



UNIVERSAL PERIODIC REVIEW
SUBMISSION FOR THE PHILIPPINES

NGO Submission

New York, March 2022

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ABOUT HRF

The Human Rights Foundation (HRF) is a nonpartisan nonprofit organization that promotes and protects human rights globally, with a focus on closed societies. HRF unites people in the common cause of defending human rights and promoting liberal democracy. Our mission is to ensure that freedom is both preserved and promoted around the world.

HRF's Center for Law and Democracy (HRF-CLD) is a program of HRF. HRF-CLD promotes legal scholarship in the areas of comparative constitutional law and international law, with a focus on international human rights law and international democracy law.

INTRODUCTION

This submission was prepared by HRF for the Universal Periodic Review (UPR) of the Republic of the Philippines. In this submission, HRF evaluates the Philippines' implementation of recommendations made during its previous UPR, as it relates to the current human rights situation in the country, which is characterized by systematic, widespread, and gross violations of human rights, including: arbitrary arrests, detentions, violations of due process, enforced disappearances, ill-treatment, torture, and extrajudicial killings.

FOLLOW-UP ON THE PREVIOUS REVIEW

1. The most recent UPR of the Philippines by the United Nations (UN) Human Rights Council took place on May 8, 2017. A total of 257 recommendations were made to the Philippines, with the government accepting 103 recommendations and noting 154.¹ The Philippines has not, however, made significant progress in implementing these recommendations.

¹ *Responses to Recommendations, Philippines Third Review Session 27*, UPR INFO (2017), https://www.upr-info.org/sites/default/files/document/philippines/session_27_-_may_2017/response_to_recommendations_philippines_2017.pdf.

2. One of the most common recommendations was that the Philippines should ratify particular international conventions. Critically, the Philippines has yet to:
 - a. ratify the International Convention for the Protection of All Persons from Enforced Disappearance;
 - b. ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
 - c. ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure; and
 - d. extend an invitation to the Special Rapporteur on extrajudicial, summary or arbitrary executions.

3. As a UN Member State, the Philippines has committed to protecting, promoting, and respecting the individual rights and fundamental freedoms laid out in the Universal Declaration of Human Rights, and has ratified the International Covenant on Civil and Political Rights.

PHILIPPINES' NATIONAL FRAMEWORK FOR PROTECTING HUMAN RIGHTS

4. The Constitution of the Republic of the Philippines² (Constitution) contains several key provisions relating to the protection of the fundamental rights and freedoms of its citizens.

5. In relation to the equal protection of individuals under the law, the Constitution states in Section 1:

No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

6. In relation to the respect for human dignity, the Constitution states in Section 11:

The State values the dignity of every human person and guarantees full respect for human rights.

² Philippines' Constitution of 1987, *The Constitute Project* (Aug. 26. 2021), https://www.constituteproject.org/constitution/Philippines_1987.pdf?lang=en.

7. In relation to the right to counsel and the prohibition of torture, the Constitution states in Section 12:
 - a. *Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice.*
 - b. *No torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him. Secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited.*

8. In relation to the right to due process and a fair trial, the Constitution states in Section 14:
 - a. *No person shall be held to answer for a criminal offense without due process of law.*
 - b. *In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf.*

9. In relation to the rights of individuals against arbitrary arrest and detention, the Constitution states in Section 18:

No person shall be detained solely by reason of his political beliefs and aspirations.

POLITICAL BACKGROUND

10. The Philippines has historically been colonized and occupied by a series of foreign countries. Following World War II, the Republic of the Philippines (also referred to as the Third Republic of the Philippines) was declared fully independent in 1946. Manuel Roxas was the first president of an independent Philippines, and followed by four more elected presidents, until 1965, when Ferdinand Marcos was inaugurated.

