

Status of Human Rights in the Philippines for the 41st Session of the Universal Periodic Review

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting human rights around the world. The ECLJ holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Republic of the Philippines (Philippines) for the 41st session of the Universal Periodic Review (UPR).

Background

2. The Philippines is a country located in southeast Asia with an estimated population of nearly 111 million people¹. The population is predominately Christian, with approximately 80% of the population identifying as Catholic, 8% as Protestant, 5% as Muslim, and 1.9% as other and 0.2% as belonging to tribal religions².

3. The Philippines' previous UPR was held on 8 May 2017³. As a result of the review, the Philippines received 257 recommendations, 103 of which the Philippines supported⁴. One of the recommendations, which was only noted by the Philippines, was that the government, “[t]ake all necessary measures to promote the enjoyment of freedom of expression, religion and civil liberties”⁵.

4. Since the Philippines' last UPR, ISIS affiliated terrorism has taken root in the southern regions of the country⁶. These groups mostly target Christians solely due to their religious faith⁷.

Legal Framework

5. Under Section 5 of the Constitution of the Philippines:

The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy⁸.

6. As a response to the rise in ISIS affiliated terrorism, the government passed the Anti-Terrorism Act of 2020. According to the government, this Act shows the “Philippine government’s strong resolve to combat terrorism and to implement a more effective and comprehensive approach to such a serious threat that knows no borders”⁹. This bill replaces the 2007 anti-terror bill which only resulted in one conviction¹⁰. Under Section 2 of this Act:

It is declared a policy of the State to protect life, liberty, and property from terrorism, to condemn terrorism as inimical and dangerous to the national security of the country and to the welfare of the people, and to make terrorism a crime

against the Filipino people, against humanity, and against The Law of Nations. In the implementation of the policy stated above, the State shall uphold the basic rights and fundamental liberties of the people as enshrined in the Constitution.

The State recognizes that the fight against terrorism requires a comprehensive approach, comprising political, economic, diplomatic, military, and legal means duly taking into account the root causes of terrorism without acknowledging these as justifications for terrorist and/or criminal activities. Such measures shall include conflict management and post-conflict peacebuilding, addressing the roots of conflict by building state capacity and promoting equitable economic development¹¹.

7. Furthermore, under Section 4 of this same Act:

Terrorism – Subject to Section 49 of this Act, terrorism is committed by any person who, within or outside the Philippines, regardless of the stage of execution:

- (a) Engages in acts intended to cause death or serious bodily injury to any person, or endangers a person's life;
- (b) Engages in acts intended to cause extensive damage or destruction to a government or public facility, public place or private property;
- (c) Engages in acts intended to cause extensive interference with, damage or destruction to critical infrastructure;
- (d) Develops, manufactures, possesses, acquires, transports, supplies or uses weapons, explosives or of biological, nuclear, radiological or chemical weapons; and
- (e) Release of dangerous substances, or causing fire, floods or explosions

when the purpose of such act, by its nature and context, is to intimidate the general public or a segment thereof, create an atmosphere or spread a message of fear, to provoke or influence by intimidation the government or any international organization, or seriously destabilize or destroy the fundamental political, economic, or social structures of the country, or create a public emergency or seriously undermine public safety, shall be guilty of committing terrorism and shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of Republic Act No. 10592, otherwise known as “An Act Amending Articles 29, 94, 97, 98, and 99 of Act No. 3815, as amended, otherwise known as the Revised Penal Code”: *Provided*, That, terrorism as defined in this section shall not include advocacy, protest, dissent, stoppage of work, industrial or mass action, and other similar exercises of civil and political rights, which are not intended to cause death or serious physical harm to a person, to endanger a person's life, or to create a serious risk to public safety¹².

8. Additionally, the Philippines is a party to the International Covenant on Civil and Political Rights (ICCPR) which, in Article 6, states that “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life”¹³. Further, Article 18 of the ICCPR affirms the following:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice¹⁴.

Religious Extremism

9. Even though Christians make up the majority of the population in the Philippines, Muslims largely live in the southern regions, particularly the Bangsamoro region, where Islamic extremist groups have begun to grow¹⁵. According to security experts, ISIS fighters who have been forced out of the Middle East have been finding homes in Southeast Asia, particularly in the Philippines¹⁶. According to the chairman for the Philippine Institute for Peace, Violence and Terrorism Institute, “Marawi City has become a fertile ground for extremist recruitment . . . The Islamic State in the Philippines is continuously recruiting and is taking advantage of the frustrations of affected (Marawi – based) families and individuals”¹⁷.

