



Philippines

Submission to the UN Universal Periodic Review 13th Session of the UPR Working Group

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Submitted by CIVICUS: World Alliance for Citizen Participation

1. (A) Introduction

1.1 CIVICUS: World Alliance for Citizen Participation is an international movement with members in more than 100 countries worldwide. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action throughout the world, especially in areas where participatory democracy and citizen's freedom of association are threatened.

1.2 In this document, CIVICUS outlines urgent concerns related to the environment in which civil society activists and human rights defenders operate in the Philippines. This submission highlights the major breaches of the International Covenant on Civil and Political Rights and the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

- Section B highlights concerns regarding assassinations and extra-judicial killings of activists and other civilians
- Section C focuses on the disappearance, torture, arbitrary arrest and detention of civilians
- Section D highlights attacks on freedom of expression and association of civil society organisations
- Section E highlights the militarisation in rural and urban areas and the displacement of civilians
- In Section F, CIVICUS makes a number of recommendations to the Philippine Government.

2. (B) Concerns regarding assassinations and extra-judicial killings of activists and other civilians

2.1 Extra-judicial killings of activists and other civilians by state security forces are widespread in the Philippines. From July 2010 to October 31, 2011, there have been credible reports of 60 victims of extra-judicial killings.

2.2 Despite President Benigno Simeon Cojuangco Aquino III's commitment to "resolve the cases of extrajudicial executions and other violations of human rights" when he assumed office on July 1, 2010, impunity under his government has continued. Five days after his oath of office (July 5, 2010), an elected local government official, Fernando Baldomero, of Bayan Muna partylist, was shot dead by motorcycle-riding assailants in front of his 12-year old son in Panay. Four days after (July 9, 2010), Pascual Guevarra, a 74-year old farmer-leader in Nueva Ecija, was gunned down in his home.

2.3 In January 2011, President Aquino announced the implementation of counter-insurgency programme *Oplan Bayanihan*. This programme is a replacement for Gloria Arroyo's counter-insurgency programme Oplan Bantay Laya which received widespread condemnation, including from former Special Rapporteur Philip Alston. The killings and human rights violations currently continue under Oplan Bayanihan.

2.4 Aside from Baldomero and Guevarra, Leonardo Co, a leading ethnobotanist and his teammates were killed by the military while on fieldwork; Antonio Homo, an urban poor leader, was shot during the height of the urban poor's campaign against demolition.; and recently, Fr. Fausto Tentorio, an Italian missionary based in the Philippines and a vocal critic of corporate mining and the implementation of Oplan Bayanihan in Mindanao, was killed. Fr. Tentorio's killing is attributed to paramilitary groups under the Armed Forces of the Philippines 57th Infantry Battalion. Various religious, civic and human rights groups and the Vatican expressed condemnation over the killing of Tentorio.

3. (C) Disappearance, torture, arbitrary arrest and detention of civilians

3.1 In the past 12 months, there have been eight enforced disappearances, many of them farmers. In Surigao del Sur, farmers Agustito Ladera and Renato Deliguer disappeared when their area was evacuated due to military operations. Reports indicate that the two were arrested by the military and turned over to the police. The request of their relatives to search military and police camps and detention centres were denied.

3.2 It is claimed by survivors of abductions in various areas of the country that government property and facilities were used to carry out the crimes. Despite of the law against torture, (Republic Act 9745), between July 2010 to June 2011 29 victims of torture were documented. These cases are also clear violations of Republic Act 7438, which defines the rights of a person arrested or detained and the duties of the arresting or detaining officers.

3.3 As of October 31, 2011 there are reports of 356 prisoners being imprisoned on politically-motivated charges in the Philippines. Of these, 35 are women, 10 are elderly and 43 are sick. Many of those arrested were without a warrant, and charged with criminal cases.

3.4 In April 2011, farmers Marlon Villarmino and Nestor Marquita were held captive for 17 days without charges by the military. They were allegedly subjected to continuous interrogations and physical beatings to admit that they were members of the New People's Army (NPA). They were released after they were forced to sign a statement saying they were NPA surrenderees, although they deny the allegations.

3.5 Civil society organisations, artists and representatives of the National Commission on Culture and the Arts of **Ericson Acosta** continue to call for his immediate release after he was arrested in February 2011. The artist, journalist and a cultural worker was arrested when in Samar conducting research on the human rights situation. He was subjected to interrogation and physical torture, and charged with illegal possession of explosives after a grenade was planted in his belongings. He is currently detained at the Calbayog City Sub-provincial Jail.

4 (D) Attacks on freedom of expression and association of civil society organisations

4.1 There are widespread reports of persecution and vilification of activist organizations and human rights defenders. Criminal charges have been laid against civil society activists Kelly Delgado and Fred Cana who have also been subjected to a vilification campaign in the media. Allegedly, health workers in the Cordillera continue to be targets of military surveillance and receive threats to their lives. There are also credible reports of indigenous women human rights defenders in Mindanao being frequently targeted and threatened by paramilitary groups.

5. (E) Militarisation in rural and urban areas and the displacement of civilians

5.1 The deployment of large numbers of uniformed and armed soldiers in rural areas and urban centres including Metro Manila has resulted in massive rights violations of ordinary citizens and members of civil society organizations. This has resulted to cases of torture, illegal arrests and detention being reported, as well as harassment and intimidation including closing down of NGO-supported schools and literacy programs.

6. (F) Recommendations to the Philippines Government

6.1 CIVICUS call on the Philippine Government to create an enabling environment for civil society to operate in accordance with the rights enshrined in the ICCPR and the UN Declaration on Human Rights Defenders.

6.2 Regarding the assassination and extra-judicial killings of activists and other civilians

- Immediately stop the implementation of the Oplan Bayanihan and other similar national internal security plans that are resulting in extra-judicial killings
- Ensure that all cases of killings by the armed forces are subjected to civilian inquiry as well as reported to the Commission on Human Rights.

6.3 Regarding the disappearance, torture, arbitrary arrest and detention of civilians

- Designate special human rights courts to oversee human rights violations while ensuring speedy investigation and judicial processes against alleged perpetrators of human rights abuses.
- Ensure adequate compensation, indemnification, restitution and rehabilitation of victims of human rights violations in law and practice.
- Repeal the Human Security Act of 2007 as it contains a vague and overbroad definition of terrorism and also allows indefinite detention of alleged terrorist suspects in certain instances.
- Review cases of all political prisoners to allow for reconciliation in society.

6.4 Regarding the attacks on freedom of expression and association of civil society organisations

- Prevent and penalise arbitrary, unfounded and malicious labelling of civil society members as “terrorists” or “enemies of the state.”
- Encourage the meaningful and full participation of non-governmental organizations (NGOs) in monitoring and documentation of human rights abuses and hold effective consultations with them.

6.5 Regarding the militarization in rural and urban areas and the displacement of civilians

- Resume peace negotiations between the parties to the armed conflict to pave the way for addressing and resolving the roots of the conflict and achieving a just and lasting peace.