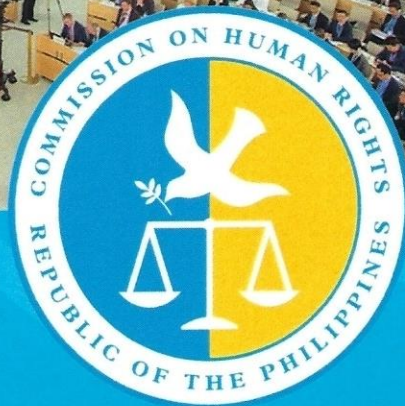


“All human beings are born free
and equal in dignity and rights.”

UNIVERSAL DECLARATION OF HUMAN RIGHTS, 10 DECEMBER 1948

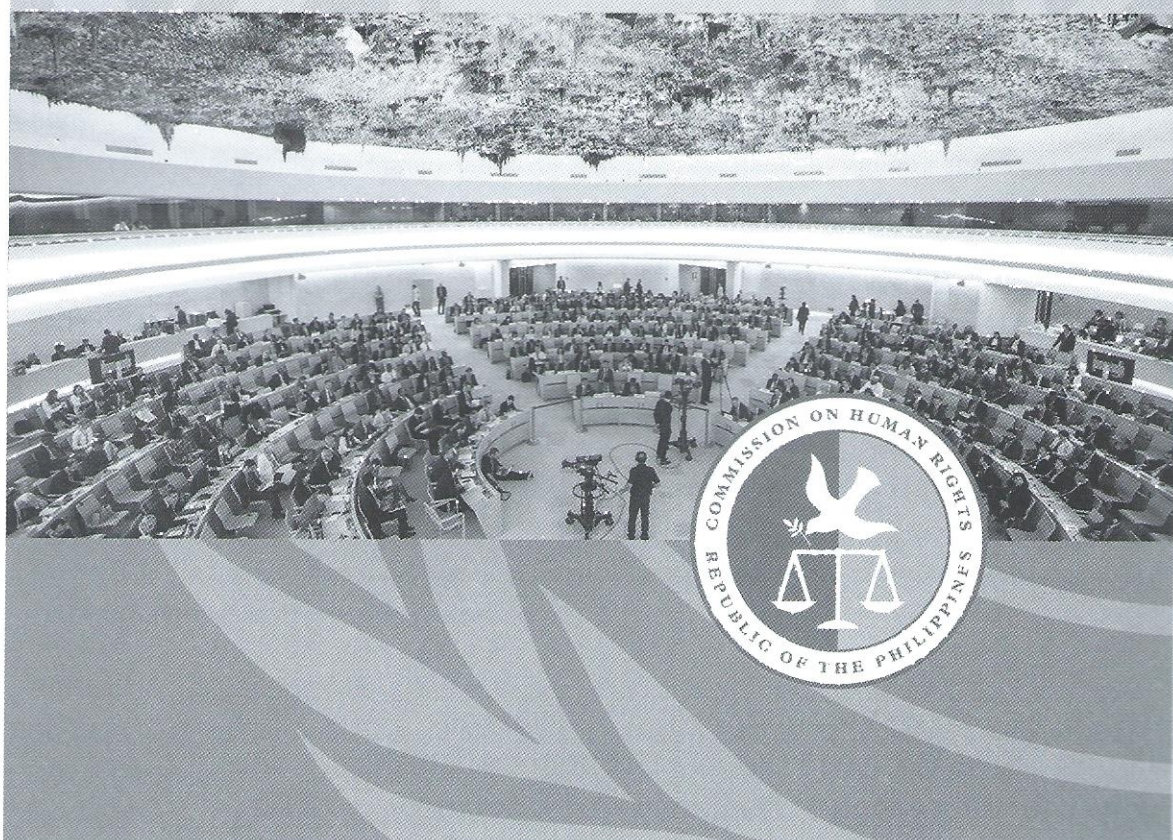
Primer on International Rights Mechanisms



"All human beings are born free
and equal in dignity and rights."

UNIVERSAL DECLARATION OF HUMAN RIGHTS, 10 DECEMBER 1948

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Edited and published by the
Commission on Human Rights of the Philippines

With support from the European Union (EU)
and the Spanish Agency for International
Development Cooperation (AECID).

This publication was produced with the financial
support of the European Union (EU) and the Spanish
Agency for International Development Cooperation
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Introduction

DURING ITS 40TH SESSION IN JULY 2019, the Human Rights Council (HRC) of the United Nations (UN) adopted a resolution sponsored by Iceland, mandating UN High Commissioner for Human Rights Michelle Bachelet to produce a comprehensive report on the human rights situation in the Philippines.

This was followed by calls from civil society partners to raise public awareness of the HRC Resolution, so as to take full advantage of this unprecedented opportunity to shine a light on human rights challenges in the Philippines.

To help civil society organization (CSO) partners gain a better understanding of international human rights mechanisms and capacitate them to engage with implementing human rights bodies, the Commission on Human Rights (CHR) in the Philippines designed a series of capacity-building workshops, funded by the European Union and the Spanish Agency for International Development Cooperation through its Governance in Justice Human Rights Project (GOJUST).

The CHR held an initial briefing on the HRC resolution on 5 August 2019. This was followed by two training workshops on International Human Rights Mechanisms and Parallel Reporting, held on 5 September 2019 and 7 October 2019.

These activities were aimed at developing CSO capacities to understand and access international human rights mechanisms, with the view that broader engagement by civil society would strengthen the reporting process and help provide a more accurate and comprehensive picture of the human rights situation in the country.

This primer was written by Cristina Regina Bonoan from resources used in the training workshops, which include presentations from Marizen Santos of the CHR Policy Advisory Office, Member of the United Nations Working Group of Experts on People of African Descent Ricardo Sunga, Rosemarie Trajano of Philippine Alliance of Human Rights Advocates (PAHRA), and Ellecer Carlos of In Defense of Human Rights and Dignity Movement (iDefend).

