.com.ph/davao/local-news/2015/08/19/newspaper-publisher-killed-davao-del-norte-425554>

¹⁵ Center for Media Freedom and Responsibility (24 August 2015). *Second journalist killed in a week*. Accessed via: <http://cmfr-phil.org/press-freedom-protection/press-freedom/second-journalist-killed-in-a-week/>; The Philippine Star (21 August 2015). *Sorsogon radioman shot dead*. Accessed via:

<http://www.philstar.com/headlines/2015/08/21/1490392/sorsogon-radioman-shot-dead>

¹⁶ The Philippine Star (28 August 2015). *Radio Anchor shot dead in Ozamiz City*. Accessed via: <http://www.philstar.com/headlines/2015/08/28/1493130/radio-anchor-shot-dead-ozamiz-city>; Inquirer.net (27 August 2015). *‘Hard-hitting’ radioman gunned down in Ozamis*. Accessed via:

<http://newsinfo.inquirer.net/716971/hard-hitting-radioman-gunned-down-in-ozamis>

¹⁷ National Union of Journalists of the Philippines (17 February 2016). *A bloody portent of the 2016 polls?* Press Statement. Accessed via: <http://www.nujp.org/2016/02/a-bloody-portal-of-the-2016-polls/>; Bulatlat (17 February 2016). *Zamboanga journalist shot dead*. Accessed via:

<http://bulatlat.com/main/2016/02/17/zamboanga-journalist-shot-dead/>

¹⁸ Mindanao Gold Star Daily (5 July 2016). *Investigators still have nothing on estanio shooting: police exec*. Accessed via: <http://mindanaogoldstardaily.com/investigators-still-have-nothing-on-estanio-shooting-police-exec/>

¹⁹ The Philippine Star (18 July 2016). *Task force seen to help end media killings*. Accessed via: <http://www.philstar.com/headlines/2016/07/18/1604038/task-force-seen-help-end-media-killings>

4 (D) Freedom of expression, independence of the media and access to information

- 4.1** Despite ongoing and unwarranted limitations, in policy and practice, on freedom of expression under the 2nd UPR cycle, the government received no recommendations relating to freedom of expression and access to information. Article 19 of the ICCPR guarantees the right to freedom of expression and opinion. Article 3, section 4 of the 1987 Constitution of the Philippines also guarantees this right. Although the Constitution states that “no law shall be passed abridging the freedom of speech, of expression or of the press or the right of the people peaceably to assemble and petition the government for redress of grievances”, provisions of the Cybercrime Prevention Act and the criminalisation of libel restrict freedom of expression in the Philippines.
- 4.2** Libel and slander are criminalised in the Philippines. Under articles 353 to 355 of the revised Penal Code, libel is considered a crime and punishable from 6 months and 1 day to 4 years and 2 months and or fine from 200 to 6,000 pesos (approximately 4 to 129 USD). Defamation is also criminalised under article 358 of the Penal Code and is punishable from 4 months and 1 day to six months in prison and 6 months and 1 day to 2 years and 4 months in cases of a “serious and insulting nature.”
- 4.3** The 2012 Cybercrime Prevention Act, criminalises online libel and imposes harsher sentences than for the abovementioned offline offences. Section 4c (4) of the Act imposes prison sentences up to 8 years for contravention of the law. In its ruling in February 2014, the Supreme Court upheld this provision, although it deemed section 5, which holds people who share the original online post or place a reaction on the post liable for the same crime, as unconstitutional.²⁰ Civil society campaigning led in 2012 to the imposition of a temporary restraining order on the law by the Supreme Court preventing the government from implementing the law until the Supreme Court issued a decision on the constitutionality of the law.
- 4.4** The above provisions on libel have been repeatedly invoked to stifle freedom of expression and judicially harass independent journalists. For example, local radio and TV station owner, Arvin Malaza was arrested in Digos City, in the province of Davao del Sur, on 29 January 2016 on 5 counts of alleged libel based on a complaint filed by the former mayor of Digos City, Arsenio Latasa. Mr. Malaza is the owner of Muews 7.5 FM and K37 TV. The complaints relate to commentaries made by Arvin Malaza during the radio programme *Isumbong mo kay Blanco* (Complain to Blanco), where he discussed the nexus between extrajudicial killings

