



# General Assembly

Distr.: General  
12 October 2022

Original: English

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## Human Rights Council

### Fifty-first session

12 September–7 October

Agenda items 2 and 10

### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

### Technical assistance and capacity-building

## Implementation of Human Rights Council resolution 45/33 and progress on and results of technical cooperation and capacity-building for the promotion and protection of human rights in the Philippines

### Report of the United Nations High Commissioner for Human Rights\*

#### *Summary*

The present report contains an examination of the implementation of Human Rights Council resolution 45/33 and of the progress on and results of technical cooperation and capacity-building for the promotion and protection of human rights in the Philippines, including through a United Nations joint programme on human rights that is being implemented with the Government of the Philippines and national partners. The High Commissioner sets out recommendations aiming to promote a transformative approach to human rights-based reforms, strengthen an institutional culture of respect for human rights, ensure justice and redress for victims and contribute towards the prevention of the reoccurrence of violations.

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\* The present report was submitted after the deadline so as to include the most recent information.



## I. Introduction

1. The present report, submitted pursuant to Human Rights Council resolution 45/33,<sup>1</sup> contains updates on the implementation of that resolution and on the progress and results of technical cooperation and capacity-building for the promotion and protection of human rights in the Philippines since the adoption of the resolution, in October 2020.

2. The Office of the United Nations High Commissioner for Human Rights (OHCHR), including through a new United Nations joint programme on human rights,<sup>2</sup> continued technical cooperation activities with the Department of Justice, the Department of the Interior and Local Government, the Philippine National Police, the Anti-Terrorism Council Programme Management Centre, the Dangerous Drugs Board, the Presidential Human Rights Committee Secretariat, the Commission on Human Rights of the Philippines, other governmental actors, civil society and other actors. The High Commissioner is grateful to the Government for its cooperation in the preparation of the present report. The Government provided written inputs on 6 and 27 July and 3 and 30 August 2022 in response to a list of questions and also provided comments on the report.

## II. Context

3. On 9 May 2022, presidential elections were held in the Philippines. The new administration, headed by Ferdinand Marcos Jr. as President and Sara Z. Duterte as Vice-President, took office on 30 June 2022.

4. The coronavirus disease (COVID-19) pandemic continued to have a negative impact on the human rights situation in the Philippines. Prolonged lockdowns, school closures, economic impacts and the sharp decline in remittances particularly affected vulnerable populations, including youth, women and overseas Filipino workers. The pandemic and shortages of health-care workers exacerbated strains on the health-care system. The United Nations country team supported the Government by implementing the socioeconomic and peacebuilding framework for COVID-19 recovery in the Philippines.<sup>3</sup>

5. The enforcement of COVID-19 restrictions also affected civil and political rights, with reports of restrictions on freedom of movement and the right to peaceful association.<sup>4</sup> The High Commissioner and various United Nations special rapporteurs expressed concerns regarding the alleged use of lethal force by police officers in the implementation of COVID-19 measures.<sup>5</sup> Most restrictions have since been lifted.

6. Climate change and extreme weather events also continued to affect the enjoyment of human rights. In December 2021, Typhoon Rai (locally known as Odette) struck the Philippines, affecting approximately 12 million people in 11 of the country's 17 regions. The cumulative number of displaced persons reached 3.9 million, of which 6,800 remained displaced as of mid-June 2022.<sup>6</sup> As of July 2022, emergency response efforts by the Government, the United Nations and various humanitarian partners had provided life-saving

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<sup>1</sup> In that resolution, the Council encouraged the Government of the Philippines to address the issues raised in the report of the United Nations High Commissioner for Human Rights (A/HRC/44/22).

<sup>2</sup> See para. 11 below. While the present report refers to the joint programme on human rights in terms of activities undertaken, the joint programme is not a separate entity but is implemented by four participating United Nations entities, together with the Government and national partners.

<sup>3</sup> See [https://philippines.un.org/sites/default/files/2021-11/UN%20Socioeconomic%20and%20Peacebuilding%20Framework%20Final\\_1.pdf](https://philippines.un.org/sites/default/files/2021-11/UN%20Socioeconomic%20and%20Peacebuilding%20Framework%20Final_1.pdf).

<sup>4</sup> See <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-arrest-of-8-protesters-in-up-cebu-due-to-alleged-violation-of-quarantine-rules/>; and <https://chr.gov.ph/wp-content/uploads/2022/05/CHR-Report-Addressing-Inequality-During-the-Pandemic.pdf>.

<sup>5</sup> Communication PHL 2/2020. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25323>. See also <https://news.un.org/en/story/2020/04/1062632>.

<sup>6</sup> See <https://reports.unocha.org/en/country/philippines>.

assistance to over 1 million people.<sup>7</sup> Humanitarian partners continued to work with national and local authorities to ensure long-term solutions for affected communities and to build resilience against future shocks, including through anticipatory action.

7. Ongoing internal armed conflicts, including with the Communist Party of the Philippines and the New People's Army,<sup>8</sup> continued to have an impact on human rights, with human rights violations and abuses allegedly committed. Inequality and social marginalization, including land dispossession, persistent inadequacies in access to services and prejudices among demographic groups,<sup>9</sup> have fuelled social instability and conflicts.<sup>10</sup> In October 2021, the Government adopted legislation extending the transition period under the peace agreement in the Bangsamoro Autonomous Region in Muslim Mindanao from 2022 to 2025.<sup>11</sup>

8. The leadership of the Commission on Human Rights of the Philippines ended its seven-year term on 5 May 2022.<sup>12</sup> New leadership has yet to be appointed by the new administration. Once appointed, the new commissioners are set to serve until 2029. The Commission is accredited with A status under the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

9. On 10 November 2021, the Government requested that the Prosecutor of the International Criminal Court defer his investigation of alleged crimes against humanity committed in the Philippines between 1 November 2011 and 16 March 2019 in the context of the "war on drugs", in view of the Government's own investigations into and proceedings on relevant alleged crimes. On 24 June 2022, the Prosecutor formally requested the International Criminal Court's Pre-Trial Chamber for authorization to resume his investigation into the situation in the Philippines.<sup>13</sup> Litigation on the matter is continuing. On 1 August 2022, the new administration announced that it would not rejoin the Rome Statute of the International Criminal Court.<sup>14</sup>

### **III. Progress in the implementation of Human Rights Council resolution 45/33 and progress in and results of technical cooperation and capacity-building for the promotion and protection of human rights**

10. In its resolution 45/33, the Human Rights Council encouraged the Government to address the issues raised in the High Commissioner's report<sup>15</sup> and other remaining challenges in relation to the situation of human rights throughout the country. It also took note of the proposed United Nations joint programme on human rights to provide technical assistance and capacity-building for, inter alia, domestic investigative and accountability measures, data-gathering on alleged police violations, civic space and engagement with civil society and the Commission on Human Rights, national mechanism for reporting and follow-up,

<sup>7</sup> See <https://philippines.un.org/en/191082-un-and-humanitarian-partners-support-1m-odette-affected-persons-last-six-months-recovery#:~:text=MANILA%2C%2020%20July%202022%2D%2D,assistance%20to%20over%20a%20million.>

<sup>8</sup> In December 2017, the then President, Rodrigo Duterte, designated the Communist Party of the Philippines and its military wing, the New People's Army, as terrorist entities. The Communist Party of the Philippines and the New People's Army are also designated by some other States as terrorist organizations.

