

We are deeply concerned by systematic intimidation, attacks and vilification of civil society and activists, an increased crackdown on media freedoms and the emerging prevalence of a pervasive culture of impunity. Often, crackdowns have taken place under the guise of anti-terrorism or national security interests. The situation with regard to the rights to the freedoms of association and expression and Human rights defenders (HRDs) has worsened.

KEY CONCERNS



FREEDOM OF PEACEFUL ASSEMBLY

Many protesters are subjected to arbitrary arrests. In June 2018, the Bulacan provincial police violently dispersed workers who went on strike for 12 days defending their workers' rights. In July 2020, 11 activists were arrested during a protest action in Cabuyao, Laguna, against the Anti-Terrorism Act.

House Bill 6834, which is a proposed regulation to replace the Public Assembly Act 1985, could allow for unlawful restrictions on the right to peaceful assembly, including prohibiting people aged 15 and under from organising a public assembly.

The proposed law, although allowing organisers to notify the city or municipal mayor at least three days prior to the holding of an assembly, prohibits the 'holding of a public assembly at a time and place other than that approved by the city or municipal mayor. This puts in place a de facto approval provision.

Under the proposed law, participants or organisers could face potential criminal liability for holding a peaceful assembly without the approval of local executives. The law also increases the penalty for holding a public assembly without this de facto approval by local authorities



FREEDOM OF EXPRESSION

Despite Constitutional guarantees on freedom of speech, of expression or of the press, provisions of the Cybercrime Prevention Act and the criminalisation of libel restrict the freedom of expression in the Philippines.

Other laws that restrict freedom of expression include the COVID-19 emergency law which criminally penalises the spread of 'false information' related to the pandemic, and Anti-False Content Bill, proposed under the pretext of protecting public from any misleading or false information in the Internet.

The Philippines is among the most dangerous places in the world to practise journalism, and killings of reporters go largely unpunished. Those who were killed in recent years include journalist Jesus 'Jess' Malabanan, Virgilio Maganes, and Ronnie Villamor.

The Anti-Terrorism Law has been invoked by government officials in effecting the the blocking of websites of alternative news outlets such as Bulatlat.com and in banning the publication and distribution of five books by academic scholars



FREEDOM OF ASSOCIATION

Although there are no legal barriers against the formation of associations, practical barriers exist that prevent the full realisation of the right to association, including increased and continuous targeting of civil society. Attacks on CSOs include their vilification as 'communist terrorist groups.'

The government has engaged in an ongoing tactic to target NGOs by 'red-tagging' them as 'terrorists' or 'communist fronts', particularly those who have been critical of the 'war on drugs'. This puts activists at grave risk of being targeted by the state and pro-government militias.

The Anti-Terrorism Act grants power to the Anti-Terrorism Council to designate individuals and organisations as terrorists without any hearing, as long as it sees 'probable cause' that they have committed, attempted to commit or are part of a conspiracy to commit acts defined and penalised as terrorism.

Civil society groups have faced raids on offices and freezing of accounts. The Anti Terrorism Act allows the authority to freeze the assets of designated terrorist without judicial oversight. Restrictions on foreign funding have been documented through national legislations.

THE PATTERN OF VIOLATIONS AGAINST HUMAN RIGHTS DEFENDERS INCLUDE



Extra-judicial killings of activists and HRDs



Vilification and red-tagging through social media postings and official announcements



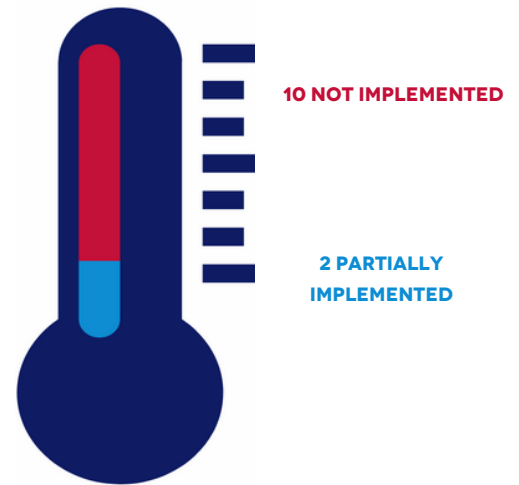
Arbitrary arrests and detention under fabricated charges



Judicial harassment and the use of restrictive laws

PREVIOUS UNIVERSAL PERIODIC REVIEW PROCESS

Recommendations related to the space for civil society in 2016:



The Philippines did not implement any of the recommendations related to protection of human rights defenders



RECOMMENDATIONS

- 1 Immediately end the red-tagging of CSOs and activists, and halt any forms of threats, intimidation and digital attacks against them
- 2 Conduct immediate, impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against HRDs and activists and bring the perpetrators of such offences to justice.
- 3 Review or amend laws or bill to remove undue restrictions on civil society and the press, including:
 - Bayanihan to Heal as One Act (the emergency law) of 2020
 - Fake News Bill 2019
 - 1985 Public Assembly Act
 - Anti-Terrorism Act
- 4 Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government may deem sensitive.
- 5 Publicly condemn at the highest levels all instances of the use of excessive and brutal force by security forces in response to protests, launch formal investigations into such instances and bring the perpetrators to justice
- 6 Immediately and impartially investigate all instances of extrajudicial killing and excessive force committed by security forces in the context of protests. Provide recourse to judicial review and effective remedy to victims.