



Quaker Peace & Legislation Committee

WATCHING BRIEF 20-10: HUMAN RIGHTS IN THE PHILIPPINES

As Quakers we seek a world without war. We seek a sustainable and just community. We have a vision of an Australia that upholds human rights and builds peace internationally, with particular focus on our region. In our approach to government we will promote the importance of dialogue, of listening and of seeking that of God in every person. We aim to work for justice and to take away the occasion for war.

October 2020

*There is a trend towards greater use of violence in the so-called 'war on drugs', and this has resulted in severe threats to freedom, a number of extra-judicial killings (including of human rights defenders), and attempts to remove restraints on the President's power. This Brief outlines the current situation, the response of the UN Human Rights Council, and how **Friends could respond through representations to politicians, and working with NGOs to support human rights defenders and others under threat from the Philippines Government.***

Reports from NGOs in the Philippines indicate great concern at the deterioration of the political environment, leading to harassment of human rights workers, passage of an Anti-Terrorism Act which increases penalties, and the intimidation of Indigenous communities to accept mining and expansion of plantations.

The United Nations Human Rights Council in 2019 passed a resolution (41/2 of 11 July) highlighting international concern. Australia supported this resolution. The UN High Commissioner for Human Rights, Michele Bachelet, although unable to visit the Philippines, received many detailed submissions, and subsequently made a full report on the human rights situation (30 June 2020). This drew attention to the killing of 248 human rights defenders, lawyers, journalists and trade unionists between 2015 and 2019.

She also said "the campaign against illegal drugs is being carried out without due regard for the rule of law, due process and the human rights of people who may be using or selling drugs" and found "near-total impunity, indicating an unwillingness by the State to hold to account perpetrators of extrajudicial killings". Her recommendations to the Human Rights Council included that the Philippines government review the campaign, empower an independent body to investigate killings, and restore freedom of expression and association. She also asked the UN Human Rights Council to authorise her to offer technical advice to the

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Philippines, continue monitoring the situation; and asked the member states to consider sanctions if things do not improve.

Around the same time, a group of 31 experts from the United Nations called for sanctions by the international community, saying the situation in the Philippines has reached “a level of gravity requiring a robust intervention by the UN”. The experts claimed that the pandemic had further accelerated the downward trend in the situation.

Julie McCarthy (US *National Public Radio*, 21 July 2020) pointed out that, although many countries have such legislation, the Philippines Anti-Terrorism Act 2020 includes such broad offences as acts intended to endanger a person’s life, damage public property or interfere with critical infrastructure – where the purpose is to intimidate the government. It also provides for life imprisonment without parole, and allows wiretaps and lengthy surveillance. The National Union of People’s Lawyers has petitioned the Supreme Court to overturn the law.

The International Coalition for Human Rights in the Philippines (ICHRP) – a global network with members in many countries - has been active in lobbying governments that are represented on the UN Human Rights Council. They have argued that Philippines President Duterte has repeatedly ignored the international obligations of the government. Reports from Quaker and ICHR sources have drawn attention to the following points about the current situation:

- Public fear is discouraging people from speaking, and media outlets that are regarded as critical of the government have been shut down or muted.
- The Philippines Human Rights Commission is taking a strong stand against the government but lacks resources and needs support.
- The President’s efforts to reinstate the death penalty, and to give himself the power to nominate a successor (contrary to the constitution) remain contested in the Congress.
- The Head of the Philippines Catholic Bishops Conference (Pablo David) has been an outspoken advocate for human rights defenders.
- The European Parliament has called on the EU Commission to suspend Philippine privileges under the Generalised System of Preferences Plus.
- International observers will certainly be needed during the 2022 Presidential election to restrain the cheating and intimidation that is likely.

Amnesty International, in a recent report, emphasised the deterioration of the situation and said that “drug policies must be centred upon an expansion of health and other social services to address drug-related problems, including prevention, information, harm reduction, voluntary treatment and rehabilitation services on a non-discriminatory basis, including in prisons and other situations where people are deprived of their liberty”. It highlighted the ‘red-tagging’ by government spokespeople of dissidents as pro-communist, placing their lives under threat.

In July 2020 the Philippines Justice Secretary announced the creation of a government panel to review 5,600 cases of killings during police-led operations. Amnesty viewed this as a way to shield the government from international pressure

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Australia's Role

Australia supported the 2019 resolution at the UN Human Rights Council expressing concern at what is happening in the Philippines. In her recent speech on 16 September 2020 to the 45th session of the Council, our Foreign Minister, Senator Marise Payne, said that “Australia firmly believes that nations that uphold principles domestically are more likely to cooperate in ways that promote the common good, respecting fundamental human rights and freedoms, and building them into the fabric of society, making the world safer and more secure” She added that some countries are using the COVID-19 pandemic as an excuse for emergency measures to undermine civil and political rights. There was no direct mention of the Philippines, as the focus of the speech was on other cases of concern (e.g. Myanmar, Hong Kong, North Korea, Yemen, Syria).

International Action

The meeting of the 45th session of the UN Human Rights Council just concluded passed a resolution. According to a report in *The Philippine Daily Inquirer* (7 October), the resolution (adopted by consensus) called for “technical assistance and capacity building” for domestic efforts on human rights, and urged High Commissioner Michele Bachelet to “provide support for the country in its fulfilment of its international human rights obligations and commitments”. It affirmed the Philippines government’s move to create a review panel (see previous paragraph).

Not surprisingly NGOs and others expressed disappointment that the resolution did not go far enough. A joint statement issued by 14 agencies said “an approach based purely on technical cooperation and capacity building has no realistic prospect of meaningful impact with a government that denies the true scale and severity of the human rights violations, has publicly endorsed the policy of killings, avoids independent investigations, and continues to crack down on civil society”.

They seek close monitoring by the Council, and further efforts by all concerned for the Philippines traumas to work for prosecuting the perpetrators of human rights violations, and impartial investigation into these violations.

Possible Action by Friends

Friends are encouraged to remain alert to what is happening in the Philippines. The Australian Government’s response so far has been muted. The following questions could be raised with politicians:

- (a) What is the Australian Government’s response to the report of the Human Rights Commissioner and the 2020 resolution of the Human Rights Council?
- (b) Given the Foreign Minister’s comments that “nations that uphold principles domestically are more likely to cooperate in ways that promote the common good, respecting fundamental human rights and freedoms”, what further steps will the Government take to ensure that the Philippines Government takes into account the wide international concerns about human rights violations?

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The following Parliamentary links may be of value:

- Foreign Minister Senator Marise Payne – senator.payne@aph.gov.au
- Shadow Minister Senator Penny Wong – senator.wong@aph.gov.au
- Chair of Joint Foreign Affairs, Defence and Trade Committee – Senator David Fawcett (Liberal) – senator.fawcett@aph.gov.au
- Deputy Chair – Nick Champion MP (Labor) – nick.champion.MP@aph.gov.au
- Greens Foreign Affairs spokesman – Senator Peter Whish-Wilson – senator.whish-wilson@aph.gov.au

Other relevant links:

- United Nations Human Rights Council – www.ohchr.org
- Amnesty International – www.amnesty.org
- Nonviolent Peaceforce – www.nonviolentpeaceforce.org
- Peace Direct – www.peacedirect.org/philippines
- Human Rights Watch – www.hrw.org
- International Coalition for Human Rights in the Philippines- www.ichrp.net

Canberra
October 2020