<sup>9</sup> [https://philippines.un.org/sites/default/files/2021-11/UN%20Socioeconomic%20and%20Peacebuilding%20Framework%20Final\\_1.pdf](https://philippines.un.org/sites/default/files/2021-11/UN%20Socioeconomic%20and%20Peacebuilding%20Framework%20Final_1.pdf), p. 20.

<sup>10</sup> See <http://chr.gov.ph/wp-content/uploads/2020/10/The-Haran-Report-2019-FINAL-REY-2019-12-04.pdf>.

<sup>11</sup> Republic Act No. 11593.

<sup>12</sup> See <https://chr.gov.ph/chr-announces-the-appointment-of-new-chairperson/>.

<sup>13</sup> See <https://www.icc-cpi.int/news/statement-prosecutor-international-criminal-court-karim-khan-qc-following-application-order>.

<sup>14</sup> See <https://www.pna.gov.ph/articles/1180284>.

<sup>15</sup> [A/HRC/44/22](https://www.unhcr.org/refugees-and-migrants/2022/04/a-hrc-44-22).

counter-terrorism legislation, and human rights-based approaches to drug control. The following section contains an examination of progress and challenges in each of those six areas, which are also the focus of the joint programme on human rights.

11. On 22 July 2021, the Secretary of Justice, the Secretary of Foreign Affairs and the resident coordinator signed the framework agreement for a three-year joint programme on human rights, with a representative of the Commission on Human Rights of the Philippines present. The signing followed extensive consultations, held between October 2020 and July 2021, with representatives of the Government, the Commission on Human Rights of the Philippines and civil society. In a meeting with the resident coordinator on 10 June 2022, the then President-elect expressed support for the continued implementation of the joint programme.

12. With a consultative governance structure, the joint programme on human rights brings together diverse stakeholders, including government agencies, the Commission on Human Rights of the Philippines and civil society organizations and development partners.<sup>16</sup> The joint programme steering committee, responsible for its overall strategic direction, held its initial meeting on 20 December 2021, adopting the workplan for the initial phase of the programme. Six technical working groups are to convene monthly to discuss progress on the implementation of the key areas. Each technical working group is to be co-chaired by a participating United Nations entity and a government counterpart, with the participation of representatives of relevant government agencies, the Commission on Human Rights of the Philippines and civil society as full members. In some cases, challenges in reaching consensus on civil society participation led to delays in establishing the working groups. As at 1 July 2022, three technical working groups had been established and were meeting regularly.

13. The overall three-year budget of the joint programme on human rights is \$10,212,314. As at 30 June 2022, contributions from partners had totalled \$2,879,616.<sup>17</sup> In addition to the Philippines itself, contributing partners were Australia, Germany, Ireland, the Netherlands, Norway, the Republic of Korea and the United Kingdom of Great Britain and Northern Ireland. Pledges had also been received from the European Union. The majority of the funding for the programme is administered through a multi-partner trust fund mechanism. The United Nations conducted a risk assessment for the joint programme and applied the human rights due diligence policy in line with United Nations requirements.

## **A. Domestic investigative and accountability measures**

14. In its resolution 45/33, the Human Rights Council underlined the importance for the Government of the Philippines to ensure accountability for human rights violations and abuses, and in that regard to conduct independent, full and transparent investigations and to prosecute all perpetrators of serious crimes, including violations and abuses of human rights, in accordance with due process under national courts of law and in full compliance with its international human rights obligations.

15. The Government has taken some initiatives to advance accountability for human rights violations and abuses. However, access to justice for victims of human rights violations and abuses remains very limited. Institutional and structural shortcomings in law enforcement and the judiciary remain, despite efforts to address some cases. Those shortcomings include limited oversight of human rights investigations, inadequate

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<sup>16</sup> The joint programme on human rights is implemented by OHCHR, the United Nations Educational, Scientific and Cultural Organization, the Office of Counter-Terrorism and the United Nations Office on Drugs and Crime. It is implemented together with the Department of Justice, the Presidential Human Rights Committee Secretariat, the Department of the Interior and Local Government, the Philippine National Police, the Dangerous Drugs Board, the Department of Health, the Anti-Terrorism Council Programme Management Centre, the Bureau of Jail Management and Penology and the Commission on Human Rights of the Philippines. Civil society organizations and academia are core partners in the implementation.

<sup>17</sup> The expected contributions to the joint programme were \$7,978,811 from contributing partners and \$2,233,503 from participating United Nations organizations.

investigation capacity and inter-agency cooperation, limited forensic capacity and protracted judicial processes. Inadequate victim and witness support and protection and fear of reprisals also affect victims' engagement.

16. The Government took initial steps towards investigating some killings in the context of anti-drug operations but those steps did not result in convictions during the reporting period. In June 2020, the then Secretary of Justice, Menardo Guevarra, announced the establishment of an inter-agency review panel to review 5,655 anti-drug operations during which deaths occurred.<sup>18</sup> However, the Department of Justice encountered obstacles to its review, including the lack of availability of and access to relevant records. On 19 October 2021, the Department published an initial list of 52 reviewed cases, which were handed to the National Bureau of Investigation for criminal investigation.<sup>19</sup> On 3 August 2022, the Government informed the special procedure mandate holders that 250 new cases related to deaths arising from anti-illegal drugs operations in Central Luzon reviewed by the panel had been handed to the National Bureau of Investigation for criminal investigation, in addition to the 52 initial cases.<sup>20</sup> On 17 August, the Secretary of Justice stated that seven cases involving at least 25 officers had been submitted for prosecution; two of those cases were pending in court and nine police officers had been indicted.<sup>21</sup> Arrest warrants were also issued for three police officers suspected of the killing of Diego Bello DelaFuente. However, on 6 July 2022, the Commission on Human Rights of the Philippines expressed concern about delays in executing the warrants.<sup>22</sup> As of the end of July 2022, none of the initial 52 cases had resulted in convictions.<sup>23</sup> Transparency and public scrutiny in investigative processes and outcomes remain a challenge.

17. Charges were filed in one other drug-related case: on 25 August 2021, seven police officers of the Intelligence Section, Drug Enforcement Unit, of San Jose del Monte, Bulacan, were charged with the arbitrary detention and murder of six men during an anti-drug operation in 2020. The men were reportedly detained as they passed by the house of a suspect and were subsequently killed. While the police officers claimed that they had resisted arrest, the investigation revealed a photo of the six men in the police station with their hands tied behind their backs, prior to being killed.<sup>24</sup>

18. The Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons (AO35 Mechanism) was established in 2012 to investigate unsolved cases of political violence,<sup>25</sup> including the killings of human rights defenders and environmental activists falling under its mandate.<sup>26</sup> According to government information, as of August 2022, 386 cases were being investigated by the AO35 Mechanism, the majority comprising killings.