Part 1:

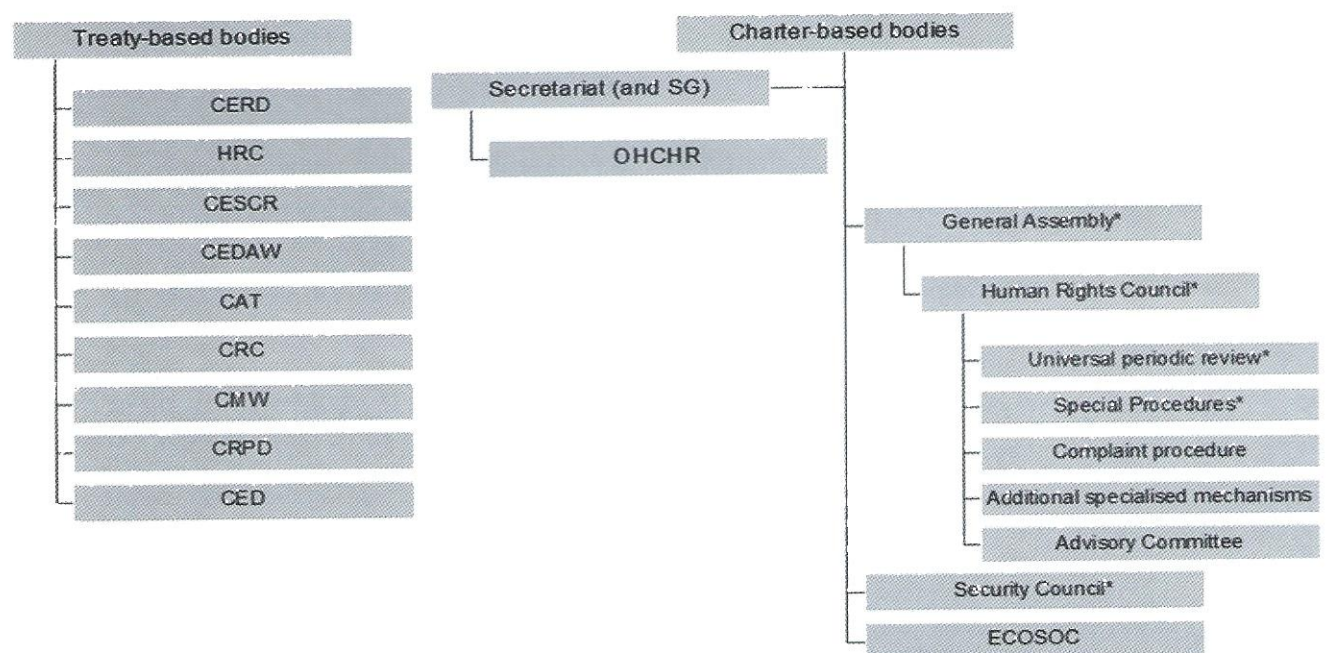
United Nations Human Rights Mechanisms and Parallel Report Writing by CSOs

United Nations Human Rights System

Background /

The United Nations aims to promote, protect and encourage respect for human rights and fundamental freedoms for all. In 1948, the UN General Assembly adopted the Universal Declaration of Human Rights (UDHR), embodying the fundamental rights and freedoms that belong to all human beings. Its provisions have been fleshed out in different international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

These instruments became the foundation for the UN human rights monitoring mechanisms. These mechanisms are implemented by two types of human rights-related bodies in the UN system: treaty-based bodies, which are committees of independent experts who are tasked with monitoring the implementation of the nine core international human rights treaties; and charter-based bodies.



Human Rights Council /

One charter-based body is the HRC, a subsidiary organ of the UN General Assembly, which replaced the Commission on Human Rights through UN GA Resolution 60/251 of 15 March 2006.

The HRC is an intergovernmental body responsible for strengthening the promotion and protection of human rights around the globe and addressing situations of human rights violations. The HRC is composed of 47 UN Member States which are elected directly and individually, through secret ballot, by the majority of the members of the General Assembly on a three-year staggered basis.

The HRC oversees human rights mechanisms and procedures, including the Universal Periodic Review, the Advisory Committee, the Complaint Procedure, and the Special Procedures. The function of the HRC is to:

- promote human rights education and learning as well as advisory services, technical assistance and capacity building, in consultation with and with the consent of Member States concerned
- serve as a forum for dialogue on thematic issues on all human rights
- make recommendations to the General Assembly for the further development of international law
- promote the full implementation of human rights obligations undertaken by States and follow-up to the UN conferences and summits
- assume the role and responsibilities of the former Human Rights Commission relating to the work of the Office of the UN High Commissioner for Human Rights (OHCHR)
- work in close cooperation in the field of human rights with Governments, regional organizations, national human rights institutions and civil society, and
- make recommendations with regard to the promotion and protection of human rights.

Universal Periodic Review and Other Mechanisms /

The Universal Periodic Review (UPR) is an audit mechanism of the United Nations which entails a periodic review of the human rights records of all 193 UN Member States. It provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. It is equivalent to a peer review mechanism, as States assess the compliance of fellow UN Member States with international human rights standards. The UPR also includes a sharing of best human rights practices around the globe.³

Other mechanisms include: Special Procedures carried out by independent human rights experts with mandates to report and advise on human rights from thematic (e.g., the issue of extrajudicial, summary or arbitrary executions or the right to food) or country-specific perspectives; and Human Rights Complaint Procedure, which was established to address communications submitted by individuals, groups, or civil society organizations claiming for victims of human rights violations.

Treaty Bodies /

UN treaty bodies consist of committees that monitor the implementation of the core international human rights treaties signed. States that are party to these treaties have an obligation to comply with their commitments and to periodically report their progress to these treaties' respective committees.

There have been 10 treaty bodies established, for nine core human rights treaties and an optional protocol:

1. International Convention on the Elimination of All Forms of Racial Discrimination (4 January 1969);
2. International Covenant on Economic, Social and Cultural Rights (3 January 1976);
3. International Covenant on Civil and Political Rights (23 March 1976) and its optional protocols;
4. Convention on the Elimination of All Forms of Discrimination against Women (1979) and its optional protocol (3 September 1981);
5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (26 June 1987);
6. Convention on the Rights of the Child (2 September 1990) and optional protocols (12 February 2002);

² Office of the UN High Commissioner for Human Rights (OHCHR), "Basic facts about the UPR," <https://www.ohchr.org/en/hrbodies/upr/pages/basicfacts.aspx> (Last accessed: 25 March 2020).