11. In 1972, Marcos declared martial law, under which he stated that he would

“govern the nation and direct the operation of the entire government,” and granted sweeping permissions to the military to “prevent or suppress...any act of insurrection or rebellion.”³ Journalists, independent media, opposition politicians, activists, and all those who were deemed a threat to Marcos were arrested, forcibly disappeared, and subject to physical and psychological torture. Freedoms of speech, expression, and assembly were heavily suppressed, as curfews were enforced, and press freedom was non-existent as the government took control of all media.⁴ Marcos’ regime was ousted in 1986, as a result of a mass demonstration called the People Power Revolution.⁵

12. The 1986 People Power Revolution ushered in new hopes for a peaceful and democratic Philippines.⁶ Despite these hopes, the political situation in the Philippines has remained turbulent, with several attempted coups and widespread government corruption.⁷

13. Human rights in the country took an alarming turn in 2016 once Rodrigo Duterte was sworn into office as president. Duterte’s platform primarily focused on ending corruption, quashing violence, eliminating the illegal trade of drugs, and decreasing crime — all of which have proven to be euphemisms for him by which to aggressively clamp down on civil society and instill public fear.⁸ His harsh, strongman rhetoric has been exemplified through his implementation of martial law on the island of Mindanao from May 2017 to December 2019,⁹ and his widely-known “war on drugs” since 2016, has resulted in thousands of arbitrary

³ Marcos’ Martial Law orders, Rappler (Sep. 23, 2012), <https://www.rappler.com/nation/12899-marcos-martial-law-orders/>.

⁴ Katerina Francisco, *Martial Law, the dark chapter in Philippine history*, Rappler (Sep. 22, 2016), <https://www.rappler.com/newsbreak/iq/146939-martial-law-explainer-victims-stories/>.

⁵ *Philippines: Restore Respect for Human Rights on 46th Anniversary of Martial Law*, Amnesty International, <https://www.amnesty.org/en/documents/asa35/9139/2018/en/>.

⁶ *How Filipino People Power Toppled Dictator Marcos*, BBC News (Feb. 17, 2016), <https://www.bbc.com/news/av/magazine-35526200>.

⁷ Gill Murdoch, *TIMELINE: Recent Coups and Attempted Coups in the Philippines*, BBC News (Nov. 29, 2007), <https://www.reuters.com/article/us-philippines-unrest/timeline-recent-coups-and-attempted-coups-in-the-philippines-idUSSP31116220071129>.

⁸ Tricia Terada, *Five Vows, Five Years Later: A Lookback into Duterte’s Major Campaign Promises*, CNN Philippines (Jul. 22, 2021), <https://www.cnnphilippines.com/news/2021/7/22/SONA-2021-Duterte-presidential-campaign-promises.html>.

⁹ *FALSE: Martial Law in Mindanao Ended Without Abuses*, Rappler (Jul. 27, 2020), <https://www.rappler.com/newsbreak/fact-check/martial-law-mindanao-ended-without-abuses/>.

arrests and killings — including of journalists, activists, lawyers, and individuals suspected in drug operations. Duterte’s ongoing “war on drugs” has been described as “the worst human rights crisis in the country post-Martial Law.”¹⁰

14. Due to the COVID-19 pandemic, the government weaponized strict lockdowns and curfews in 2020 and 2021 to clampdown on freedoms and civil liberties. Fueling the culture of impunity surrounding the country’s government and police, Duterte explicitly ordered the police and military to “shoot them dead,” referring to anyone who violates lockdown measures,¹¹ and called the virus an “invasion.” His heavy-handed, violent rhetoric increased fears among rights defenders, and exacerbated human rights violations already evident from the ongoing “drug war,” sparking many to worry about the country’s potential slide back toward the Marcos era of martial law.¹²

15. The next presidential elections in the country are scheduled to take place on May 9, 2022. One of the ten presidential candidates in the running is Ferdinand Marcos Jr., son of late dictator Ferdinand Marcos.¹³ Marcos Jr.’s running mate as vice president is Sara Duterte-Carpio, daughter of President Duterte.¹⁴

ENFORCED DISAPPEARANCES

16. Although the Philippines has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance (ICED), it is the first country in Asia to have passed a law against enforced disappearances.¹⁵ The 2012

¹⁰ *A Bloody Trial: People We Lost Under Duterte*, Rappler (Dec. 21, 2021), <https://www.rappler.com/newsbreak/iq/list-drug-war-activists-journalists-lawyers-government-officials-killed-duterte-administration/>.

¹¹ Samuel Osborne, *Coronavirus: Philippine President Says Lockdown Violators Should be ‘Shot Dead,’* Independent (Apr. 2, 2020), <https://www.independent.co.uk/news/world/asia/philippine-president-rodrigo-duterte-coronavirus-lockdown-shot-dead-a9442921.html>.

¹² Nick Aspinwall, *This Is How Duterte Could Declare Martial Law in the Philippines*, The Diplomat (May 26, 2020), <https://thediplomat.com/2020/05/this-is-how-duterte-could-declare-martial-law-in-the-philippines/>.