19. On 7 March 2021, nine persons were killed in joint police and military operations in Southern Luzon that had been based on search warrants issued in the context of the counter-insurgency campaign against the New People's Army. Among those killed were human rights defenders Emanuel Asuncion, Ana Mariz Lemita-Evangelista, Ariel Evangelista, Melvin Dasigao and Mark Lee Coros Bacasno. Two indigenous peoples' rights defenders and two housing rights defenders were also killed.<sup>27</sup> In December 2021 and January 2022, murder charges were filed against 34 police officers over the killing of three of the nine activists. The National Bureau of Investigation reportedly found that the police officers had had a deliberate

<sup>18</sup> See [https://www.doj.gov.ph/news\\_article.html?newsid=661](https://www.doj.gov.ph/news_article.html?newsid=661).

<sup>19</sup> See <https://www.pna.gov.ph/articles/1157212>.

<sup>20</sup> Information provided by the Government on 3 August 2022.

<sup>21</sup> Information provided by the Government on 30 August 2022.

<sup>22</sup> See <https://chr.gov.ph/statement-of-chr-executive-director-atty-jacqueline-ann-de-guia-on-the-delay-in-the-implementation-of-the-arrest-warrant-for-those-accused-in-the-killing-of-businessman-diego-bello-lafuente/>.

<sup>23</sup> See <https://idpc.net/alerts/2021/10/statement-on-the-human-rights-situation-in-the-philippines-human-rights-council-48th-session>.

<sup>24</sup> See <https://www.pna.gov.ph/articles/1152132>.

<sup>25</sup> See <https://www.officialgazette.gov.ph/2012/11/22/administrative-order-no-35-s-2012/>.

<sup>26</sup> Killings occurring during anti-drug operations do not generally fall under the mandate of the AO35 Mechanism.

<sup>27</sup> See <https://www.ohchr.org/en/2021/03/press-briefing-notes-philippines?LangID=E&NewsID=26865>.

intent to kill during the deadly police operation.<sup>28</sup> It was not known, as of July 2022, whether the police officers had been detained. On 3 August 2022, the Government reported that the AO35 Mechanism had recently completed its investigation into the above-mentioned killings in Southern Luzon and would soon initiate proceedings against a number of law enforcement officers involved in serving the warrants that had led to the killings.<sup>29</sup>

20. Numerous reports of abuses by members of the Communist Party of the Philippines and the New People's Army were also received. From 1 January 2020 to 31 May 2022, the Armed Forces of the Philippines reported 749 cases of abuses by non-State armed groups, resulting in the killing of 123 civilians.<sup>30</sup> The Armed Forces reported that it had submitted 317 cases of alleged killings of civilians and a list of 1,730 probable violations of Republic Act No. 9851, on crimes against international humanitarian law, genocide and other crimes against humanity, to the AO35 Mechanism.<sup>31</sup> The Armed Forces also submitted a compilation of those cases to OHCHR and the Commission on Human Rights of the Philippines.

21. On 24 September 2021, three former soldiers were sentenced to 40 years' imprisonment for the killing in 1986 of labour leaders Leonor Alay-ay and Rolando Olalia. Nine suspects are reportedly still at large.<sup>32</sup> On 31 May 2022, the Court of Appeal confirmed the conviction of a retired army general, Jovito Palparan, and two other army officers, sentencing them to up to 40 years' imprisonment for the 2006 kidnapping and illegal detention of university students Karen Empeño and Sherlyn Cadapan, whose whereabouts remain unknown.

22. The joint programme on human rights is supporting the capacity-building and improved functioning of the AO35 Mechanism to strengthen accountability efforts by supporting initiatives to strengthen victims and witnesses' access to justice, restitution, support and protection and to establish a permanent national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The joint programme also supports the Department of Justice in the establishment of a national referral pathway mechanism to contribute to efforts to investigate and prosecute a broader range of human rights violations and help complainants in accessing appropriate domestic mechanisms.

23. The joint programme on human rights engaged with the AO35 Mechanism to conduct a needs assessment to develop recommendations to increase its effectiveness, and held an initial consultation on the development of pathways for accountability. To strengthen investigative and forensic capacity, the joint programme held consultations involving representatives of the Department of Justice, the Philippine National Police, the Commission on Human Rights of the Philippines and civil society organizations, experts on the Minnesota Protocol on the Investigation of Potentially Unlawful Death and the Special Rapporteur on extrajudicial, summary or arbitrary executions. Targeted training on the Minnesota Protocol, involving police officers, medical practitioners, Department of Justice officials, judicial officers and civil society organizations, will be implemented as a follow-up. The Minnesota Protocol was translated into Filipino.

24. The Philippines ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2012, but has yet to adopt legislation to allow for the establishment of a permanent national preventive mechanism, although an interim mechanism is operational.<sup>33</sup> The joint programme on human rights conducted consultations on the consolidation of the different versions of the draft legislation and capacity-building needs of the interim national preventive mechanism. An initial

<sup>28</sup> See <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-welcoming-the-dojs-preliminary-investigation-on-the-batangas-couple-killed-on-bloody-sunday-raids/>.

<sup>29</sup> Information provided by the Government on 3 August 2022.

<sup>30</sup> Information provided by the Government on 5 July 2022.

<sup>31</sup> Information provided by the Government on 30 August 2022.

<sup>32</sup> See <https://www.pna.gov.ph/articles/1156436>.

<sup>33</sup> See

[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=137&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=137&Lang=EN).

assessment of victim support and protection needs and a mapping of domestic judicial and non-judicial remedies have been initiated.

## B. Data-gathering on alleged violations

25. In September 2021, at the high-level week of the seventy-sixth session of the General Assembly, the then President, Rodrigo Duterte, stated that he had given instructions to the Department of Justice and the Philippine National Police to review police operations in the context of anti-drug operations, and that “those found to have acted beyond bounds during operations shall be made accountable”.<sup>34</sup> However, the former President also made public statements defending his anti-narcotics campaign.<sup>35</sup>

26. On 29 June 2021, the Supreme Court issued rules requiring police officers to wear body cameras when executing warrants and repealing a 2004 decision that allowed Manila and Quezon City executive judges to issue search warrants in locations outside their territorial jurisdiction. It cited increasing reports of civilian deaths in the execution of warrants issued by trial courts, with the causes and conditions surrounding such deaths being widely disputed.<sup>36</sup>

27. Deaths continue to be reported in anti-illegal drug operations, with the Philippine Drug Enforcement Agency publishing monthly figures of persons killed during such operations.<sup>37</sup> The Agency reported a decrease in killings in the context of anti-drug police operations, with 448 persons reportedly killed in 2020, 214 in 2021 and 27 between January and 31 May 2022.<sup>38</sup> Agency figures record that, from 1 July 2016 to 31 May 2022, 6,252 people died during drug operations, and 239,218 anti-drug operations were conducted, with 345,216 people arrested.<sup>39</sup> According to government information citing Agency figures, 67.69 per cent of the drug cases filed nationwide between 2016 and July 2022 are yet to be resolved.<sup>40</sup>