²⁰ In the same decision, sections 12 and 19 were also considered as unconstitutional. These sections would have allowed law enforcers to monitor and collect real-time traffic data without a court order.

and government projects under former Mayor Latasa's administration from 1992 to 2010.²¹

- 4.5** On 21 December 2015, radio commentator Joene Cahilog was sentenced to a prison sentence from 1 year, 8 months and 21 days to 2 years and 2 months for libel by the Negros Oriental Regional Trial Court.²² The charges were based on “negative and hurtful” commentaries against Florence Felice Baesa, another local broadcaster, during Cahilog's radio programme *Kandos* in April 2014.
- 4.6** For nearly 30 years, a number of civil society organisations have advocated for the adoption a Freedom of Information (FOI) Law, which would operationalise article III, section 7 of the Constitution which states that: “Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law”. However, despite several attempts to establish a Freedom of Information Act since 1987, the government under the Aquino presidency failed to take adequate measures to realize its constitutional obligations pertaining to access to information. On July 24, 2016, President Duterte signed an executive proclamation implementing freedom of information at the executive branch of government.²³ The FOI bill however remains to tackled in Congress.

4. (E) Freedom of peaceful assembly

- 5.1** During the Philippines' examination under the 2nd UPR cycle, the government received no recommendations on the right to freedom of assembly. Article 21 of the ICCPR guarantees the freedom of peaceful assembly. In addition, article III, section 4 of the 1987 Constitution also guarantees the right to freedom of assembly. However, despite these guarantees, the authorities continue to subvert the right to freedom of assembly through a combination of legislative restrictions and the use of excessive force.
- 5.2** Section 4 of the Public Assembly Act of 1985 (Batas Pambansa 880) requires prior written authorisation from local authorities to assemble peacefully in a public space, except when the assembly takes place within designated “freedom parks”

²¹ Center for Media Freedom and Responsibility (30 September 2015). *Local radio and TV owner – broadcaster charged with libel*. Accessed via: <http://cmfr-phil.org/press-freedom-protection/press-freedom/local-radio-and-tv-owner-broadcaster-charged-with-libel/>

²² Center for Media Freedom and Responsibility (5 February 2016). *Criminal Libel Suits Against Journalists. One arrested, another convicted, two dismissed in in two months*. Accessed via: <http://cmfr-phil.org/press-freedom-protection/press-freedom/criminal-libel-suits-against-journalists/>

²³ Inquirer.net (24 July 2016). *Duterte signs FOI order*. Accessed via: <http://newsinfo.inquirer.net/798592/duterte-signs-foi-order>

duly established by law or ordinance. Permits can be denied on a number of vague grounds including endangering the public safety, public convenience, public morals, and or public health under section 6 (a) of the Act. An assembly held without a prior written approval is prohibited under section 13 (a), and section 12 of the Act allows the authorities to disperse an assembly held without a permit. Additionally, penalties ranging from 1 month and 1 day to 6 months can be imposed on organisers of public assemblies that convene without prior written authorisation or in public spaces other than those approved by the authorities.²⁴

- 5.3** While section 9 of the Act proscribes law enforcement agencies from unwarrantedly interfering in the holding of public assemblies, under section 11 police officers are allowed to disperse a peaceful assembly in the event that it turns violent. In practice, however, there have been several reported cases of excessive use of force by law enforcement agencies when dispersing peaceful assemblies. On 21 September 2015, a protest in the Iloilo region, which aimed to bring attention to the 43rd anniversary of the Declaration of Martial Law, was violently dispersed by hundreds of anti-riot police with truncheons and shields. According to police statements, the protest was dispersed due to the absence of a prior written permit.²⁵
- 5.4** On 1 April 2016, a protest in Kidapawan City in which approximately 6,000 farmers assembled to urge the provincial government to provide assistance to mitigate the devastation caused by an ongoing drought, was violently dispersed by the police. Following the occupation of the Davao-Cotabato highway by the protestors, the police used live ammunition resulting in the killing of two persons – farmer Darwin Sulang and bystander Enrico Fabligar – while at least 37 protesters were also injured. Moreover, at least 45 male protesters were detained illegally at the Kidapawan Gym, and 27 female protesters were detained at the Kidapawan City Convention Centre.²⁶

6. (F) Recommendations to the Government of the Philippines

CIVICUS and Karapatan call on the Government of the Philippines to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6 on the protection of human rights defenders, 27/5 on the safety of journalists and 27/31 on civil society space.