¹ *Id.*

³ *Id.*

7. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1 July 2003);
8. International Convention on the Rights of Persons with Disabilities (3 May 2008);
9. International Convention for the Protection of All Persons from Enforced Disappearance (23 December 2010).
10. Optional Protocol of the Convention against Torture (OPCAT) (22 June 2006) – a separate Subcommittee on the Prevention of Torture was established under the Optional Protocol to the Convention against Torture with the mandate to monitor places of detention in State parties.

Each treaty has a committee composed of independent experts who have recognized competencies in the field of human rights, and who are elected for fixed renewable terms of four years by State parties. They are mandated to monitor the implementation of the treaties by States. This is primarily accomplished through periodic reports submitted by State Parties on their progress in implementing the treaty, with the committee issuing concluding observations and recommendations. The official state reports from Government are augmented by submissions from the national human rights institution (NHRIs), such as the Philippine Commission on Human Rights, as well as alternative or shadow reports from civil society organizations.

The process is more political rather than legal, and seeks constructive discussion with States party to the treaty. Committees also draft general comments to interpret provisions of the treaties. In addition, some treaty bodies may also consider individual communications or complaints; conduct or initiate inquiries; and conduct investigations through country visits.

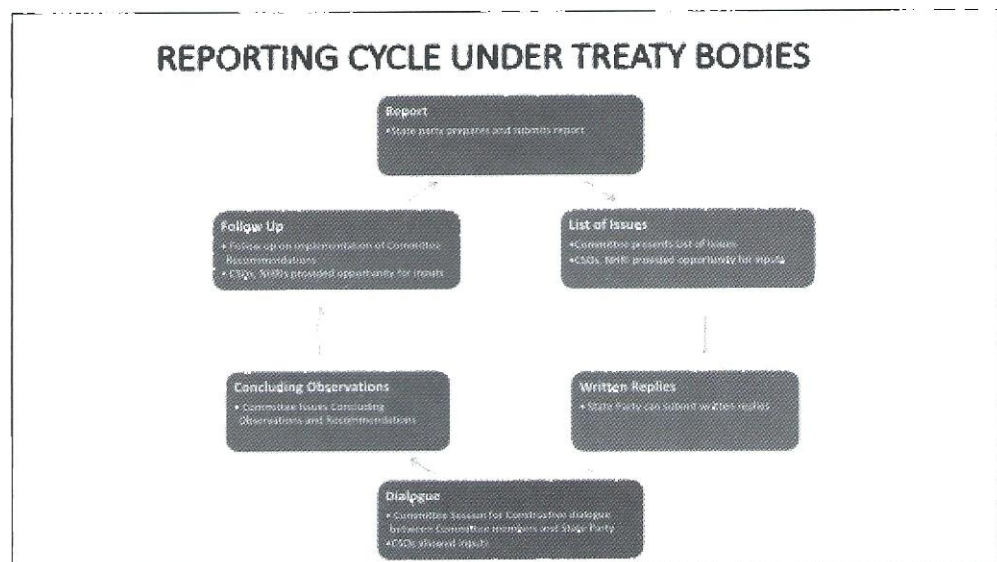
CSO PARTICIPATION IN THE TREATY BODY PROCESS

The process seeks not only a constructive discussion with State Parties but also the active engagement of civil society actors to provide a more comprehensive picture of the human rights situation in the country. Civil society participation differs with each treaty body, which provides guidelines to civil society groups on their participation in the committee's work, as well as information on upcoming sessions.

The treaty body process benefits from the engagement of CSOs throughout the reporting cycle as well as in processes such as petitions, inquiry procedures, and early warning. Civil society groups play a vital role in monitoring and advocacy at the national level. They may be consulted by the Government in the preparation of the State reports to be submitted to the treaty body.

CSOs may also submit their own reports to the treaty bodies—sometimes referred to as alternative, parallel, or shadow reports—based on the group's findings and recommendations on the national implementation of the particular treaty. CSOs may attend sessions of the treaty body as observers and may hold meetings with Committee members before or after the main sessions.

Following the recommendations of the treaty bodies to the State, CSOs may monitor the implementation of the recommendations on the ground. They may advocate for the implementation of the recommendations. And they may also draw attention to issues of concern through press briefings or by issuing statements or supplementary reports.



Universal Periodic Review /

The Universal Periodic Review (UPR) is a peer review by States wherein they examine the human rights records of all UN member States every four and a half years. The UPR is a state-driven process conducted by members of the HRC, which provides each State the opportunity to report on the human rights situation in their country as well as their progress in fulfilling their obligations.

The UPR process consists of a cycle with three key stages:

1. peer review of the human rights situation of the State under review
2. implementation of the recommendations accepted and voluntary pledges and commitments by the State, and
3. reporting at the next review on the implementation of those recommendations and pledges, and on the human rights situation in the country following the previous review.

The UPR provides an overview of the extent each State has respected human rights obligations contained in: the UN Charter; the Universal Declaration of Human Rights; treaties and other instruments to which the State is a party; the pledges and commitments made by the State; and applicable international humanitarian law.

CSO PARTICIPATION IN THE UPR PROCESS

The UPR process involves active engagement with NHRIs and civil society groups to gain a more comprehensive picture of the human rights situation in the country. NHRIs and CSOs may participate in the different stages of the review cycle.

Prior to the review, CSOs and NHRIs may be included in the national consultation. They may also submit a report on the country's situation. CSOs may lobby and advocate for issues outside and within the State under review. During the review itself, they may attend the review and hold parallel events. During the session of the Working Group that follows the review, CSOs may set up assessment meetings and press briefings. During the plenary sessions of the HRC, CSOs may also make oral statements or submit written statements.

Between review cycles, CSOs play a critical role in:

- making the accepted recommendations and pledges public
- monitoring their implementation by the State, and
- engaging in dialogue with the State regarding implementation.