10. In March of 2022, Filipino forces killed at least 7 insurgents who were affiliated with ISIS¹⁸. Filipino forces were also able to seize 45 firearms, several bombs, and land mines¹⁹.

11. In January of 2022, a 5-year-old boy was killed and a further six people were injured when a bomb exploded on a bus traveling in the southern region of the Philippines²⁰. Although no group has claimed responsibility for the attack, a local Army Col. suspects that this attack was the work of the Bangsamoro Islamic Front and follows the patterns of previous attacks by Islamic extremists within the region²¹.

12. In October of 2021, Filipino forces were able to kill the country’s most wanted Islamic militant leader who was connected for carrying out deadly bombings in the southern regions of the Philippines for more than a decade²². The Filipino forces were also able to seize weapons, ammunition, and documents²³.

13. In August of 2020, a group of ISIS allied Islamic extremists detonated several explosives in Jolo town in the southern Sulu province killing 14 individuals and further injuring 75²⁴.

14. In April of 2020 Filipino troops clashed with about 40 extremists belonging to the ISIS affiliated Abu Sayyaf Group (ASG)²⁵. The skirmish lasted about an hour before ASG fighters retreated. The conflict resulted in the deaths of 11 soldiers and 14 others wounded²⁶.

15. In January of 2019 ISIS claimed responsibility for two bombs that detonated at a Roman Catholic cathedral²⁷. The blasts were set off during a Sunday Mass killing 20 people and injuring

more than 100²⁸.

16. On 24 May 2017, ISIS affiliated militants entered the city of Marawi wearing masks and carrying assault rifles²⁹. The ensuing fight between the military and militants resulted in the deaths of 19 civilians, 11 soldiers, and four policemen³⁰. ISIS allied militants would then take control over parts of the city of Marawi³¹. For five months, militants remained in control and clashed with the Filipino troops³². During the five-month siege, more than 1,000 people were killed³³. According to a report on this siege by Amnesty International:

During the conflict, militants regularly targeted civilians and carried out numerous extrajudicial executions. The civilian victims were nearly all Christians, and most – if not all – were targeted because they were not Muslim. Militants often gave civilians a *de facto* religious test prior to killing them; they were asked to recite the Shahada, which is an expression of Muslim faith, or to respond to Muslim greetings. Civilians who did not recite the Shahada or failed to respond appropriately were often summarily executed. In the few instances where militants attempted to provide a justification for the killings beyond the fact that the victims were not Muslim, they stated that the victims were government intelligence agents. . . .

Militants often executed Christians at *de facto* checkpoints, which the Christians were approaching in order to exit the city. Militants usually performed the killings with a pistol, a rifle, or by cutting the victim's throat. Journalists have reported cases where civilians were beheaded. Most victims were shot and killed immediately after being questioned by the military. Most victims were shot and killed while standing or kneeling on the ground; some were shot and killed while running away³⁴.

17. For example, during this insurgency, a man saw militants hijack an ambulance and kill the driver because he would not say a particular expression of faith, the witness stated, “I saw them stop the ambulance. They asked [the driver] to say the Shahada [an expression of Muslim faith], but the driver was not able to answer so they shot him . . . Then they came to me and asked me to recite the Shahada [and I did], and they let me live”³⁵.

Conclusion:

18. We have already seen the type of death and destruction that ISIS is capable of carrying out in the Middle East. If ISIS and ISIS affiliated groups are not restrained, further loss of life and destruction will be inevitable. We are encouraged by the efforts of the Filipino forces who are continuing to fight back against these insurgents. It is our hope that they will be successful in this endeavour and rid the region of Islamic extremists and provide safety for the people of the Philippines. No one should have to fear for their life simply because of their religion.

¹ *Philippines*, THE WORLD FACTBOOK (7 Jul. 2021), available at <https://www.cia.gov/the-world-factbook/countries/philippines/>.

² *Id.*

³ Universal Periodic Review – Philippines, UNHRC,

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/PHIndex.aspx>.

⁴ UPR of Philippines Thematic list of Recommendations, UNHRC, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session27/PH/MatriceRecommendationsPhilippines.docx>.

⁵ *Id.* at A/HRC/36/12 Add.1.

⁶ *ISIS is Making Inroads in the Southern Philippines and the Implications for Asia Are Alarming*, TIME (14 Apr. 2016), <https://time.com/4293395/isis-zamboanga-mindanao-moro-islamist-terrorist-asia-philippines-abu-sayyaf/>.