²⁴ Section 14 (a)

²⁵ Inquirer.net (21 September 2015). *Violent dispersal mars anti-Martial Law rally in Iloilo*. Accessed via: <http://newsinfo.inquirer.net/723980/violent-dispersal-mars-anti-martial-law-rally-in-iloilo>

²⁶ Karapatan (5 April 2016). *Bloody dispersal of a farmers seeking drought assistance leaves 2 dead*. Urgent action. Accessed via: <http://www.karapatan.org/Bloody+dispersal+of+farmers+seeking+drought+assistance+leaves+2+dead>

At a minimum, the following conditions should be guaranteed: freedom of association, freedom of expression, freedom of peaceful assembly, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In light of this, the following specific recommendations are made:

6.1 Regarding freedom of association

- Take measures to foster a safe, respectful, enabling environment for civil society, including through removing practical barriers, which unwarrantedly prevent the full realisation of the right to association.
- Immediately stop the harassment and vilification of CSOs in conflict areas.
- Repeal the Human Security Act of 2007.

6.2 Regarding the protection of human rights defenders

- Civil society members, journalists and human rights defenders should be provided a safe and secure environment to carry out their work. Conduct impartial, thorough and effective investigations into all cases of attacks, harassment, and intimidation against them and bring perpetrators of such offenses to justice.
- Ensure that human rights defenders are able to carry out their legitimate activities without fear or undue hindrance, obstruction or legal and administrative harassment.
- End all extrajudicial killings of human right defenders, journalists and media workers, bring the perpetrators to justice and end the impunity for these killings.
- A consolidated process of repeal or amendment of legalisation and decrees which unwarrantedly restrict the legitimate work of human rights defenders in line with the UN Declaration Human Rights Defenders should be initiated;
- Stop the criminalisation of the work of human rights defenders, and withdraw any false charges filed against them;
- Senior government officials should publicly condemn instances of harassment, intimidation and assassinations of civil society activists and organisations.

- The Government should systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect human rights activists by adopting a specific law on the protection of human rights activists in accordance with resolution 27.31 of the Human Rights Council. More specifically the Human Rights Defenders Bill, which has been lingering in the Parliament since 2013, should be approved and put into practice to ensure adequate protection of human rights defenders.

6.3 Regarding freedom of expression, independence of the media and access to information

- Ensure freedom of expression and media freedom by all bringing national legislation into line with international standards.
- Review the 2012 Cybercrime Prevention Act, and the revised Penal Code in order to ensure that legislation on online and offline defamation is in line with the best practices and international standards in the area of freedom of expression, and in conformity with article 19 of the ICCPR. Defamation, whether online or offline, should be decriminalised.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics are considered sensitive.
- Take adequate steps to lift restrictions on freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Develop an action plan ensuring that the 2012 Cybercrime Prevention Act complies with the government's commitment to guarantee freedom of expression and information, so as to ensure free access to electronic media, liberalize electronic media ownership rules and allow national bloggers, journalists, other Internet users to play a full and active role in promoting and protecting human rights.
- Adopt a comprehensive Freedom of Information law that allows access to public documents that reveal information about the infringement of human rights and ensure access to information in order to fully promote the exercise of the right to freedom of expression and freedom of opinion.

6.4 Regarding freedom of assembly

- Best practices on freedom of peaceful assembly should be adopted, as put forward by the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association in his annual report (2012) which calls for simple notification rather than explicit permission to assemble.
- The Public Assembly Act of 1985 should be amended in order to fully guarantee the right to freedom of assembly.
- All instances of excessive force committed by security forces while monitoring protests and demonstrations should be immediately and impartially investigated.
- Review and if necessary update existing human rights training for police and security forces with the assistance of independent nongovernmental organizations to foster more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Senior government officials should publicly condemn the use of excessive and brutal force by security forces in the dispersal of protests. A formal investigation into such instances should be launched, and perpetrators should be brought to justice.
- Recourse for judicial review and effective remedy should be provided including compensation in cases of unlawful denial of the right to freedom of assembly by state authorities.