Special Procedures /

UN Special Procedures are independent human rights experts or groups of experts, with mandates to report and advise in human rights from thematic or country-specific perspectives. With 44 thematic and 12 country mandates, the system of Special Procedures covers all human rights.

With the support of the OHCHR, the Special Procedures conduct country visits; act on individual cases and concerns; send communications to States to bring their attention to alleged violations; conduct thematic studies; contribute to the development of international human rights standards; engage in advocacy; and provide advice for technical cooperation. They report annually to the HRC, with some also reporting to the UN General Assembly.

Special Procedures consist of either an individual "Special Rapporteur" or "Independent Expert," or a Working Group composed of five members. They are appointed by the HRC and serve in their personal capacities. They are not UN staff members and do not receive financial remuneration, and their tenure is limited to a maximum of six years in a given function.

There are two types of Special Procedures mandates: thematic mandates and country-specific mandates.

THEMATIC MANDATES

The following are the 44 thematic mandates that have been established:

Special Rapporteurs

1. Special Rapporteur on adequate housing, as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context
2. Special Rapporteur on the sale of children, child prostitution and child pornography
3. Special Rapporteur in the field of cultural rights
4. Special Rapporteur on the right to development
5. Special Rapporteur on the rights of persons with disabilities
6. Special Rapporteur on the right to education
7. Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment
8. Special Rapporteur on extrajudicial, summary or arbitrary executions
9. Special Rapporteur on extreme poverty and human rights
10. Special Rapporteur on the right to food
11. Special Rapporteur on the rights to freedom of peaceful assembly and of association
12. Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
13. Special Rapporteur on freedom of religion or belief
14. Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes
15. Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
16. Special Rapporteur on the situation of human rights defenders
17. Special Rapporteur on the independence of judges and lawyers
18. Special Rapporteur on the rights of indigenous peoples
19. Special Rapporteur on the human rights of internally displaced persons
20. Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members
21. Special Rapporteur on the human rights of migrants
22. Special Rapporteur on minority issues
23. Special Rapporteur on the right to privacy
24. Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance
25. Special Rapporteur on contemporary forms of slavery, including its causes and its consequences
26. Special Rapporteur on the promotion and protection of human rights while countering terrorism
27. Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
28. Special Rapporteur on trafficking in persons, especially women and children
29. Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence
30. Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights
31. Special Rapporteur on violence against women, its causes and consequences
32. Special Rapporteur on the human right to safe drinking water and sanitation

Working Groups

33. Working Group on people of African descent
34. Working Group on Arbitrary Detention
35. Working Group on enforced or involuntary disappearances
36. Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination
37. Working Group on the issue of human rights and transnational corporations and other business enterprises
38. Working Group on the issue of discrimination against women in law and in practice

Independent Experts

39. Independent Expert on the enjoyment of human rights of persons with albinism
40. Independent Expert on the promotion of a democratic and equitable international order
41. Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights
42. Independent Expert on human rights and international solidarity
43. Independent Expert on the enjoyment of all human rights by older persons
44. Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

COUNTRY MANDATES

The following are the 12 country-specific procedures that have been established:

Independent Experts

1. Independent Expert on the situation of human rights in Central African Republic
2. Independent Expert on the situation of human rights in Mali
3. Independent Expert on the situation of human rights in Somalia
4. Independent Expert on the situation of human rights in the Sudan

Special Rapporteurs

5. Special Rapporteur on the situation of human rights in Belarus
6. Special Rapporteur on the situation of human rights in Cambodia
7. Special Rapporteur on the situation of human rights in Eritrea
8. Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea
9. Special Rapporteur on the situation of human rights in the Islamic Republic of Iran
10. Special Rapporteur on the situation of human rights in Myanmar
11. Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967
12. Special Rapporteur on the situation of human rights in the Syrian Arab Republic

CSO INTERACTIONS WITH SPECIAL PROCEDURES

Civil society groups may engage with the mechanism of Special Procedures through the submission of complaints; submission of reports; individual or groups consultations with Special Rapporteurs; opportunities in organized activities; country visits; and meetings.

Country Cases

The following cases are examples of resolutions taken up by the HRC relating to human rights situations in two countries: Myanmar and Venezuela.



Myanmar /

At its 27th Session on 5 December 2017, the HRC adopted a resolution requesting the High Commissioner for Human Rights to prepare a comprehensive report on the human rights situation of the Rohingya people in Rakhine State, Myanmar. This report was to include the level of cooperation and access given by the Government of Myanmar to the independent international fact-finding mission on Myanmar and other UN human rights mechanisms.

Methodology. Despite the extremely restricted access granted by the Government of Myanmar to the OHCHR, a comprehensive review of 402 recommendations made by various UN entities and by the Advisory Commission on Rakhine State was conducted. OHCHR monitored the situation from Thailand and Bangladesh. In-person and remote interviews were conducted with members of the Rohingya community and representatives of other communities in Rakhine. Information was gathered from UN country teams in Myanmar and Bangladesh and from local and international non-governmental human rights and humanitarian organizations. OHCHR held discussions with members of the diplomatic community, experts and journalists, and conducted desk reviews of publicly available reports. The OHCHR also submitted to the Permanent Mission of Myanmar in Geneva a detailed list of questions.

Findings. It was found that the Government of Myanmar had taken initial steps to implement some of the recommendations, particularly those made by the Advisory Commission. However, the objectives of the recommendations remained largely unaddressed. No significant progress was observed on the human rights concerns raised in reports previously submitted to the Council. The High Commissioner recommended that the Government of Myanmar act to ensure compliance with its international human rights obligations.



Venezuela /

At its 39th Session, the Human Rights Council requested the High Commissioner to “prepare a comprehensive written report on the human rights situation in the Bolivarian Republic of Venezuela” to be presented at its forty-first session. The Government of Venezuela granted a country visit. The resulting report provided an overview of the human rights situation in the Bolivarian Republic of Venezuela from January 2018 to May 2019.

Methodology. From March 11-22, 2019, the OHCHR visited Venezuela and met with a wide range of state and non-state stakeholders in Caracas, Barquisimeto, Valencia and Ciudad Guayana. In addition, the OHCHR conducted nine visits to interview Venezuelan refugees and migrants located in Argentina, Brazil, Chile, Colombia, Ecuador, Mexico, Peru, and Spain. The High Commissioner also visited Venezuela, where she met with stakeholders, including President Nicolás Maduro.