28. OHCHR continued to receive allegations of human rights violations by members of the Philippine National Police; however, it was not possible for the Office to verify those cases or the number of such violations. The Government informed OHCHR that the Philippine Drug Enforcement Agency immediately investigated reports of alleged human rights violations and that, as at 31 July 2020, all of the operations initiated by the Agency that had been investigated were “determined to have the absence of human rights violations”.<sup>41</sup> The Government also stated that the leadership of the Philippine National Police condemned unlawful killing and that, in the conduct of police operations, including the serving of search or arrest warrants, the objective was not to kill anyone, but only to arrest suspects and prevent the commission of crimes. In April 2022, the Commission on Human Rights of the Philippines issued a report on its investigations into drug-related killings that contained observations on, inter alia, the lack of effective, prompt and transparent accountability mechanisms and, despite its mandate, its lack of access to documentation.<sup>42</sup>

29. The Philippine National Police implemented the Human Rights Recording, Analysis and Information System.<sup>43</sup> It serves as an institutional mechanism for generating empirical data on human rights, with corresponding analysis in order to address misconduct among

<sup>34</sup> See <https://news.un.org/en/story/2021/09/1100612>.

<sup>35</sup> See <https://www.pna.gov.ph/articles/1174275>.

<sup>36</sup> See <https://www.icnl.org/wp-content/uploads/bodycamwarrants.pdf>.

<sup>37</sup> See <https://www.facebook.com/realnumbersph/>.

<sup>38</sup> Ibid.

<sup>39</sup> See [https://pdea.gov.ph/index.php?option=com\\_content&view=article&layout=edit&id=279](https://pdea.gov.ph/index.php?option=com_content&view=article&layout=edit&id=279).

<sup>40</sup> In July 2022, the Secretary of the Department of the Interior and Local Government stated that 77 per cent of drug cases filed between 2016 and July 2022 were still pending. Out of a total 291,393 cases, some 22,000 had ended with conviction, 5,753 had been dismissed and 223,579 were pending (see <https://www.facebook.com/pnp.pio/videos/434441455404687>).

<sup>41</sup> Information provided by the Government on 5 July 2022.

<sup>42</sup> See <https://chr.gov.ph/wp-content/uploads/2022/05/CHR-National-Report-April-2022-Full-Final.pdf>.

<sup>43</sup> Information provided by the Government on 3 August 2022.

personnel.<sup>44</sup> Analysis of data in the system by the Human Rights Affairs Office of the Philippine National Police is ongoing. In addition, the Office will implement an online standardized test on human rights for all Philippine National Police officers.<sup>45</sup>

30. The joint programme on human rights supports efforts that are already under way within the Human Rights Affairs Office to improve police data and accountability for human rights violations. This includes an ongoing needs assessment and study of Philippine National Police accountability mechanisms to identify gaps, and the roll-out of training on the Minnesota Protocol. The joint programme will work on best practice for reporting and follow-up and, through the technical working group, support existing efforts on community and civil society dialogues and engagement with the Philippine National Police.

### C. Civic space and engagement with civil society and the Commission on Human Rights of the Philippines

31. The Philippines has a large and active civil society, with constitutional guarantees for freedom of expression, association and peaceful assembly. The Government took some steps to engage with civil society organizations, such as the first ever national assembly of human rights defenders of the Philippines, held online in December 2021, with the participation of the Special Rapporteur on the situation of human rights defenders.

32. Despite repeated calls to protect human rights and environmental defenders, journalists, lawyers, labour rights activists and humanitarian workers, OHCHR continued to receive reports of killings, arbitrary detention and physical and legal intimidation against them. They are often targets of “red-tagging”, a tactic deployed to accuse individuals of being part of the Communist Party of the Philippines and the New People’s Army. This continued to put human rights defenders at risk, hampering legitimate human rights activities while eroding trust between the Government and civil society actors.<sup>46</sup> In June 2022, incoming National Security Adviser, Clarita Carlos, called for an end to red-tagging and for a focus on addressing inequalities and lack of opportunities.<sup>47</sup>

33. On 30 December 2020, nine indigenous Tumandok leaders were killed in joint military and police operations to execute search warrants in Iloilo Province after being accused of possession of firearms and affiliation with Communist Party of the Philippines and the New People’s Army.<sup>48</sup> During the operations, 16 other persons, including six human rights defenders, were detained. A Tumandok leader and witness in the case, Julie Catamin, was subsequently killed by unknown persons on 28 February 2021, while a lawyer representing the victims survived an attempt on his life on 3 March 2021. On 22 January 2022, the Working Group on Enforced or Involuntary Disappearances sent an allegation letter regarding the alleged enforced disappearance of human rights defender Steve Abua, who disappeared in November 2021. In its response to the Working Group in March 2022, the Government stated that it continued to investigate the case but had not found evidence of his enforced disappearance.<sup>49</sup>

34. On 23 March 2021, the Supreme Court, sitting en banc, issued a statement expressing serious and urgent concerns regarding the killing of lawyers and threats to judges;<sup>50</sup> the following day, the Senate adopted a resolution strongly condemning such killings and acts of

<sup>44</sup> See <https://law.upd.edu.ph/wp-content/uploads/2020/11/PNP-Memorandum-Circular-No-2020-060.pdf>.

<sup>45</sup> Information provided by the Government on 3 August 2022.

<sup>46</sup> A/HRC/48/28; and communications PHL 1/2021 (available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25942>) and PHL 3/2021 (available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26417>).

<sup>47</sup> See <https://chr.gov.ph/statement-of-chr-executive-director-atty-jacqueline-de-guia-on-the-statement-of-the-incoming-national-security-adviser-against-red-tagging/>.

<sup>48</sup> See <https://www.ohchr.org/en/2021/03/press-briefing-notes-philippines>.

<sup>49</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36850>.

<sup>50</sup> See <https://sc.judiciary.gov.ph/17874/>.

violence.<sup>51</sup> This followed a report by the Free Legal Assistance Group that 61 lawyers had been killed since 2016, most of them by unknown perpetrators.<sup>52</sup>

35. Several women human rights defenders faced criminal prosecution on questionable grounds. Maria Salome Crisostomo-Ujano, the national coordinator of Philippines Against Child Trafficking, was detained on 14 November 2021, on the basis of an arrest warrant for rebellion from 2004, and remains in custody.<sup>53</sup> Environmental activist Daisy Macapanpan was arrested on 11 June 2022 on charges in relation to an incident in 2008 after delivering a speech protesting a hydropower project.<sup>54</sup> She was released after posting bail on 10 August. Former senator Leila De Lima, whose arrest was found to be arbitrary by the Working Group on Arbitrary Detention in 2018, remains in pretrial detention,<sup>55</sup> despite key prosecution witnesses retracting their testimonies in May 2022.<sup>56</sup> As of June 2022, several human rights defenders, including from Karapatan, were also facing perjury charges.<sup>57</sup>

