

FOLLOW UP TO THE PREVIOUS REVIEW

1. The Philippines received 257 recommendations during its 2017 review. Of these, the government fully or partially supported 103 recommendations and noted (rejected) 154 recommendations. It received but rejected 39 recommendations to end and investigate extrajudicial executions.¹ Although it supported a few recommendations to bring the ongoing “war on drugs” in line with international standards, these have not been implemented.² The government also rejected recommendations to stop the reimposition of the death penalty and the lowering of the minimum age of criminal responsibility, as per its previous review.³
2. On the ground, drug-related killings by police have continued, as have efforts in Congress to reinstate the death penalty; bills lowering the minimum age of criminal responsibility remain pending before Congress.
3. Regrettably, the Philippines failed to accept any UN Special Procedure requests to visit over the past five years. It has accepted two requests: by the Special Rapporteur on the Sale of Children to visit in late 2022, and by the Special Rapporteur on Freedom of Expression to visit in 2023. However, these visits will need to be approved by a new government following Presidential elections in May 2022.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

4. The Philippines has still not ratified the International Convention for the Protection of All Persons from Enforced Disappearance. While the Anti-Enforced or Involuntary Disappearance Act of 2012 remains in place, it has barely been used to investigate or punish such acts. On 6 November 2021, land rights activist Steve Abua was abducted by unknown individuals in Central Luzon; his fate and whereabouts remain unknown.⁴
5. The House of Representatives passed the Human Rights Defenders Protection Bill, which was welcomed by Amnesty International and other human rights groups.⁵ A counterpart bill at the Senate, co-authored by prisoner of conscience and human rights defender Senator Leila de Lima, remains pending.
6. Over the past five years, the Commission on Human Rights has repeatedly raised concerns about human rights violations and growing impunity, despite facing numerous threats of budget cuts and attacks on its Chair by the President.⁶ It has especially called for the government on numerous occasions to provide the Commission with the information necessary for its investigations into killings and other violations in the “war on drugs,” which it has still not received.⁷
7. Amnesty International remains concerned over the lack of progress to put in place a National Preventative Mechanism in compliance with the Optional Protocol to the Convention Against Torture, which the Philippines has ratified.
8. Anti-discrimination legislation that would provide safeguards to LGBTI people and other vulnerable groups remains pending.

THE HUMAN RIGHTS SITUATION ON THE GROUND

Extrajudicial executions and other violations in the “war on drugs”

9. Extrajudicial executions of people accused of using or selling drugs continue six years since the government began its so-called “war on drugs”. Apart from unlawful killings, violations of the right to health, arbitrary detention, as well as allegations of torture and other ill-treatment persist.

10. Despite repeated condemnation from the international community, President Duterte has continued to encourage the police to kill alleged drug offenders and has vowed to protect those who kill for him. Over the past six years, Amnesty International has documented killings in the context of the “war on drugs” by police and unknown armed persons, many believed to be linked to the police. Victims have been overwhelmingly from poor and marginalised communities, making the “war on drugs” effectively a “war on the poor”.⁸
11. In every police operation documented by Amnesty International, police justified killings by claiming that the person fought back, requiring the use of deadly force. Direct witnesses interviewed by Amnesty International contradicted the police version of events. Most of those killed were on a drug “watch list”, a record of people allegedly involved in the trade of illicit drugs submitted by local officials to the police. Amnesty International views such lists as illegal and illegitimate, used by police to target people to arbitrarily arrest and sometimes to kill.⁹
12. The “war on drugs” and its punitive measures have also resulted in violations of the right to health. Non-existent or inadequate drug rehabilitation programmes have undermined the right to health while deadly anti-drug operations have deepened stigma and discrimination against people who use drugs, pushed them further into hiding and facilitated human rights violations against them.
13. Senator Leila de Lima, a staunch critic of the government, has been arbitrarily detained since February 2017. The authorities arrested her after she had sought to investigate extrajudicial executions and other human rights violations associated with the “war on drugs”. There has been little progress in the cases against her in the last five years, except for one that was dismissed in 2021. Amnesty International believes that the charges against her are politically motivated, and that she is a prisoner of conscience detained solely for the exercise of her right to freedom of expression.¹⁰
14. Six years on, there is virtually no accountability for the killings and other abuses committed. Amnesty International remains aware of only one case – the murder of Kian delos Santos – in which police officers were convicted of an unlawful drug-related killing.¹¹ While administrative cases appear to have been brought against some police officers, the nature of these cases remains unclear, and they are also an inadequate remedy for victims of serious violations, including to the right to life. Rather than being investigated for unlawful killing, Amnesty International’s research found that police commanders have instead been transferred and promoted to higher positions.¹² Amnesty International views recent attempts by the government to convince the UN Human Rights Council that it is investigating these killings as a ruse. A climate of impunity persists, with families of victims unable to obtain justice for their loved ones given enormous obstacles to filing cases.¹³
15. Amnesty International has concluded that extrajudicial executions and other human rights violations committed as part of the “war on drugs” reach the threshold of crimes against humanity. In light of the government’s failure to investigate these violations and prosecute the perpetrators, these acts should be investigated by the International Criminal Court and states that have universal jurisdiction over these crimes. The Human Rights Council must also establish an independent accountability mechanism to assist with the investigations. Following the opening of a Preliminary Examination into the Philippines in 2017, the Philippine government withdrew from the Rome Statute. Since the ICC announced the opening of an investigation into the country in 2021, the authorities have said they will not cooperate with the Court and recently requested the investigation’s suspension.¹⁴