The OHCHR conducted 558 interviews with victims and witnesses of human rights violations, as well as with other sources, including lawyers, health and media professionals, human rights defenders, and ex-military and security officers. The team gathered, examined, and analyzed numerous documents, including official government documents, open source reports, legislation and legal documents, medical and forensic reports, media reports, videos, and photographs. Based on information gathered, analyzed, and verified, there were reasonable grounds to believe the patterns described in the report constituted human rights violations.

Findings. It was found that the Government and its institutions had implemented a strategy “aimed at neutralizing, repressing and criminalizing political opponents and people critical of the Government.” Laws, policies and practices had restricted the democratic space, dismantled institutional checks and balances, and allowed patterns of grave violations. The deepening economic crisis had left people without the means to fulfil their fundamental rights to food and health. In accepting the presence of the OHCHR, however, the Government made several commitments and identified areas of possible cooperation.

.....

Writing the Parallel Report

The submission by civil society groups of parallel reports (also known as “alternative reports” or “shadow reports”) helps to ensure that UN treaty bodies are made aware of key human rights issues that might otherwise be overlooked or omitted from official reports.

Parts of a good parallel report—such as issues raised, language, statistics, and emblematic cases—may be cited by UN bodies or officials in their respective reports or statements, or when the Government accepts recommendations by UN bodies or officials based on a parallel report by a CSO.

The unique nature and history of each CSO will help shape its parallel reporting, and good reports may vary greatly in style and content. Nevertheless, there are a few rules to consider in writing a parallel report that may strengthen its value for human rights bodies.

Basic Reporting Rules /

RULE 1: Provide evidence. UN human rights bodies are not courts of law. However, it is still important to provide them with reports that are accompanied by evidence, as well as an explanation of the methodology used to gather the information. The evidence presented would include:

- Numbers, whenever possible
- The process by which these numbers were gathered
- Data disaggregated according to age, gender, sexual orientation and gender identity, region, outcomes, reason for these outcomes, and other circumstances.
- Emblematic cases of rights violations
- Details of the violations (Who? What? Why? Where? When? How?) accompanied whenever possible by police investigation reports, prosecutor or court files and other documents, with the consent of victims or their families.

Duplication in data reported across different UN human rights bodies is acceptable. The treatment is different for each body, which may provide different perspectives on the same case.

RULE 2: Respect the privacy of victims. It is critical to ask for consent from the victims of human rights violations before publicizing their names. CSOs should warn victims about the possibility of reprisals. If consent is not given, ensure that their names are omitted or redacted in the documents. If consent is obtained but fear of reprisal remains, it is possible to request in the report that the names of the victims be kept confidential.

RULE 3: Provide analysis. Analyze the data gathered and highlight patterns or issues of concern; the deeper the analysis, the better. For example, specify whether the violations appear widespread, or anti-poor, or if there are cross-cutting health issues which will require rehabilitation for the victims. Specify whether the victims and their relatives are afraid to speak out and to file cases for fear of reprisal. Consider the wider significance of the violations and how these might impact on other rights, such as whether they might have a chilling effect on the exercise of freedom of expression, or be accompanied by an attack on lawyers, journalists, or religious leaders. CSOs should also specify what they want the UN body to say to the Government or questions that should be raised.

RULE 4: Make recommendations. It is important to provide the committee with recommendations and to identify what the CSO wants the UN to suggest to the Government. Recommendations might include: a call for transparency; a call to stop the violations; demand for an investigation and prosecution of those responsible; a call to ensure justice; a call to provide reparations to the victims including compensation; or a demand to prevent future violations and reprisals.

Structuring the Report /

As noted, parallel reports may vary in style. However, the basic structure of a CSO report would include the following components:

1. Brief introduction with a statement of appreciation to the body for the opportunity to submit a report
2. Background, history, legal framework
3. Violations, nature and scope
4. Analysis
5. Recommendations
6. Request for anonymity for security reasons
7. Attachments

If there is a word count limit set by the UN body, it should be respected as much as possible. It is possible to divide a report into two, in cases where a joint report is prepared by multiple organizations. Attached files may be effective supplements to the report, while helping to keep the report within the word count limit.

While UN reports avoid footnotes because they are often orally presented, CSO parallel reports may benefit from footnotes and references. They can help improve the flow of the discussion, while ensuring that assertions made in the report are supported as fully as possible.

Finally, each human rights body has a unique procedure for the submission of parallel reports. Some procedures may appreciate receiving testimonies and even court records, while others may not. Be ready to adapt to the specific requirements of each UN procedure.

ABBREVIATIONS

CHR	Commission on Human Rights
CSO	civil society organization
GOJUST	Governance in Justice Human Rights Project
HRC	Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
iDefend	In Defense of Human Rights and Dignity Movement
NHRI	national human rights institution
OHCHR	Office of the UN High Commissioner for Human Rights
OPCAT	Optional Protocol of the Convention against Torture
PAHRA	Philippine Alliance of Human Rights Advocates
UDHR	Universal Declaration of Human Rights
UN	United Nations
UPR	Universal Periodic Review

Part 2: Promotion and Protection of Human Rights in the Philippines

Resolution adopted by the Human Rights Council on 11 July 2019

United Nations

A/HRC/RES/41/2



General Assembly

Distr.: General

17 July 2019

Original: English

Human Rights Council

Forty-first session

24 June–12 July 2019

Agenda item 2

Resolution adopted by the Human Rights Council on 11 July 2019

41/2. Promotion and protection of human rights in the Philippines

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Reaffirming the primary responsibility of States to respect, protect and fulfil all human rights and fundamental freedoms and to fulfil their obligations under the human rights treaties and agreements to which they are parties,

Recalling the repeated expressions of concern about the situation of human rights in the Philippines by the United Nations High Commissioner for Human Rights and special procedure mandate holders,