36. The Government took some steps aimed at protecting journalists and media workers. The Presidential Task Force on Media Security, established in 2016,<sup>58</sup> provided updates to the United Nations Educational, Scientific and Cultural Organization (UNESCO) observatory on 112 cases of killings of journalists, most of which were classified as ongoing or unresolved.<sup>59</sup> In January 2022, the Task Force and the Philippine National Police established “media security vanguards” to strengthen the protection of journalists ahead of the 2022 presidential elections by expediting the investigation and resolution of complaints.<sup>60</sup>

37. Between June 2020 and June 2022, UNESCO documented the killing of eight journalists and media workers in the Philippines.<sup>61</sup> OHCHR also received reports of restrictions on critical media outlets and harassment of media workers. Maria Ressa, the 2021 Nobel Peace Prize laureate, continued to face legal action linked to her work with the news website Rappler. In June 2022, the Philippine Securities and Exchange Commission upheld its earlier ruling to revoke the operating licence of Rappler for violation of foreign equity rules and, in July 2022, the Court of Appeals upheld a cyber libel conviction against her.<sup>62</sup> On 10 December 2020, a journalist was among seven persons detained on suspicion of possession of illegal weapons.<sup>63</sup> She was held in pretrial detention until her case was quashed in March 2021, but the Mandaluyong City judge who had ruled in her favour was subsequently red-tagged.<sup>64</sup> Six labour rights activists were detained in the same operation, four of whom remained in pretrial detention as of July 2022.

38. In October 2021, several special procedure mandate holders expressed concern about State-linked cyberattacks against independent media outlets and the human rights network

<sup>51</sup> See [https://legacy.senate.gov.ph/lis/bill\\_res.aspx?congress=18&q=SRN-691](https://legacy.senate.gov.ph/lis/bill_res.aspx?congress=18&q=SRN-691).

<sup>52</sup> See <https://www.philstar.com/headlines/2021/03/11/2083558/flag-report-found-almost-half-lawyers-killed-linked-legal-practice>.

<sup>53</sup> See <https://chr.gov.ph/statement-of-chr-commissioner-karen-gomez-dumpit-focal-commissioner-on-womens-rights-on-the-arrest-of-maria-salome-sally-crisostomo-ujano/>.

<sup>54</sup> See <https://chr.gov.ph/statement-of-chr-executive-director-atty-jacqueline-ann-de-guia-on-the-arrest-of-environmental-defender-in-laguna/>.

<sup>55</sup> A/HRC/WGAD/2018/61.

<sup>56</sup> See <https://chr.gov.ph/statement-of-the-commission-on-human-rights-on-the-recanted-testimony-against-senator-leila-de-lima/>.

<sup>57</sup> See <https://www.escr-net.org/news/2022/global-call-philippine-authorities-stop-criminalization-human-rights-defenders-0>.

<sup>58</sup> Information provided by the Government on 3 August 2022.

<sup>59</sup> Information provided by the Government on 5 July 2022. See also <https://en.unesco.org/themes/safety-journalists/observatory/country/223790>.

<sup>60</sup> Information provided by the Government on 5 July 2022. See also <https://www.pna.gov.ph/articles/1166098>; and <https://www.pna.gov.ph/articles/1166071>.

<sup>61</sup> See <https://en.unesco.org/themes/safety-journalists/observatory/country/223790>.

<sup>62</sup> See <https://www.ohchr.org/en/press-releases/2022/07/philippines-un-expert-slams-court-decision-upholding-criminal-conviction>.

<sup>63</sup> See <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-string-of-arrests-on-human-rights-day/>.

<sup>64</sup> See <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-red-tagging-of-a-mandaluyong-city-judge/>.

Karapatan.<sup>65</sup> In response, the Government reiterated its commitment to always respecting the varying views and perspectives expressed in different platforms, including dissenting voices, and to protecting their freedom of expression from online hacking and cyberattacks,<sup>66</sup> but the cyberattacks reportedly continued.<sup>67</sup>

39. To facilitate the documentation of violations and abuses against human rights defenders, the Commission on Human Rights of the Philippines and the Philippine Statistics Authority concluded an agreement to cooperate on establishing a methodology for gathering data on violations against human rights defenders under target 16.10 of the Sustainable Development Goals. In April 2022, OHCHR facilitated a four-day workshop to strengthen data collection, disaggregation, dissemination and analysis in relation to indicators 16.1.2 and 16.10.1 of the Goals.

40. On 12 January 2022, the House of Representatives adopted House bill No. 10576 on the protection of human rights defenders in its third and final reading, but the bill was not tabled in the Senate. The joint programme on human rights has raised awareness about the legislation, and the Special Rapporteur on the situation of human rights defenders has advocated its adoption.<sup>68</sup> In September 2022, the joint programme co-hosted a seminar with the Commission on Human Rights of the Philippines on human rights defenders legislation, involving the exchanges of similar experiences from legislators in Mongolia, the first country in Asia to have enacted such legislation. From May to July 2022, the joint programme worked with partners to assess the use and applicability of local initiatives and ordinances on human rights, including on the protection of human rights defenders.

41. The joint programme on human rights engaged with the Commission on Human Rights of the Philippines and civil society organizations to strengthen their capacity in critical human rights areas. These included freedom of expression, the safety of journalists, advocacy on the human rights defenders bill and protection of human rights defenders. The joint programme also facilitated capacity-building on engaging with international human rights mechanisms and the Berkeley Protocol on Open-Source Investigations, which provides guidelines on international standards for conducting online research into alleged violations and using public digital information.<sup>69</sup> In the election context, the joint programme also worked on freedom of expression, including fact-checking webinars and online town hall meetings on disinformation and the promotion of media literacy, and training for citizen journalists and the Philippine National Police on the safety of journalists and access to information.

## D. National mechanism for reporting and follow-up

42. During the reporting period, the Philippines submitted reports to the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination Against Women and the Committee on the Elimination of Racial Discrimination and replies to lists of questions of the Human Rights Committee and the Committee on the Rights of the Child.<sup>70</sup> The Philippines will undergo the fourth cycle of the universal periodic review in November 2022.

43. In 2021, in its first invitations since 2015, the Government invited two special procedure mandate holders to conduct official visits to the country: the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, in 2022; and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, in 2023.

<sup>65</sup> Communication PHL 5/2021. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26662>.

<sup>66</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36754>.

<sup>67</sup> See <https://cpj.org/2022/02/three-philippine-media-outlets-string-of-cyberattacks/>.

<sup>68</sup> See <https://www.ohchr.org/en/press-releases/2021/03/philippines-expert-urges-congress-enact-human-rights-defenders-law?LangID=E&NewsID=26914>.

<sup>69</sup> See [https://www.ohchr.org/sites/default/files/2022-04/OHCHR\\_BerkeleyProtocol.pdf](https://www.ohchr.org/sites/default/files/2022-04/OHCHR_BerkeleyProtocol.pdf).

<sup>70</sup> See [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=PHL&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=PHL&Lang=EN).