6.5 Regarding access to UN Special Procedures mandate holders

- The Government should extend a standing invitation to all UN Special Procedure mandate holders and prioritize official visits with the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 3) Special Rapporteur on Freedom of Special Rapporteur on the rights to freedom of peaceful assembly and of association; 4) Special Rapporteur on extrajudicial, summary or arbitrary executions.

6.6 Regarding State engagement with civil society

- Implement transparent and inclusive mechanisms of public consultations with civil society organizations on all issues mentioned above and enable more effective involvement of civil society in the preparation of law and policy.
- Include civil society organizations in the UPR process before finalizing and submitting the national report.
- Systematically consult with civil society and NGOs on the implementation of UPR including by holding periodical comprehensive consultations with a diverse range of civil society sectors.
- Incorporate the results of this UPR into its action plans for the promotion and protection of all human rights, taking into account the proposals of civil society and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
Right or area: 3.2. Cooperation with special procedures			
131.15. Engage in closer contact with United Nations bodies and, inter alia, accept the request by the Special Rapporteur on human rights defenders to visit the country (Norway); accept the request of the Working Group on Enforced Disappearances to visit the country (Mexico); invite the UN Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on human rights defenders to visit the Philippines (United Kingdom of Great Britain and Northern Ireland); Source of position: A/HRC/21/12 - Para. 131 & A/HRC/21/12/Add.1 - Para. 4 (h)	Noted	3.2 Cooperation with special procedures 36 Human rights defenders 13.2 Enforced disappearances Affected persons: - human rights defenders - disappeared persons	<u>Status:</u> not implemented
Right or area: 12.3. Extrajudicial, summary or arbitrary executions			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>129.35. Take necessary measures to provide adequate protection to journalists and human rights defenders, in particular regarding enforced disappearances and extrajudicial killings (France);</p> <p>Source of position: A/HRC/21/12 - Para. 129</p>	Supported	<p>12.3 Extrajudicial, summary or arbitrary executions</p> <p>13.2 Enforced disappearances</p> <p>36 Human rights defenders</p> <p>14.3 Freedom of opinion and expression</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - human rights defenders - disappeared persons - media 	<p><u>Status:</u> not implemented</p> <p>Paragraph: 3.2 - 3.3</p>
Right or area: 13.3. Arbitrary arrest and detention			
<p>131.31. Effectively investigate and prosecute attacks against journalists and introduce into domestic laws strong legislation prohibiting these practices and imposing criminal penalties (Austria);</p> <p>Source of position: A/HRC/21/12 - Para. 131 & A/HRC/21/12/Add.1 - Para. 4 /R/</p>	Noted	<p>15.1 Administration of justice & fair trial</p> <p>14.3 Freedom of opinion and expression</p> <p>36 Human rights defenders</p> <p>5.1 Constitutional and legislative framework</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - media 	<p><u>Status:</u> not implemented</p>
Right or area: 36. Human rights defenders			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>131.32. Enhance its cooperation with the Special Rapporteur on the situation of human rights defenders including by accepting the mandate holder's request to visit the country and finally, take urgent measures to end extra-judicial killings, and enforced disappearances of human rights defenders, to investigate all cases and bring those responsible to justice. (Ireland);</p> <p>Source of position: A/HRC/21/12 - Para. 131 & A/HRC/21/12/Add.1 - Para. 3 (i) - Para. 620 (advance unedited versions)</p> <p>Comments: A/HRC/21/12/Add.1 states: para. 3(i): The Philippines accepts recommendation 131.32, as it pertains to taking measures to end extrajudicial killings and enforced disappearances, and to investigate all cases and bring those responsible to justice. The Philippines notes the first part of the recommendation. Similar to its response to recommendations 131.14 and 131.15, the Philippine Government shall continue to study and issue invitations to special procedures on a case-by-case basis.</p>	Supported /Noted	<p>36 Human rights defenders</p> <p>3.2 Cooperation with special procedures</p> <p>12.3 Extrajudicial, summary or arbitrary executions</p> <p>13.2 Enforced disappearances</p> <p>16 Right to an effective remedy, impunity</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - human rights defenders - disappeared persons - general 	<p><u>Status:</u> not implemented</p> <p>Urgent measures to end extra-judicial killings and enforced disappearances of human rights defenders: paragraph 3.2 – 3.3</p>