Expressing concern at the allegations of human rights violations in the Philippines, particularly those involving killings, enforced disappearances, arbitrary arrest and detention, the intimidation and persecution of or violence against members of civil society, human rights defenders, indigenous peoples, journalists, lawyers and members of the political opposition, and restrictions on the freedoms of opinion and expression, peaceful assembly and association,

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Bearing in mind that, since the campaign against illegal drugs was announced in the Philippines in mid-2016, there have been allegations of the killing of thousands of people allegedly involved in the drug trade and drug use,

Reaffirming the determination of Member States to tackle the world drug problem and to actively promote a society free of drug abuse in order to help to ensure that all people can live in health, dignity and peace, with security and prosperity, and reaffirming also the determination of Member States to address public health, safety and social problems resulting from drug abuse,

Emphasizing that the right to life must be respected and protected by all law enforcement agencies in their efforts to address drug-related crimes, and that allegations of

A/HRC/RES/41/2

rights of indigenous peoples and the Special Rapporteur on extrajudicial, summary or arbitrary executions,

Welcoming the statements made by the Government of the Philippines expressing its willingness to welcome independent experts from the United Nations to conduct an objective assessment of the situation of human rights in the country,

Noting with appreciation the adoption in June 2019 by the House of Representatives of the Philippines of the Human Rights Defenders Protection Act,

1. *Urges* the Government of the Philippines to take all necessary measures to prevent extrajudicial killings and enforced disappearances, to carry out impartial investigations and to hold perpetrators accountable, in accordance with international norms and standards, including on due process and the rule of law;

2. *Calls upon* the Government of the Philippines to cooperate with the Office of the United Nations High Commissioner for Human Rights and the mechanisms of the Human Rights Council, including by facilitating country visits and preventing and refraining from all acts of intimidation or retaliation;

3. *Requests* the High Commissioner to prepare a comprehensive written report on the situation of human rights in the Philippines and to present it to the Human Rights Council at its forty-fourth session, to be followed by an enhanced interactive dialogue.

37th meeting
11 July 2019

[Adopted by a recorded vote of 18 to 14, with 15 abstentions. The voting was as follows:

In favour:

Argentina, Australia, Austria, Bahamas, Bulgaria, Croatia, Czechia, Denmark, Fiji, Iceland, Italy, Mexico, Peru, Slovakia, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay

Against:

Angola, Bahrain, Cameroon, China, Cuba, Egypt, Eritrea, Hungary, India, Iraq, Philippines, Qatar, Saudi Arabia, Somalia

Abstaining:

Afghanistan, Bangladesh, Brazil, Burkina Faso, Chile, Democratic Republic of the Congo, Japan, Nepal, Nigeria, Pakistan, Rwanda, Senegal, South Africa, Togo, Tunisia]

Part 3:
Situation of Human Rights in the Philippines
Report of the United Nations Commissioner for Human Rights (29 June 2020)

.....



United Nations

General Assembly

A/HRC/44/22

Distr.: General
29 June 2020

Original: English

Human Rights Council

Forty-fourth session

15 June - 3 July 2020

Agenda item 2

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

Situation of human rights in the Philippines

**Report of the United Nations High Commissioner for Human
Rights*, ****

Summary

In the present report, key patterns of ongoing violations are highlighted. While important human rights gains have been made, and challenges remain, an overarching focus on national security, countering terrorism and illegal drugs has resulted in numerous systematic human rights violations, including killings and arbitrary detention, persistent impunity and the vilification of dissent. The High Commissioner makes constructive recommendations to the Government and the Human Rights Council and stands ready to support credible efforts towards accountability.

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

** The annexes to the present document are issued without formal editing and are reproduced as received.

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I. Introduction

1. The present report, submitted to the Human Rights Council pursuant to its resolution 41/2, presents an overview of the current human rights situation in the Philippines, guided by concerns highlighted in that resolution.
2. In the report, critical ongoing issues are considered, particularly where there are indications of long-standing, systematic causes underpinning those issues. In establishing trends and patterns, data since 2015 are examined, where possible, and relevant developments prior to that are also taken into account.
3. The report is based on information collected and analysed by the Office of the United Nations High Commissioner for Human Rights (OHCHR), including following a public call for submissions. By 31 January 2020, OHCHR had received 893 written submissions, including joint submissions. These included 793 individually signed template-based letters. The Government of the Philippines provided substantial written input, including in response to two lists of questions. OHCHR also analysed official data and documents from governmental and non-governmental sources, including legislation, policy guidelines, court documents, police reports, videos, photos and open source reports, all used to corroborate information, along with interviews with victims and witnesses, held both remotely and in person. All sources were guaranteed confidentiality and are not named unless they provided specific consent.
4. OHCHR had several exchanges with representatives of the Government, including detailed discussions on 13 and 14 February 2020 in Bangkok. OHCHR thanks the Government for its openness to dialogue. OHCHR did not receive permission from the Government to visit the Philippines.