Between September 2020 and August 2022, 21 special procedure mandate holders sent nine communications; the Government provided seven replies to five of them.<sup>71</sup> The Government also submitted information to the Working Group on Enforced or Involuntary Disappearances on the status of 625 cases reported between 1975 and 2012. The Working Group decided to close 12 cases on the basis of the information provided; information provided on 185 cases was considered to be insufficient to clarify them.<sup>72</sup> As of September 2021, 590 cases, 74 of which involve female victims, remained open.<sup>73</sup>

44. The joint programme on human rights supported the implementation of international human rights mechanism recommendations in law and policy. The Presidential Human Rights Committee Secretariat and the joint programme worked together, with the support of OHCHR, to strengthen the Presidential Human Rights Committee Secretariat in its role as national mechanism for reporting and follow-up. The joint programme facilitated six online workshops in 2021 and 2022 for members of the Committee Secretariat and other officials. The sessions were focused on increasing understanding of the main functions of the national mechanism. In June 2022, the joint programme initiated the roll-out of the National Recommendations Tracking Database, which strengthens the information-management capacity on human rights reporting. The Philippines is among the first countries globally to use the new interface.

## E. Human rights-based approach to counter-terrorism

45. On 3 July 2020, the Government adopted the Anti-Terrorism Act (Republic Act 11479). While fully recognizing the need to protect the population from terrorist attacks, OHCHR and special procedure mandate holders remained concerned that the law does not fully conform with international human rights standards, in particular given its broad definition of terrorism, and that its implementation could result in human rights violations.<sup>74</sup>

46. Civil society organizations filed some 37 petitions to the Supreme Court, questioning the constitutionality of provisions in the Anti-Terrorism Act. On 9 December 2021, the Supreme Court upheld the constitutionality of most provisions, but struck down parts of sections 4 and section 25. Of particular importance was the striking down of a component of section 4 defining terrorism,<sup>75</sup> which the Supreme Court found was overbroad and violative of freedom of expression.<sup>76</sup> However, provisions allowing for detention without warrant or charge for up to 24 days, broad powers for members of the security forces to conduct surveillance and the powers of the Anti-Terrorism Council to designate groups and individuals as terrorists without due process were upheld and remained in force.<sup>77</sup> The Government argued that the law contained safeguards, such as the requirement to immediately inform a judge of the arrest, and to inform detainees of their rights.<sup>78</sup>

47. According to Government information, as of June 2021, 29 cases had been brought under the Anti-Terrorism Act, of which 3 had been dismissed,<sup>79</sup> including 2 cases in which

<sup>71</sup> See <https://spcommreports.ohchr.org/TmSearch/Results>.

<sup>72</sup> [A/HRC/WGEID/121/1](#), paras. 102–104.

<sup>73</sup> [A/HRC/48/57](#).

<sup>74</sup> Communication PHL 4/2020. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25384>. The Government response is available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35537>.

<sup>75</sup> The component in section 4 that was struck down stated: “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 safety” (see [https://lawphil.net/statutes/repacts/ra2020/pdf/ra\\_11479\\_2020.pdf](https://lawphil.net/statutes/repacts/ra2020/pdf/ra_11479_2020.pdf)).

<sup>76</sup> See <https://www.pna.gov.ph/articles/1162280>; and <https://sc.judiciary.gov.ph/26426/>.

<sup>77</sup> Communication PHL 4/2020. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25384>.

<sup>78</sup> Information provided by the Government on 11 January 2022.

<sup>79</sup> Information provided by the Government on 5 July 2022.

there were allegations of torture before a regional trial court ordered the release of the detainee.<sup>80</sup> As of July 2022, there were no known convictions in cases brought under the Act.

48. Several individuals and organizations were designated as terrorists by means of resolutions issued by the Anti-Terrorism Council.<sup>81</sup> There was concern that, in some cases, organizations conducting humanitarian work in vulnerable and remote communities risked being designated as terrorist organizations. For example, the Rural Missionaries of the Philippines, a religious group implementing humanitarian programmes, was accused of terrorist financing and its bank accounts were frozen.<sup>82</sup> The Commission on Human Rights of the Philippines expressed concern that the Anti-Terrorism Act might also be used to limit freedom of expression, including press freedom.<sup>83</sup> In June 2022, the National Security Adviser reportedly requested that the National Telecommunication Commission block Internet news sites Bulatlat and Pinoy Weekly for allegedly violating the Act.<sup>84</sup>

49. The joint programme on human rights worked to strengthen the institutional capacity within the security sector and among judicial actors on a human rights-based approach to countering terrorism, ensuring that such measures are in line with international human rights standards, and to support the Commission on Human Rights of the Philippines to fulfil its mandate related to monitoring human rights violations committed in the context of the Anti-Terrorism Act. The joint programme conducted an assessment of domestic counter-terrorism legislation from a human rights perspective, outlining strategies for activities for the further alignment of legislation and policies with international standards, and the incorporation of gender perspectives. The joint programme organized consultations with representatives of the Philippine Judicial Academy, the Department of Justice, the Anti-Terrorism Council, the Commission on Human Rights of the Philippines, academia and civil society organizations. It consulted with the Commission on Human Rights of the Philippines on the development of a capacity-building programme for the latter to perform its monitoring role under the Anti-Terrorism Act. This included review of the institutional framework and protocols for the investigation and prosecution of human rights violations in relation to the Act and the training modules for inter-agency collaboration for effective prevention of terrorism.

## F. Human rights-based approaches to drug control

50. The Government took some steps towards addressing narcotic drug concerns through health-centred and evidence-based treatment and preventive approaches to drug control.<sup>85</sup> In June 2022, the then incoming President was reported as having stated that he would conduct the war on drugs within the framework of the law and with respect for human rights and focus on rehabilitation and socioeconomic development.<sup>86</sup> The Department of Health and the Dangerous Drugs Board adopted the *Guidance for Community-Based Treatment and Care Services for People Affected by Drug Use and Dependence in the Philippines*, developed with guidance from the United Nations Office on Drugs and Crime and the World Health Organization, with a view to upscaling evidence-based treatment and prevention efforts.<sup>87</sup> The Department of Health also scaled up recovery clinics to promote a voluntary care model

<sup>80</sup> See <https://chr.gov.ph/press-statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-allegations-of-the-maltreatment-of-aetas-by-the-philippine-armys-7th-infantry-division/>.

<sup>81</sup> See [https://atc.gov.ph/wp-content/uploads/2022/02/Resolution-No.-28-2022\\_Final-as-of-15-Feb-2022.pdf](https://atc.gov.ph/wp-content/uploads/2022/02/Resolution-No.-28-2022_Final-as-of-15-Feb-2022.pdf).

<sup>82</sup> See <https://www.civicus.org/index.php/media-resources/media-releases/4269-philippines-raids-on-ngo-offices-arbitrary-arrests-of-activists-and-freezing-of-accounts>; and <https://www.pna.gov.ph/articles/1150613>.

<sup>83</sup> See <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-passage-of-the-anti-terrorism-law/>.

