



INTERNATIONAL SERVICE  
FOR HUMAN RIGHTS

# THE SITUATION OF HUMAN RIGHTS DEFENDERS

# PHILIPPINES

Statement for the Committee on  
Economic, Social and Cultural Rights

This is joint statement *on behalf of the International Service for Human Rights, the Medical Action Group, the Philippine Alliance of Human Rights Advocates and the Asia Indigenous Peoples Pact.*

This statement reflects two submissions<sup>1</sup> made in the current review and seeks to highlight the necessity for your dialogue with the State to include questions on what more it will do to protect ESC rights defenders.

***In 2008 this Committee called for all necessary measures for the protection of ESC rights defenders against any intimidation, threat and violence, whether perpetrated by State or non-State actors.***

ESC rights defenders continue to suffer threats, harassment and attacks. A trend well documented by UN human rights experts.<sup>2</sup>

The criminalisation of defenders, used to silence them and protect business interests, has increased. Many are subject to judicial harassment, including trumped up charges to impede human rights work, as well as public vilification to silence voices.<sup>3</sup>

The Philippines has been ranked the second most dangerous country in terms of number of murdered defenders<sup>4</sup> and one of the most dangerous to be a land and environmental defender<sup>5</sup>, with 25 deaths in 2015 alone – most victims belonging to indigenous communities.<sup>6</sup>

***In 2008 this Committee called for all alleged cases of forced disappearances and extra-judicial killings to be promptly and thoroughly investigated, and alleged perpetrators to be prosecuted and appropriately punished.***

*Correspondingly, in its UPR review in 2012 the Government committed to investigate cases of extra judicial killings and bring perpetrators to justice.<sup>7</sup> However extrajudicial killings of ESC rights defenders continue<sup>8</sup>, with indigenous land and environmental defenders the most frequent victims, where participating in protests enhances risks of intimidation, criminalisation and killings. These killings include vigilante style killings under the guise of the campaign against illegal drugs.*

Perpetrators remain free within the deep-rooted culture of impunity<sup>9</sup>. The lack of investigations into the *legitimacy* of charges filed by non-State actors further exacerbates this impunity<sup>10</sup>.

This year, the killing of Gloria Capitan, an anti-coal defender in opposition to the construction of coal plant facilities in her town *in Mariveles, Bataan*, illustrates this. While national NGOs called for urgent *Government* action to bring the perpetrators to justice and protect her family, the investigation has not yielded results, and witnesses and relatives remain unprotected<sup>11</sup>.

***In 2008 this Committee called for detailed information on the progress made in preventing and punishing forced disappearances and extra-judicial killings.***

While the *2012 Anti-Enforced or Involuntary Disappearances Act* criminalises enforced disappearances; enforced disappearances of ESC rights defenders continues and requests by the

UN Working Group on Enforced or Involuntary Disappearances *in 2013 and 2015* to visit the country have not been accepted.<sup>12</sup>

*Further*, Global Witness reports that since July 2010, 28 women defenders have been killed with impunity<sup>13</sup> and out of 67 killings, only 2 perpetrators have been convicted.

We call on the Committee to reiterate these *three* recommendations, and ask the Government why it has failed to implement them.

The following additional recommendations are necessary to guarantee a safe and enabling environment for ESC rights defenders *if the Government is to respect, protect and fulfil ESC rights*:

- Repeal or amend any laws criminalising activities in defense of human rights;
- Develop and implement a national law for the protection of human rights defenders - with specific attention to defenders working for women, land, environment and indigenous rights - and establish, mandate and resource a mechanism for their protection in consultation with civil society: and
- Strengthen and increase communications and cooperation with the UN human rights mechanisms, including by accepting country visit requests and responding promptly and substantively to allegation letters and urgent appeals.

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<sup>1</sup> [http://www.ishr.ch/sites/default/files/article/files/philippines\\_update.pdf](http://www.ishr.ch/sites/default/files/article/files/philippines_update.pdf);

[https://www.ishr.ch/sites/default/files/documents/philippines\\_loi\\_updated.pdf](https://www.ishr.ch/sites/default/files/documents/philippines_loi_updated.pdf)

<sup>2</sup> [http://www.ishr.ch/sites/default/files/article/files/philippines\\_update.pdf](http://www.ishr.ch/sites/default/files/article/files/philippines_update.pdf)

<sup>3</sup> Documentation by Medical Action Group (MAG) and Task Force Detainees of the Philippines (TFDP)

<sup>4</sup> Front Line defenders – 2016 Annual Report <https://www.frontlinedefenders.org/en/resource-publication/2016-annual-report> p. 5.

<sup>5</sup> Global Witness, 'Filipinos on the Front Line', <https://www.globalwitness.org/en/campaigns/environmental-activists/filipinos-front-line/>

<sup>6</sup> <https://www.globalwitness.org/en/reports/dangerous-ground/>

<sup>7</sup> Recommendations to the Philippines: <http://www.upr-info.org>

<sup>8</sup> AIPP, 2016 : <http://aippnet.org/voices-of-indigenous-women-human-rights-defenders-from-the-philippines/>, The Medical Action Group,

2016 : <http://magph.org/news/205-human-rights-group-condemns-the-killing-of-woman-human-rights-defender-appeals-to-duterte-for-justice> and TFDP, 2016: <http://www.tfdp.net/campaigns/other-campaigns/519-urgent-appeal-the-eik-of-gloria-capitan-hrd-and-president-of-the-samahan-ng-nagkakaisang-mamamayan-ng-lucanin-snml-in-mariveles-bataan>

<sup>9</sup> Above n 8.

<sup>10</sup> Ibid. p.8

<sup>11</sup> TFDP, 2016: <http://www.tfdp.net/campaigns/other-campaigns/519-urgent-appeal-the-eik-of-gloria-capitan-hrd-and-president-of-the-samahan-ng-nagkakaisang-mamamayan-ng-lucanin-snml-in-mariveles-bataan> and the Medical Action Group, 2016 :

<http://magph.org/news/205-human-rights-group-condemns-the-killing-of-woman-human-rights-defender-appeals-to-duterte-for-justice>

<sup>12</sup> <http://spinternet.ohchr.org/Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en>

<sup>13</sup> Ibid.