II. Context

5. Following over three centuries of colonial rule, the Philippines achieved independence in 1946. The subsequent presidency of Ferdinand Marcos and the imposition of martial law in 1972 were marked by serious human rights violations. Two internal armed conflicts emerged in the late 1960s – one in the Muslim-majority areas of the south, and another involving the New People's Army (NPA) of the Communist Party of the Philippines in various parts of the country.
6. In 1986, the People Power Revolution toppled the Marcos administration and martial law was lifted. The Constitution of 1987 included a Bill of Rights that emphasized social justice and human rights, and established the country's independent Commission on Human Rights. Other institutions, including commissions on women and youth, and human rights offices within the Armed Forces of the Philippines and the Philippine National Police, as well as the Presidential Human Rights Committee, are also present. In 2012, Administrative Order No. 35 established an inter-agency committee on extralegal killings, enforced disappearances, torture and other grave violations, involving political, environmental, agrarian and labour activists, and media practitioners. Its effectiveness remains limited due to a perceived lack of independence, transparency and powers.¹ Also, it does not cover drug-related killings. The Presidential Task Force on Media Security was established in 2016 to investigate and prevent violent attacks against journalists. The Philippines has ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and is taking steps to establish a national preventive mechanism.
7. The Indigenous Peoples' Rights Act of 1997 enshrined legal safeguards for indigenous peoples' rights, addressing long-standing issues relating to self-governance and land ownership. Effective implementation of this progressive legislation, however, remains elusive. Landed elites and political dynasties remain entrenched and wield extensive political and economic influence at the national and local levels.
8. The Comprehensive Agreement on the Bangsamoro, of 2014, and the Bangsamoro Organic Law, of 2018, established the Bangsamoro Autonomous Region of Muslim Mindanao, which ended the armed conflict with the Moro Islamic Liberation Front. A transitional government is now in place, with elections expected in 2022. Armed clashes between the Government and NPA persist, however, despite talks and several ceasefires over the past 50 years. In December 2017, the President proclaimed the Communist Party of the Philippines, and its military wing, NPA, "terrorist entities".
9. In recent years, other laws have been passed to advance human rights, including on universal access to tertiary education and health care, mental health, sexual harassment, and children in situations of armed conflict.² Magna Carta of women, the poor and persons with Disabilities have been enacted.
10. The Philippines is highly susceptible to natural disasters and the impacts of climate change, which exacerbate challenges in protecting human rights, notably economic, social and cultural rights.
11. The Philippines has ratified eight core international human rights instruments³ and has undergone three universal periodic review cycles (in 2008, 2012 and 2017). The Government has continued to engage actively with some special procedure mandate holders, although the last official visit occurred in 2015,⁴ and the President has publicly insulted and even threatened some mandate holders.⁵ The Philippines has engaged in technical cooperation activities with OHCHR, including with a senior human rights adviser supporting the United Nations country team since 2014.

¹ See, for example, https://www ilo.org/wcmsp5/groups/public/-asia/-ro_bangkok/-filomanila/documents/publication/wcms_713337.pdf.

² Republic Acts No. 10931, No. 11225, No. 11036, No. 11313 and No. 11188.

³ It has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance.

⁴ See A/HRC/32/35/Add.3.

III. Key human rights issues

12. The human rights situation in the Philippines is marked by an overarching focus on public order and national security, including on countering terrorism and illegal drugs. This focus has permeated the implementation of existing laws and policies and the adoption of new measures, often at the expense of human rights, due process, the rule of law and accountability. Thus, while there have been important human rights gains in recent years, particularly in economic and social rights, the underpinning focus on national security threats – real and inflated – has led to serious human rights violations, reinforced by harmful rhetoric from high-level officials. While the present report is unable to address the whole array of human rights issues highlighted in the submissions received – issues that would merit further examination – it focuses on key patterns of violations.

A. Human rights violations in the context of the campaign against illegal drugs

13. A survey in 2015 found that approximately 1.8 million people in the Philippines (2.3 per cent of the population) were drug users.⁶ The challenges posed by illegal drugs have wide-ranging human rights impacts and the Government has adopted an anti-illegal drugs strategy.⁷ But successive administrations have mostly employed increasingly violent law enforcement measures and disturbing rhetoric in the campaign against illegal drugs and related crimes,⁸ even as senior government and police officials have questioned the impact and effectiveness of these policies.⁹

14. This trend sharpened during the presidential election campaign of 2016, when the current President, Rodrigo Duterte, pledged to “kill criminals” and eliminate corruption and drugs in “three to six months”.¹⁰ During his mayoral term in Davao City, hundreds of extrajudicial killings were documented,¹¹ which, according to the Special Rapporteur on extrajudicial, summary or arbitrary executions, bore an “officially sanctioned character”.¹²

1. Alleged widespread and systematic killings

15. On 1 July 2016, Mr. Duterte, on his first day in office, assigned Ronald dela Rosa, a former Davao police chief, as Chief of the Philippine National Police. Mr. Dela Rosa immediately issued Command Memorandum Circular No. 16-2016,¹³ launching the anti-illegal drugs campaign, project “Double Barrel”. One of its components is “Project Tokhang”, designed to eradicate illegal drugs in the smallest local governance units, the barangays, through “house-to-house visitations to persuade suspects to stop illegal drug activities”.

16. House visitations raise important due process concerns, as the procedure did not require search or arrest warrants and could be conducted solely on the basis of a person’s inclusion on a “drug watch list”. Barangay officials compiled lists of suspected “drug personalities” and passed them to the police.¹⁴ Individuals had no legal recourse to challenge their inclusion in the list.¹⁵ Police data reveal that out of 43,286 police anti-illegal drugs operations conducted in the period between 1 July 2016 and 30 November 2017, only 507 – 1.2 per cent – were based on an arrest warrant.¹⁶ In addition to the barangay lists, the President published “narcologists” of government officials allegedly involved in the drugs trade.¹⁷

17. House visitations systematically forced suspects to make self-incriminating statements or risk facing lethal force. Circular No. 16-2016 encouraged “voluntary surrender”, but only mentioned access to counsel in cases where the person had agreed to incriminate himself or herself, leaving individuals vulnerable to pressure and intimidation. Refusal of house visitation – even without a search or arrest warrant – was to result in the immediate building up of a case against the person concerned and “negation”.

18. The terms “negation” and “neutralization” of “drug personalities” appear throughout Circular No. 16-2016. Such ill-defined and ominous language, coupled with repeated verbal encouragement by highest level State officials to use lethal force,¹⁸ may have emboldened the police to treat the circular as permission to kill. International human rights law prohibits arbitrary deprivation of life.¹⁹ When conducting law enforcement operations and using force, State officials must abide by key principles, which include exercising restraint, using proportionate force strictly where necessary, and only deploying lethal force as a last resort in extreme cases.²⁰

⁶ Dangerous Drugs Board, 2015 Nation-wide Survey on the Nature and Extent of Drug Abuse in the Philippines, p. 54.

⁷ For example, the former President, Gloria Macapagal Arroyo, called drug use the “enemy No. 1 of the entire Filipino people”, see 2001 Letter of Instruction No. 1. See also unsubstantiated claims in www.philstar.com/nation/2011/05/22/68811786-heinous-crimes-drug-related-ddb-chief.