<sup>84</sup> See <https://www.pna.gov.ph/articles/1177342>; and <https://www.pna.gov.ph/articles/1177393>.

<sup>85</sup> Information provided by the Government on 3 August 2022.

<sup>86</sup> See <https://newsinfo.inquirer.net/1609050/bongbong-marcos-to-continue-drug-war-within-framework-of-law-human-rights-says-swedish-envoy>.

<sup>87</sup> See [https://www.ddb.gov.ph/images/unodc\\_publications/CBT\\_Guidance\\_Doc\\_Philippines\\_Final.pdf](https://www.ddb.gov.ph/images/unodc_publications/CBT_Guidance_Doc_Philippines_Final.pdf).

for people who use drugs.<sup>88</sup> The Government reported that, between 2020 and the second quarter of 2021, a total of 164,320 participants had benefited from community-based rehabilitation interventions and services.<sup>89</sup>

51. The Department of Social Welfare and Development organized the Family Drug Abuse Prevention Programme, aimed at educating communities about the adverse effects of drug abuse and equipping families with parenting and life skills towards a drug-free home.<sup>90</sup>

52. However, the overall approach remained punitive and security-focused. State-run compulsory treatment facilities, to where people who use drugs are ordered by courts or referred by local government officials to undergo treatment and rehabilitation without consent, continue to operate. Some centres are overseen by law enforcement officers through the Philippine Drug Enforcement Agency.<sup>91</sup>

53. As of May 2021, the Bureau of Jail Management and Penology and the Bureau of Corrections had detained 104,663 persons for drug-related offences. They included 89,795 male and 14,868 female detainees, and constituted 57.96 per cent of the total number of persons deprived of their liberty. Of those, 38,300 were awaiting trial on non-bailable drug-related offences.<sup>92</sup> This contributed significantly to severe overcrowding in detention centres. As of July 2022, the Bureau of Jail Management and Penology population rate was 397 per cent, a decrease from previous years.<sup>93</sup> At a joint press conference on 21 July, the Secretary of Justice, Jesus Crispin C. Remulla, and the Secretary of the Department of the Interior and Local Government, Benjamin C. Abalos Jr., pledged to work together to address overcrowding, including through quicker processing and digitalization.<sup>94</sup>

54. In May 2021, the Working Group on Arbitrary Detention reiterated its concern about preventive detention regimes that provide for long-term incarceration of suspected drug traffickers without trial. It noted that approximately 100,000 prisoners had been held awaiting trial on non-bailable drug-related offences for an average of 528 days in the Philippines in 2018. This included individuals accused of low-level drug offences, such as possession of paraphernalia associated with drug use.<sup>95</sup> The Working Group reported that the proportion of women imprisoned for drug-related offences was far higher in the Philippines (53 per cent) than the global average (35 per cent).<sup>96</sup>

55. The International Narcotics Control Board reported in March 2021 that a list of priority measures that the Government wished to enact in 2021 included the reinstatement of the death penalty by lethal injection for drug-related crimes. In June and July 2022, four bills were introduced in the nineteenth Congress House of Representatives and Senate that were aimed at reintroducing the death penalty, including for drug-related offences.<sup>97</sup> OHCHR reiterates its principled opposition to the death penalty and also reiterates that the imposition of the death penalty for non-violent, drug-related offences is contrary to international law. The reintroduction of the death penalty would also be contrary to the obligations of the Philippines as a State party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. States parties to that Protocol to the Covenant are barred from reintroducing it.

56. The joint programme on human rights worked with the Government, the Commission on Human Rights of the Philippines and civil society organizations to promote human rights-

<sup>88</sup> See <https://www.who.int/philippines/news/detail/12-11-2021-voluntary-care-model-for-persons-who-use-drugs-resulted-in-over-90-completion-for-treatment-rate>.

<sup>89</sup> Information provided by the Government on 3 August 2022.

<sup>90</sup> Information provided by the Government on 3 August 2022.

<sup>91</sup> See <https://pdea.gov.ph/2-uncategorised/839-pdea-officially-launches-balay-silangan-reformation-program>.

<sup>92</sup> Information provided by the Government on 3 August 2022.

<sup>93</sup> In 2020, the population rate was 403 per cent and in 2019 it was 438 per cent (see <https://chr.gov.ph/statement-of-chr-executive-director-atty-jacqueline-ann-de-guia-on-the-decongestion-efforts-of-the-bureau-of-jail-management-and-penology/>).

<sup>94</sup> See <https://www.facebook.com/pnp.pio/videos/434441455404687>.

<sup>95</sup> A/HRC/47/40, paras. 7 and 19.

<sup>96</sup> Ibid., paras. 57 and 59.

<sup>97</sup> For example, Senate Bill No. 198.

based approaches to drug control, in particular through supporting voluntary community-based approaches to drug treatment and rehabilitation. In 2021, the Commission, in cooperation with OHCHR and other partners, organized a national consultation on the international guidelines on human rights and drug policy with national stakeholders to review the current efforts on drug policy reform in the Philippines. From February to May 2022, the joint programme conducted a human rights-based review of drug policies in the Philippines. It also convened consultations on the drafting of a road map for the transition towards voluntary community-based treatment and rehabilitation for drug use.

57. In April 2022, the joint programme on human rights organized a high-level meeting with representatives of the Government, academia and civil society organizations and health officials, supported by sectoral consultations. The outcome of those efforts included proposed steps to shift the national drug policy framework towards a public health- and human rights-centred system, in which voluntary community-based services are available for concerned communities. In the draft road map, the stakeholders proposed the creation of a transition committee to oversee and coordinate the move to voluntary community-based approaches.

58. The joint programme on human rights provided technical assistance to the Department of Health on adopting human rights-based approaches in recovery clinics, including technical assistance for the drafting of the administrative order on the institutionalization of recovery clinics. From February to July 2022, the joint programme provided capacity-building sessions for recovery clinic health workers through the programme entitled “Recovery support system for persons who use drugs or with drug use disorders in jails and prisons”, with the participation of officials from the Department of Health, the Dangerous Drugs Board and local governance units.

59. To help alleviate overcrowding in jails due to high numbers of detainees held on drug offences, the joint programme on human rights supported the improvement of the situation in detention facilities through cooperation with the Department of Health, the Department of the Interior and Local Government, the Department of Justice and the Department of Social Welfare and Development. In February and April 2022, the joint programme provided capacity-building training to 168 officers of the Bureau of Jail Management and Penology and the Bureau of Corrections to support prisoners after their release to ensure continuity of care and/or treatment.