“Red-tagging” of human rights defenders and activists

16. The situation of activists and human rights defenders has deteriorated, mainly as a result of “red-tagging”¹⁵ or accusations by government of links between these groups/individuals and communist groups. They are increasingly killed or otherwise face grave threats to their life and endure other violations, including arbitrary detention through fabricated charges of illegal possession of firearms and explosives, kidnapping and illegal detention.
17. At the beginning of the Duterte administration, hopes were high for a peace agreement between the government and the Communist Party of the Philippines – New People’s Army – National Democratic Front (CPP-NPA-NDF). However, negotiations ran into obstacles when talks failed to reach consensus after a year. The Duterte administration formally

ended talks with the CPP-NPA-NDF in November 2017.

18. Shortly afterwards, the President announced that he would “go after the legal fronts” of the CPP, referring to groups that the government alleges are linked to the communist armed movement, and reiterated his order to the military to “destroy the [communist] apparatus”. This shift in policy replicated the favoured approach by previous governments of increased militarisation, with a focus on targeting civil society groups and political organizations accused of being “front groups” of the communist armed struggle.¹⁶
19. In March 2021, security forces killed nine people and arrested six others in simultaneous raids against “red-tagged” groups in Southern Tagalog.¹⁷ Since late 2021, the Department of Justice has recommended charges against dozens of security officials for the death of three people during those raids, but there have been no credible investigations into the deaths of many other activists and human rights defenders.
20. Administrative Order 35 – signed by former President Noynoy Aquino in 2012 creating a task force to investigate extrajudicial executions and other politically-motivated attacks – had only 13 convictions out of the 385 cases it handled from 2012 to 2019 based on its records. Apart from the low conviction rate, the number of cases handled by the task force does not reflect the situation on the ground, leading to the conclusion that this mechanism has failed to advance justice for victims. The Anti-Terrorism Act of 2020 – which gives the government excessive and unchecked powers and is susceptible to arbitrary and discriminatory enforcement – was challenged at the Supreme Court but remains deeply flawed and open to abuse.¹⁸

Attacks on press freedom

21. Since the previous review, the right to freedom of expression and the media in the country have come under attack. Nobel Peace Prize awardee Maria Ressa and her website Rappler collectively face multiple lawsuits and investigations, including alleged tax violations and violations of the prohibition against foreign control over mass media.¹⁹ Amnesty International believes that the charges against Rappler and Ressa are politically motivated. Ressa and Rappler are consistent critics of President Duterte and his administration, publishing detailed investigations into drug-related cases of extrajudicial executions and attacks on human rights defenders. In 2020, Ressa and former journalist Reynaldo Santos Jr became the first persons convicted of “cyberlibel” over an article written in 2012.²⁰ Amnesty International previously criticised the Philippines’ cyberlibel law as a threat to freedom of expression.²¹
22. Broadcast media network ABS-CBN – which produced numerous reports on extrajudicial executions and other violations under the government’s “war on drugs” – has been off air since May 2020 after the Philippine Congress denied its franchise renewal application.²²
23. The Philippines remains one of the most dangerous places in the world for journalists, with increasing cases of killings and other attacks against them. To date, local media safety monitor National Union of Journalists of the Philippines (NUJP) has recorded at least 22 journalists killed since Duterte took office in 2016. The latest incident – the killing of former radio broadcaster Jaynard Angeles who was also running for a local post in the May 2022 elections – would be the 23rd journalist killed if proven to be linked to his work.²³
24. The circumstances of the killing of journalists echo similar patterns of attacks against human rights defenders and political activists in the Philippines. Armed and unidentified perpetrators on motorcycles wait for, or follow, their targets and shoot them dead before fleeing the scene.
25. The conviction in 2019 of people involved in the “Maguindanao Massacre” of 2008 – when 58 people, including 32 journalists and other media workers, were killed when more than 100 armed men, allegedly including members of the police and the military, attacked their convoy – was a welcome step. However, some 80 other accused in the case have yet to be arrested.²⁴

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of the Philippines to:

National Human Rights Framework

26. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, bring the Anti-Enforced or Involuntary Disappearance Act in line with the Convention, and recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties.
27. Ensure the full independence of, and provide adequate financial and human resources to, the Commission on Human Rights, including sufficient budget to strengthen its human rights work.
28. Institutionalize information sharing with the Commission on Human Rights with a view to facilitating their investigations, including into cases of drug-related killings.
29. Provide material and technical assistance to help strengthen the Commission on Human Rights' witness protection programme.
30. Enact and implement without delay the National Committee for the Prevention of Torture and OPCAT Implementation Act (Senate Bill 113), which has been pending since 2016, and the Human Rights Defenders Protection Act, which was passed by the House of Representatives in January 2022.
31. Pass legislation, such as the Comprehensive Anti-Discrimination Bill and the SOGIE (Sexual Orientation, Gender Identity and Gender Expression) Equality Bill, that provides safeguards and protection against violence, harassment, other forms of attacks against LGBTI people and other groups most vulnerable to acts of discrimination

Extrajudicial executions and other violations in the "war in on drugs"

32. Immediately end the so-called "war on drugs" led by the police, including the implementation of deadly drug enforcement operations.
33. Order law enforcement agencies to refrain from all conduct which violates international law, including unlawful killings, arbitrary arrests, acts of torture and other ill-treatment and other abuses.
34. End incitement or excuses for violence against people suspected of using or selling drugs, as well as human rights defenders critical of the "war on drugs."
35. End the policy of drug "watch lists" for people who use drugs.
36. Initiate independent, impartial, and effective investigations into police suspected of involvement in violations in the context of the "war on drugs," including extrajudicial executions, and links to unknown armed persons committing them.
37. Ensure prosecution in all cases where investigations uncover sufficient, admissible evidence of criminal responsibility for offences involving serious human rights violations and abuses, including extrajudicial executions and involvement in murders by unknown armed persons.
38. Promote a clear, evidence-based understanding of the complexity of drug dependence and reform all drug policies to ensure the protection of health and human rights.
39. Ensure that any drug treatment is voluntary, medically indicated, based on scientific evidence and carried out in a non-discriminatory, transparent and inclusive way.

40. End the political harassment of Senator Leila de Lima; order her immediate and unconditional release; and prosecute in fair trials those found to be responsible for her arbitrary detention and other human rights violations committed against her, such as gender-based attacks and violations to her right to due process.
41. Allow immediate and unhindered access to the country to international human rights monitoring and investigative mechanisms, including UN bodies, Special Procedures of the Human Rights Council and investigators of the International Criminal Court.

“Red-tagging” of activists and human rights defenders

42. End the vicious and at times deadly practice of red-tagging of groups or individuals.
43. Ensure swift and independent investigations into allegations of human rights violations against human rights defenders and hold perpetrators accountable, including by swiftly enacting the Human Rights Defenders Protection Act to strengthen existing laws and provide additional institutional measures to protect human rights defenders from threats and attacks.
44. Comply strictly with national and international standards on the use of force, including the Philippine National Police Operational Procedures, UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; the UN Code of Conduct for Law Enforcement Officials; and the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. Ensure all police officers are fully trained and implement these standards.
45. Ensure effective implementation of the Administrative Order (AO) No. 35 Guidelines – which created a task force to monitor, investigate and prosecute cases of “extra-legal killings, enforced disappearances, torture and other grave violations of the right to life, liberty and security of persons – including through periodic monitoring of its implementation with a view to increasing the capacity of the task force to handle cases, and identify and prosecute perpetrators.

Attacks on Press Freedom

46. Commit to respecting, promoting, protecting and fulfilling freedom of expression and the media in the country in policy and practice and cease all attempts to curtail media freedom.
47. Repeal or amend all laws unduly restricting freedom of expression, including the Cybercrime Prevention Act of 2012 as well as the law criminalizing libel, and bring them in line with human rights law and standards,
48. Thoroughly, impartially, independently, transparently and effectively investigate deaths, threats and harassment of journalists, and bring to justice those responsible in fair trials.
49. Drop all charges against Maria Ressa, her current and former colleagues at Rappler, and Rappler itself; end the harassment, intimidation and attacks against Maria, Rappler and other independent media in the Philippines.
50. Ensure immediate resumption of the operations of media network ABS-CBN.
51. Take steps to find and arrest all those responsible for the Maguindanao Massacre and bring them to justice in fair trials.
52. Ensure access to justice and adequate reparations for families of the victims of the Maguindanao Massacre.