¹³ *It’s Final: 10 Names on the 2022 Ballot for President, 9 for VP*, Rappler (Jan. 25, 2022),

<https://www.rappler.com/nation/elections/comelec-releases-final-list-candidates-national-local-polls-2022/>.

¹⁴ Reuters, *Duterte’s Daughter Joins Marcos Jr. as Running Mate in Philippine Presidential Election*, CNN (Nov. 16, 2021), <https://www.cnn.com/2021/11/16/asia/duterte-marcos-philippines-vice-presidency-intl-hnk/index.html>.

¹⁵ *Philippines Passes Landmark Law Criminalizing Enforced Disappearances*, United Nations Human Rights Office of the High Commissioner (Jan. 25, 2013), <https://www.ohchr.org/en/stories/2013/01/philippines-passes-landmark-law-criminalizing-enforced-disappearances>.

Anti-Enforced or Involuntary Disappearances Law (Republic Act 10353) incorporates the definition of enforced disappearance contained in the ICED, and distinguishes the crime of enforced disappearance from kidnapping and serious illegal detention, making it punishable by life imprisonment.¹⁶

17. Other key provisions of this law encompass the Right to Access to Communication, which grants any person deprived of liberty the right to have immediate access to any form of communication available to inform other about his/her whereabouts and condition,¹⁷ and the Duty to Report Victims of Enforced or Involuntary Disappearance, pursuant to which any person who has information of a case of enforced disappearance shall immediately report it to any law-enforcement, government office, or human rights organization and, if known, the victim's family, relative, or lawyer, specifying the circumstances and whereabouts of the victim.¹⁸ However, this law has not been properly implemented, mainly because of a strong climate of impunity within the government and a police force that inhibits families from reporting and becoming witnesses to enforced disappearances.

18. According to data collected by Philippines' Families of Victims of Involuntary Disappearance, four years after the beginning of Duterte's presidency and his "war on drugs," the number of individuals that have been reported disappeared during the anti-drug police operations amounts to 33, whereas 44 individuals disappeared as part of counter-insurgency operations. Additionally, 78 individuals were reported as disappeared after their arrest for the violations of COVID-19 quarantine directives.¹⁹

19. With regard to the victims of enforced disappearances, while at the beginning of the 1970s, many of the enforced disappearances took place in the context of

¹⁶ Act Defining and Penalizing Enforced or Involuntary Disappearances, Republic Act no. 10353, Section 3 (July 23, 2012), https://lawphil.net/statutes/repacts/ra2012/ra_10353_2012.html.

¹⁷ *Id.* at Section 6

¹⁸ *Id.* at Section 7.

¹⁹ Families of Victims of Involuntary Disappearances and Asian Federation Against Involuntary Disappearances, *Joint statement of Families of Victims of Involuntary Disappearances (FIND) and Asian Federation Against Involuntary Disappearances (AFAD)*, (May 2020) <https://afad-online.org/news/10-statements/498-joint-statement-families-of-victims-of-involuntary-disappearance-find-asian-federation-against-involuntary-disappearances-afad-international-week-of-the-disappeared-2020-25-may-2020>.

counter-insurgency operations against the New People’s Army and the Moro Islamic Liberation Front and other Muslim secessionist groups, with time, victims became also political activists, farmers, members of labor unions, and students. As a consequence of Duterte’s “war on drugs,” the list of victims now includes individuals with no political affiliations, and from some of the poorest communities in the country.

20. The perpetrators belong to the armed forces of the Philippines, the Philippine Constabulary, the Philippine National Police, the Citizen Armed Force Geographical Unit, the Integrated Civilian Home Defense Forces, the National Bureau of Investigation, other government officials, unidentified agents of the state, vigilante groups, and extremist groups.²⁰

ARBITRARY ARRESTS, DETENTIONS, AND VIOLATIONS OF DUE PROCESS OF THE LAW

21. The government’s “war on drugs” has overwhelmingly targeted poor, marginalized, and urban communities within the country. Under this violent campaign, the police — enticed by monetary or other material awards — compile hit lists of drug suspects; the compilation of such lists are arbitrary and lack transparency, with no formal vetting process.²¹ Furthermore, suspects included on these lists are subject to “home visitations,” in which police operations are not required to present warrants.²²
22. Aside from the “drug war,” the government’s mass crackdowns also target activists, unions, and NGOs. One of the most salient examples of such raids took place in Calabarzon, Philippines, in an instance known as “Bloody Sunday.” The

²⁰ *From Grief to Courage: Best Practices in Advocating Legislation Against Enforced Disappearances*, Asian Federation Against Involuntary Disappearances (AFAD), (Sept. 17-20, 2014), <https://afad-online.org/images/PDF/2015.From.Grief.to.Courage.en.pdf>.