⁷ *How ISIS is Rising in the Philippines as it Dwindles in the Middle East*, THE NEW YORK TIMES (9 Mar. 2019), <https://www.nytimes.com/2019/03/09/world/asia/isis-philippines-jolo.html>

⁸ Constitution of the Philippines, sec. 5,

https://www.constituteproject.org/constitution/Philippines_1987.pdf?lang=en

⁹ *Philippines Defends Anti-Terror Law Before U.S. Congress*, REUTERS (18 Jul. 2020),

<https://www.reuters.com/article/us-philippines-security/philippines-defends-anti-terror-law-before-us-congress-idUSKBN24J06T>.

¹⁰ *Id.*

¹¹ Republic Act No. 11479 sec. 2, <https://www.officialgazette.gov.ph/downloads/2020/06jun/20200703-RA-11479-RRD.pdf>.

¹² *Id.* sec. 4.

¹³ International Covenant on Civil and Political Rights, Dec 16, 1966, S. Treaty Doc. 95-20, 6 I.L.M. 368 (1976), 999 U.N.T.S. 171, art. 6.

¹⁴ *Id.* at art. 18.

¹⁵ Devin Lurie, *ISIS in the Philippines: A Cause for Concern*, <https://www.americansecurityproject.org/isis-in-the-philippines-a-cause-for-concern/>.

¹⁶ Bong Sarmiento, *ISIS Fading in Mid East, Thriving in the Philippines*, ASIA TIMES (30 Oct. 2019), <https://asiatimes.com/2019/10/isis-fading-in-mid-east-thriving-in-the-philippines/>.

¹⁷ *Id.*

¹⁸ *Philippines: 7 Militants Killed, Bombs Seized in Recent Raid*, ABC NEWS (3 Mar. 2022),

<https://abcnews.go.com/International/wireStory/philippines-militants-killed-bombs-seized-recent-raid-83223518>.

¹⁹ *Id.*

²⁰ *5-Year-Old Killed, 3 Family Members Injured in Southern Philippine Bus Bombing*, BENAR NEWS (11 Jan. 2022), <https://www.benarnews.org/english/news/philippine/bus-bomb-01112022092120.html>.

²¹ *Id.*

²² *Philippine Forces Kill Wanted Muslim Militant Leader*, AP (29 Oct. 2021), <https://apnews.com/article/bombings-army-philippines-militant-groups-islamic-state-group-a704139896a5418e9202a6882f41c8af>

²³ *Id.*

²⁴ Jim Gomez, *14 Killed, 75 Wounded in Bomb Attacks in South Philippines*, ABC NEWS (24 Aug. 2020), <https://abcnews.go.com/International/wireStory/killed-bomb-blasts-southern-philippine-town-72563160>,

²⁵ *Several Philippine Soldiers Killed in Clashes with Abu Sayyaf*, ALJAZEERA (18 Apr. 2020),

<https://www.aljazeera.com/news/2020/4/18/several-philippine-soldiers-killed-in-clashes-with-abu-sayyaf>.

²⁶ *Id.*

²⁷ *ISIS Claims Responsibility for Bombing of Philippines Cathedral; At Least 20 Dead*, NPR (27 Jan. 2019),

<https://www.npr.org/2019/01/27/689127406/at-least-20-dead-dozens-injured-after-two-bombs-target-southern-philippines-cath>.

²⁸ *Id.*

²⁹ James Griffiths, *ISIS in Southeast Asia: Philippines Battles Growing Threat*, CNN (29 May 2017),

<https://www.cnn.com/2017/05/28/asia/isis-threat-southeast-asia/index.html>.

³⁰ *Id.*

³¹ Alan Taylor, *A Victory Against ISIS in the Philippines Leaves a City Destroyed*, THE ATLANTIC (25 Oct. 2017),

<https://www.theatlantic.com/photo/2017/10/a-victory-against-isis-in-the-philippines-leaves-a-city-destroyed/543963/>.

³² *Id.*

³³ *Id.*

³⁴ *The Battle of Marawi*, AMNESTY INTERNATIONAL (2017), <https://www.amnesty.ie/wp-content/uploads/2017/11/Philippines-The-Battle-of-Marawi-ASA-35.7427.2017-FINAL.pdf>.

³⁵ *Philippines: “Battle of Marawi” Leaves Trail of Death and Destruction*, AMNESTY INTERNATIONAL (17 Nov. 2019),

<https://www.amnesty.org/en/latest/press-release/2017/11/philippines-battle-of-marawi-leaves-trail-of-death-and-destruction/>.