¹ Report of the Working Group on the Universal Periodic Review, Philippines, A/HRC/36/12/Add.1, recommendations 133.100, 133.103, 133.105, 133.106, 133.107, 133.109, 113.110, 133.111, 133.114, 133.116, 133.154, 133.113, 133.152, 133.155, 133.141, 133.148, 133.137, 133.153, 133.115, 133.112, 133. 118, 133.43, 133.149, 133.150, 133.102, 133.119, 133.124, 133.146,

133.142, 133.143, 133.147, 133.151, 133.144, 133.145, 133.140, 133.86, 133.43, 133.108, 133.138, 133.104, 133.117 ,
133.173 (Costa Rica, Spain, Slovakia, Netherlands, Lithuania, Germany, Chile, Ghana, Uruguay, Luxembourg, Ghana,
Hungary, Australia, Iceland, Luxembourg, Austria, Croatia, Iceland, Italy, Iceland, Australia, Switzerland, Sierra Leone,
France, Bulgaria, Czechia, Slovenia, United Kingdom, New Zealand, Zambia, Portugal, Sweden, United States of America,
Netherlands, Canada, Botswana, Poland, Norway, Estonia)

² Report of the Working Group on the Universal Periodic Review, Philippines, A/HRC/36/12/Add.1, recommendations 133.59, 133.56, 133.54, 133.53, 133.47, 133.44 (Estonia, Egypt, Zambia, Lebanon, Haiti, Peru)

³ Report of the Working Group on the Universal Periodic Review, Philippines, A/HRC/36/12/Add.1, recommendations 133.97, 133.93, 133.90, 133.91, 133.96, 133.94, 133.95, 133.92, 133.98, 133.76, 133.78, 133.79, 133.81, 133.82, 133.83, 133.84, 133.85, 133.87, 133.89, 133.86, 133.88, 133.77, 133.80, 133.162, 133.168, 133.163, 133.164, 133.165, 133.166, 133.167, 133.169 (Canada, Ukraine, Czechia, Uruguay, Australia, France, Italy, Brazil, Bulgaria, Austria, Germany, Canada, Belgium, Sweden, Czechia, France, Kenya)

⁴ Amnesty International, [Philippines: "Fears of torture for abducted activist: Steve Abua"](#), 16 November 2021

⁵ Amnesty International Philippines, [Philippines Senate should act swiftly, pass human rights defenders bill to protect human rights](#), 18 January 2022

⁶ South China Morning Post, [Philippine lawmakers restore human rights commission budget to US\\$12.2 million after shock cut](#), 21 September 2017

⁷ Government of the Philippines: [Philippines News Agency, "Security issues prevent cops from sharing files to CHR"](#), 1 June 2021

⁸ Amnesty International, [Philippines: "If you are Poor, You are Killed"](#), January 2017

⁹ Amnesty International, [Philippines: 'They just kill'. Ongoing extrajudicial executions and other violations in the Philippines' 'war on drugs'](#), 8 July 2019

¹⁰ Amnesty International, [Philippines: Presidential candidates must commit to freeing senator unjustly detained for 5 years](#), 21 February 2022

¹¹ Amnesty International, [Philippines: "My Job is to Kill" Ongoing Human Rights Violations and Impunity in the Philippines](#), 25 September 2020

¹² Amnesty International, [Philippines: 'They just kill'. Ongoing extrajudicial executions and other violations in the Philippines' 'war on drugs'](#), 8 July 2019

¹³ Amnesty International, [Philippines: "My Job is to Kill" Ongoing Human Rights Violations and Impunity in the Philippines](#), 25 September 2020

¹⁴ Amnesty International, [Philippines: Landmark ICC investigation into Duterte's murderous "war on drugs"](#), 14 June 2021

¹⁵ Amnesty International, [Philippines: "End deadly practice of red-tagging"](#), 2 November 2020

¹⁶ Amnesty International, [Philippines: "My Job is to Kill" Ongoing Human Rights Violations and Impunity in the Philippines](#), 25 September 2020

¹⁷ Amnesty International Philippines, [Brutal government crackdown against activists must end now](#), 8 March 2021

¹⁸ Amnesty International Philippines, [Anti-Terror Act remains dangerous and fundamentally flawed](#), 9 December 2021

¹⁹ Amnesty International, [Philippines: "End persecution of media as journalists collect 'momentous' Nobel Peace Prize"](#), 10 December 2021

²⁰ Amnesty International, [Philippines: "Quash conviction of Rappler journalists Maria Ressa and Rey Santos"](#), 15 June 2020

²¹ Amnesty International, [Philippines: 'Cybercrime' law threatens free speech and must be reviewed](#), 4 October 2012

²² Amnesty International, [Philippines: "Denial of ABS-CBN franchise another nail in the coffin of press freedom"](#), 10 July 2020

²³ Rappler, ["Radio commentator running for councilor shot dead in Sultan Kudarat"](#), 12 January 2022

²⁴ Amnesty International, [Philippines: Convictions for Ampatuan massacre a delayed but critical step for justice](#), 19 December 2019