²¹ Vanda Felbab-Brown, *Testimony: The Human Rights Consequences of the War on Drugs in the Philippines*, Brookings (Aug. 8, 2017), <https://www.brookings.edu/testimonies/the-human-rights-consequences-of-the-war-on-drugs-in-the-philippines/>.

²² *Freedom in the World: Philippines*, Freedom House (2022), <https://freedomhouse.org/country/philippines/freedom-world/2022>.

Philippine Army and the Philippine National Police killed nine prominent activists and detained four human rights defenders,²³ under false charges of “illegal possession of firearms.”²⁴ This crackdown took place on March 7, 2021, just two days after President Duterte had delivered a speech calling police and military “to kill them, make sure you really kill them,” referring to any “communists.”²⁵

23. Critics of the “war on drugs,” both within and outside the government, are also subject to arbitrary arrests, detentions, and violations of due process of the law. As a result, freedoms of assembly, association, and expression are severely hindered.²⁶ Senator Leila de Lima was a local politician and chairperson of the country’s Commission on Human Right who publicly called for investigations into extrajudicial killings taking place under the “war on drugs,” and was also one of the leading vocal critics of Duterte’s administration. In February 2017, she became the first politician to be arrested under politically-motivated charges by President Duterte.²⁷ Her arrest was declared arbitrary by the UN Working Group on Arbitrary Detention in 2018.²⁸ To date, Senator de Lima remains in prison.

24. Under Duterte’s administration, reporting has become increasingly difficult for the media, as journalists are subject to harassment, threats, arbitrary arrest, and even extrajudicial killings.²⁹ According to Reporters Without Borders, press freedom in the country ranks 138 out of 180, citing how the government and police continue to operate with impunity.³⁰ A prominent reporter who has been

²³ Statement, *Philippines: Impunity Persists for “Bloody Sunday” Killings*, International Federation for Human Rights (Jun. 8, 2021), <https://www.fidh.org/en/region/asia/philippines/philippines-impunity-persists-for-bloody-sunday-killings>.

²⁴ CNN Philippines Staff, *17 Cops in ‘Bloody Sunday’ Raids Face Murder Complaint*, CNN Philippines (Dec. 1, 2021), <https://www.cnnphilippines.com/news/2021/12/1/bloody-sunday-cops-murder-complaint-emmanuel-asuncion.html>.

²⁵ Jason Gutierrez, *Philippine Security Forces are Accused of Killing 9 Activists*, The New York Times (Mar. 7, 2021), <https://www.nytimes.com/2021/03/07/world/asia/philippines-raids-killings.html>.

²⁶ *Philippines 2020*, Amnesty International (2020), <https://www.amnesty.org/en/location/asia-and-the-pacific/south-east-asia-and-the-pacific/philippines/report-philippines/>.

²⁷ *Philippines: Free Duterte Critic Held 4 Years*, Human Rights Watch, (Feb. 23, 2021), <https://www.hrw.org/news/2021/02/23/philippines-free-duterte-critic-held-4-years>.

²⁸ United Nations Human Rights Council Working Group on Arbitrary Detention, *Opinions adopted by the Working Group on Arbitrary Detention*, 82nd Session, (Aug 20-24, 2018), A/HRC/WGAD/2018/61, available at https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session82/A_HRC_WGAD_2018_61.pdf.

²⁹ Makoi Popioco, *Ressa’s Prize for Resilience Underscores the Need for Press Freedom*, The Interpreter (Oct. 12, 2021), <https://www.lowyinstitute.org/the-interpreter/ressa-s-prize-resilience-underscores-need-press-freedom>.