#### **IV. Conclusions and recommendations**

60. **The High Commissioner welcomes the commitment of the Government of the Philippines to the joint programme on human rights and recognizes the important role of the Commission on Human Rights of the Philippines and civil society organizations. Responding to the human rights challenges in the Philippines requires a long-term and consistent approach that engages with the broader development and humanitarian context. Agreement upon and initial implementation of the joint programme are positive steps towards greater impact on long-standing human rights issues. The High Commissioner recognizes that this is a complex task requiring delicate balancing to deliver concrete and urgent progress on issues such as accountability, while recognizing the long-term and structural nature of many of these core human rights challenges.**

61. **The joint programme on human rights provides a framework for combined action by diverse stakeholders to achieve concrete change on the ground. While implementation remains at an early stage, the initial progress has laid a solid foundation for future technical cooperation and capacity-building. It is critical to maintain this momentum and commitment.**

62. **At the same time, the continued reports of harassment, threats, arrests, attacks and red-tagging, as well as the continued drug-related killings by police in the past two years, raise serious ongoing concerns and undermine these objectives. The High Commissioner encourages the Government to take steps towards the protection of civic space to enable constructive domestic discussions to address human rights challenges. There also needs to be further progress on accountability, and the High Commissioner believes that the Human Rights Council should continue to monitor closely the progress**

and outcome of domestic and international initiatives to assess further approaches that may be required.

63. The High Commissioner welcomes the commitment of the new administration to continued cooperation with the United Nations human rights mechanisms, including through the joint programme on human rights. She hopes that the new administration will adopt a transformative approach that looks to rights-based solutions to critical issues, including concerns of drug enforcement and counter-terrorism, and de-escalates divisive rhetoric and destructive narratives.

64. OHCHR remains committed to working with the new Government, the Commission on Human Rights of the Philippines, civil society organizations and other partners to accelerate the implementation of the joint programme on human rights. The High Commissioner believes that the Human Rights Council should continue to support and encourage this progress and further evaluate the results of these efforts within the next two years.

65. The High Commissioner provides the recommendations set out below.

66. In the area of domestic investigative and accountability measures, the High Commissioner calls upon the Government of the Philippines to:

(a) Conduct prompt, impartial, thorough and transparent investigations into all killings and alleged violations of international human rights law and international humanitarian law, with a view to prosecution and to the provision of remedies for victims and their families;

(b) Accelerate the work of the inter-agency review panel to undertake reviews of anti-drug operations during which deaths occurred, ensure that relevant findings are acted upon promptly, including through internal and criminal processes, and ensure that the review identifies any systemic failures and root causes;

(c) Ensure that the AO35 Mechanism is adequately resourced and has the investigative capacity to conduct its work independently and impartially, with the meaningful participation of the Commission on Human Rights of the Philippines, victims' families and civil society organizations;

(d) Improve transparency by issuing consistent, disaggregated data on all allegations of human rights violations, and regular reports from the AO35 Mechanism and the inter-agency review panel on the status and outcome of investigations;

(e) Ensure victim-centred approaches, including access to reparation, legal and psychological support and effective protection from reprisals, and address the specific needs of children affected by the anti-drug campaign, including children in conflict with the law.

67. In the area of data-gathering on alleged police violations, the High Commissioner calls upon the Government of the Philippines to:

(a) Strengthen cooperation among the Philippine National Police, the Commission on Human Rights of the Philippines, the Department of Justice inter-agency review panel and civil society organizations to facilitate comprehensive investigations and revise administrative and executive orders that prevent the disclosure of relevant information to bodies mandated to investigate human rights violations;

(b) Revise operational frameworks, guidelines and procedures related to the use of force in drug operations, including planning, supervision, reporting, precautionary measures, accountability and oversight measures, in line with international human rights standards;

(c) Ensure that quotas related to the number of arrests for drug-related offences are removed and are not used as an indicator of successful law enforcement activity.

68. In the area of civic space and engagement with civil society and the Commission on Human Rights of the Philippines, the High Commissioner calls upon the Government of the Philippines to:

(a) Ensure the continued independence of the Commission on Human Rights of the Philippines including through a transparent and consultative appointment process for the new commissioners, in compliance with the Paris Principles;

(b) Prevent and respond to human rights violations and abuses against human rights defenders, end incitement to violence and threatening rhetoric against human rights defenders and other critics of the Government, offline and online (e.g. red-tagging), and ensure accountability for any acts of intimidation or reprisal;

(c) Enact and implement the proposed new legislation on human rights defenders;

(d) Drop charges and other sanctions targeting the peaceful and legitimate work of human rights defenders and review the cases of human rights defenders who are detained, with a view to their release.

69. In the area of the national mechanism for reporting and follow-up, the High Commissioner calls upon the Government of the Philippines to:

(a) Extend a standing invitation to all special procedure mandate holders;

(b) Continue the active engagement with international human rights instruments and follow up on their recommendations;

(c) Consult broadly with relevant government entities, the Commission on Human Rights of the Philippines, civil society organizations and the United Nations to develop the next national action plan on human rights.

70. In the area of human rights-based approach to counter-terrorism, the High Commissioner calls upon the Government of the Philippines to:

(a) Ensure that counter-terrorism measures comply with international human rights and humanitarian law and that adequate safeguards and accountability mechanisms are in place;

(b) Provide the Commission on Human Rights of the Philippines with information and access to places of detention to effectively monitor implementation of the Anti-Terrorism Act;

(c) Ensure that restrictions or administrative burdens on access to resources related to countering the financing of terrorism do not arbitrarily restrict civic space.

71. In the area of human rights-based approaches to drug control, the High Commissioner calls upon the Government of the Philippines to:

(a) Revise legislation and policies in line with a human rights-based approach and the international guidelines on human rights and drug policy, reconsider the mandatory penalties for drug offences and consider decriminalization of drug possession for personal use;

(b) Strengthen health-centred, human rights and evidence-based prevention, treatment and rehabilitation approaches to drug control and ensure that drug use and dependence are treated as a health issue and that treatment and testing are voluntary, based on informed consent and left exclusively to health professionals;

(c) Promote measures aimed at reducing stigma and the elimination of discrimination and vilification of persons who use drugs and cease the practice of drug watch lists or other arbitrary listing of individuals absent safeguards and due process;

(d) Adopt measures to reduce excessive pretrial detention and prison overcrowding, ensure access to treatment and harm reduction in detention and implement alternative measures to incarceration.

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72. In terms of cooperation with OHCHR and the United Nations system, the High Commissioner calls upon the Government of the Philippines to:

(a) Continue to cooperate with the United Nations system, under the leadership of the resident coordinator, OHCHR and the United Nations country team in implementing all areas of the joint programme on human rights;

(b) Invite OHCHR to strengthen its presence, including a dedicated in-country team to further enhance the Office's support to human rights mainstreaming, including through the joint programme on human rights and monitoring programme implementation and its impact on the human rights situation, in cooperation with the United Nations country team under the leadership of the resident coordinator.

73. The High Commissioner calls upon the international community, including the Human Rights Council, to:

(a) Encourage and support a strengthened OHCHR presence and implementation of the joint programme on human rights under the overall leadership of the resident coordinator, including through financial contributions;

(b) Continue to monitor closely the progress and outcome of domestic and international accountability initiatives to consider further approaches that may be required;

(c) Advocate in support of civic space in the Philippines and for the protection of human rights defenders, journalists and other civil society representatives in their work;

(d) Mandate OHCHR to monitor the situation of human rights in the Philippines and regularly report to the Human Rights Council, including on progress in technical cooperation and implementation of the recommendations of the present report.

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