³⁰ *Philippines 2021*, Reporters Without Borders, <https://rsf.org/en/philippines>.

targeted and arbitrarily arrested on politically-motivated charges by the government is Maria Ressa, co-founder of Rappler, an independent online news platform in the Philippines. Under Ressa's leadership, Rappler was a rare publication in that it extensively covered human rights violations and the use of violence in Duterte's "drug war" policies. As a result, both Rappler and Ressa have faced repercussions from the government, including harassment toward the Rappler,³¹ and multiple charges against Ressa of "cyber libel."³² In June 2020, Ressa shared that she believed her case was "meant to be a cautionary tale" foreshadowing Duterte's increasing assault on press freedom and civil society.³³

25. On Human Rights Day in December 2020, the homes of Lady Ann Salem, a journalist of *Manila Today*, and six activists, were raided and detained on false allegations of "illegal firearms possession." While arrested, Salem was denied legal counsel.³⁴ These instances are clear indications of how the government actively seeks ways to silence and threaten opposition through arbitrary arrests, detentions, and violations of due process of the law.

EXTRAJUDICIAL KILLINGS, TORTURE, AND ILL-TREATMENT

26. In 2012, the government spearheaded the Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations to the Rights to Life, Liberty, and Security of Persons (IAC), with the sole mandate of resolving "unsolved cases of political violence." The IAC is to monitor, classify, and prioritize all submitted cases of such killings, enforced

³¹ Jason Gutierrez and Alexandra Stevenson, *Maria Ressa, Crusading Journalist, is Convicted in Philippines Libel Case*, The New York Times, (Jun. 14, 2020), <https://www.nytimes.com/2020/06/14/business/maria-ressa-verdict-philippines-rappler.html>.

³² *TIME Person of the Year Maria Ressa Arrested in the Philippines*, Human Rights Foundation (Feb. 13, 2019), <https://hrf.org/time-person-of-the-year-maria-ressa-arrested-in-the-philippines/>.

³³ CNN Philippines and Anjo Alimario, *Ressa: We Were Meant to be a Cautionary Tale*, CNN Philippines (Jun. 15, 2020), <https://www.cnnphilippines.com/videos/2020/6/15/Ressa--We-were-meant-to-be-a-cautionary-tale.html>.

³⁴ *Philippine Journalist Lady Ann Salem Remains Jailed After Dismissal of Firearms Charges*, Committee to Protect Journalists (Feb. 17, 2021), <https://cpj.org/2021/02/philippine-journalist-lady-ann-salem-remains-jailed-after-dismissal-of-firearms-charges/>.

disappearances, torture, and other grave violations.³⁵ While cases have been submitted to the IAC, “there has not been any significant development in the investigations.”³⁶ And while the Philippines has ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, such abuses remain widespread as a result of the “war on drugs.”³⁷

27. Extrajudicial killings have been “widespread and systematic,” and have all been publicly endorsed and encouraged by President Duterte.³⁸ In addition to enforced disappearances, such killings are one of the most emblematic characteristics of the “war on drugs,” and have been conducted by official authorities as well as by private actors in “vigilante-style killings.” Reports and testimonies point to how the latter may be affiliated with, or paid by police.³⁹

28. Duterte’s “war on drugs” has not spared children. From July 2016 to May 2019, thousands of children either had lost their parents, had parents sent to prison, or were left deeply traumatized.⁴⁰ Furthermore, at least 112 children were killed.⁴¹ The child victims of these extrajudicial killings were either killed: 1) by stray bullets as “collateral damage,” 2) during police operations under the guise of “self-defense,” 3) due to torture while detained under trumped-up drug-related charges, or 4) because they were witnesses to other extrajudicial killings.⁴²

³⁵ Administrative Order No. 35 (2012 series) on the creation of an Inter-Agency Committee On Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons (IAC) (2012), <https://www.doj.gov.ph/administrativeorder35.html#:~:text=Mandate%3A,liberty%20and%20security%20of%20persons>.

³⁶ *Philippines: impunity persists for “Bloody Sunday” killings*, International Federation for Human Rights (FIDH) (Aug. 6, 2021), <https://www.fidh.org/en/region/asia/philippines/philippines-impunity-persists-for-bloody-sunday-killings>.

³⁷ Report of the United Nations High Commissioner for Human Rights, *Situation of human rights in the Philippines*, (June 29, 2020), p. 2 at <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>.

³⁸ *Id.* at 4.

³⁹ *Get the Backstory on Duterte’s ‘War on Drugs’ as ICC Green Lights Investigation into Philippines Killings*, Frontline (Sept. 17, 2021), <https://www.pbs.org/wgbh/frontline/article/get-the-backstory-on-dutertes-war-on-drugs-as-icc-green-lights-investigation-into-philippines-killings/#:~:text=Since%20Duterte%20was%20elected%20in,suspects%2C%20citing%20self%2Ddefense.&text=Over%20the%20past%20several%20years,and%20the%20impacts%20on%20democracy>.

⁴⁰ “How do they could this to my child?” - *Extrajudicial Killings of children during the “war on drugs” in the Philippines*, World’s Organization Against Torture (OMCT), (June 2020), p.10 at https://www.omct.org/files/2020/06/25937/omct_philippines_childrights_06.2020_en_single.pdf.

⁴¹ *Id.* at 14.

⁴² *Id.* at 17.

29. In February 2018, the International Criminal Court's (ICC) then-chief prosecutor launched a preliminary investigation into the situation in the Philippines, citing reports of alleged crimes of extrajudicial killings, abuse, and ill-treatment surrounding the "war on drugs."⁴³ Shortly thereafter, in March 2018, the government of the Philippines notified the ICC of their withdrawal from the Rome Statute of the ICC, which went into effect in March 2019.⁴⁴
30. Upon the completion of the preliminary examination in June 2021, the prosecution submitted a request to open a full investigation into the situation in the Philippines between November 1, 2011 and March 19, 2019. According to the prosecutor, between 12,000 and 30,000 civilians have been killed between July 2017 and March 2019 alone.⁴⁵
31. In September 2021, the request was authorized.⁴⁶ To date, the full investigation has been suspended, as the government of the Philippines had submitted a request for deferral in November 2021, citing their commitment to address such concerns internally.⁴⁷ Should Ferdinand Marcos Jr. be elected as president in the upcoming elections, it is expected that he will continue to block this investigation due to his current outspoken rejection of the ICC's efforts.⁴⁸

RECOMMENDATIONS

32. HRF calls on the government of the Philippines to:

⁴³ *Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on Opening Preliminary Examinations into the Situations in the Philippines and in Venezuela*, International Criminal Court (Feb. 8, 2018), <https://www.icc-cpi.int/Pages/item.aspx?name=180208-otp-stat>.

⁴⁴ *ICC Statement on The Philippines' Notice of Withdrawal: State Participation in Rome Statute System Essential to International Rule of Law*, International Criminal Court (Mar. 20, 2018), <https://www.icc-cpi.int/Pages/item.aspx?name=pr1371>.

⁴⁵ *Situation in the Republic of the Philippines, Public redacted version of "Request for authorisation of an investigation pursuant to article 15(3)"*, ICC-01/21-7-SECRET-Exp (May 24, 2021), https://www.icc-cpi.int/CourtRecords/CR2021_05381.PDF.

⁴⁶ *Situation in the Republic of the Philippines: ICC Pre-Trial Chamber I Authorizes the Opening of an Investigation*, International Criminal Court (Sep. 15, 2021), <https://www.icc-cpi.int/Pages/item.aspx?name=PR1610>.

⁴⁷ *Situation in the Republic of the Philippines, Notification of the Republic of the Philippines' deferral request under article 18(2)*, ICC-01/21-14 , Annex A, (Nov. 18, 2021), https://www.icc-cpi.int/RelatedRecords/CR2021_10546.PDF.

⁴⁸ Lian Buan, *Bongbong Marcos Will Continue Duterte's Drug War, Shield It From ICC*, Rappler (Oct. 7, 2021), <https://www.rappler.com/nation/bongbong-marcos-will-continue-drug-war-shield-from-international-criminal-court>.

- a. Protect, respect, and promote, without reservation, the rights of all individuals to freedom of expression and association, and ensure that activists, journalists, and opposition groups can operate peacefully and safely within the Philippines, without fear of retribution in the form of censorship, harassment, arbitrary arrest and detention, torture, ill-treatment, extrajudicial killings, and enforced disappearances, among other types of punishment;
- b. Ensure that, absent compelling evidence of criminal conduct, individuals who have been arbitrarily detained, in violation of their rights to freedom of expression and association, are released, and that those in detention receive humane treatment;
- c. Commit to ratifying critical international human rights instruments, including, but not limited to: the Convention for the Protection of All Persons from Enforced Disappearance; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; and the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure;
- d. Protect the due process rights of every accused person to a fair, speedy, and public trial; and
- e. Cooperate with regional and international human rights mechanisms by allowing the special procedure mandate holders to carry out an independent assessment of the human rights situation in the Philippines and advise the government accordingly.