⁸ Co-Chairperson’s Report, Inter-Agency Committee on Anti-Illegal Drugs, 6–24 November 2019, pp. 35–40. See also www.reuters.com/article/us-philippines-drugs-performance-exclus/exclusive-shock-and-awe-has-failed-in-philippines-drug-war-enforcement-chief-says-idUSKBN2010IL and <http://pcoo.gov.ph/wp-content/uploads/2019/04/20190402-SPEECH-OF-PRESIDENT-RODRIGO-DA-UTERTE-DURING-HIS-ATTENDANCE-TO-THE-PARTIDO-DEMOKRATIKO-PILIPINO-LAKAS-NG-BAYAN-PDP-LABAN-CAMPAIGN-RALLY.pdf>.

⁹ See <https://news.abs-cbn.com/video/nation/05/25/15/duterte-criminals-tataba-ung-isda-sa-manilabay-dyan-ko-kayo-itatapon>.

¹⁰ See www.philstar.com/headlines/2016/02/20/1555349/duterte-vows-end-criminality-3-months.

¹¹ Civil Society documented 553 extrajudicial killings in Davao between August 1998 and February 2007. See A/HRC/8/3/Add.2, footnote 56.

¹² A/HRC/8/3/Add.2, para. 39.

¹³ See <https://dilen.pnp.gov.ph/images/Command%20Memorandum%20Circulars/CMC%202016-15%20PNP%20ANTI-ILLEGAL%20DRUGS%20CAMPAIGN%20PLAN%2020PROJECT%20DOUBLE%20BARRIL.pdf>.

¹⁴ DOUBLE%20BARRIL.pdf.

¹⁵ Dangerous Drugs Board, Board Regulation No. 7 (2007), sect. 1 (a). In 2003, the Special Rapporteur recommended that this function be abolished. See A/HRC/8/3/Add.2, para. 68 (b).

¹⁶ *Petitioners v. Dela Rosa et al.*, notice of resolution, Supreme Court, 3 April 2018, pp. 32–33.

¹⁷ *Petitioners v. Dela Rosa et al.*, supplemental memorandum by the petitioners, Supreme Court, 21 October 2019, pp. 26–27.

¹⁸ See https://pcoo.gov.ph/news_releases/president-duterte-bares-names-of-narcopolicians/.

¹⁹ See <https://www.philstar.com/headlines/2016/07/02/1598740/duterte-pnp-kill-1000-if-protect-you>.

²⁰ See Human Rights Committee, general comment No. 36 (2018) on the right to life, paras. 4 and 11.

²¹ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, art. 5 (a) and (b).

19. The Government denies that there is a policy to kill people who use drugs and states that all deaths occur during legitimate police operations.²¹ According to the Philippine Drug Enforcement Agency, between 1 July 2016 and 31 January 2020 the police killed 5,601 people.²² OHCHR could not independently verify this number. Various government agencies have put out conflicting figures²³ and have proved reluctant to disclose documents relating to the killings to the Supreme Court and the Commission on Human Rights.²⁴

20. There are also reports of widespread drug-related killings perpetrated by unidentified “vigilantes” The Administration’s 2017 year-end report mentions 16,355 “homicide cases under investigation” as accomplishments in the fight against illegal drugs.²⁵ This prompted the Supreme Court to raise the possibility that the killings were State-sponsored.²⁶ Noting that drugs operations by the police and homicides perpetrated by unidentified persons resulted in 20,322 deaths from 1 July 2016 to 27 November 2017, the Supreme Court demanded an explanation for the staggering average of nearly 40 deaths per day.²⁷ In March 2019, the police claimed that although 29,000 deaths were labelled as “deaths under inquiry” between 1 July 2016 and 4 February 2019, only 3,062 (9.47 percent) were drug-related.²⁸ A previous study, however, had found that the police severely underreported the percentage of drug-related killings among homicides.²⁹

21. Between 1 June 2016 and 21 April 2020, the country’s Commission on Human Rights documented the killing of 73 children in the context of the campaign against illegal drugs – 62 male and 11 female³⁰ – although these figures are not exhaustive. The youngest victim was 5 months old.

22. OHCHR ultimately cannot verify the number of extrajudicial killings without further investigation. On the basis of information reviewed, the killings related to the anti-illegal drugs campaign appear to have a widespread and systematic character. The most conservative figure, based on government data, suggests that since July 2016, 8,663 people have been killed – with other estimates of up to triple that number. This clearly illustrates the need for a transparent and comprehensive reporting system for data on killings by State and non-State actors.

23. Police reports disclosed before the Supreme Court offer insight into the conduct of 22 anti-drug operations in which 29 persons were killed – all in their homes.³¹ Except for one case, the police conducted the operations without warrants. Pre-operational plans drawn up by police called for “immediate apprehension” and “neutralization” of targeted persons. In post-operational spot reports, it was claimed that targets had been killed after resisting. The spot reports, however, contained strikingly similar language to describe each victim’s alleged utterance (“putang ina mo pulis ka pala” – which roughly translates as “so you’re a police (officer), son-of-a-bitch”) and actions (“suspect drew his weapon, fired at the lawmen but missed”), raising doubts about whether the reports were only filed pro forma. The reports explicitly referred to the killing of five individuals as “neutralization”. Of the 29 persons killed, 23 were on the drug watch list.

24. OHCHR examined police reports on another 25 operations in which 45 people had been killed in Metro Manila between August 2016 and June 2017. The police had referred to 34 of these killings as “neutralization”. At all the crime scenes, the police claimed to have recovered satchels of methamphetamine and guns allegedly used by the victims to resist police officers. On the basis of these reports, OHCHR found that the police had repeatedly recovered guns bearing the same serial numbers from different victims in different locations. OHCHR identified seven handguns with unique serial numbers. Each handgun appeared in at least two separate crime scenes, while two reappeared in five different crime scenes. The pattern suggests planting of evidence by police officers and casts doubt on the self-defence narrative, implying that the victims were likely unarmed when killed.

25. Although it was experienced nationwide, the impact of the campaign against illegal drugs has been better documented in urban areas. Limited data are available on the profile of those killed. According to one study, most victims were men from urban communities living in poverty.³² Submissions received by OHCHR confirm this pattern. Studies by the Commission on Human Rights, and others, also illustrate psychological and practical difficulties faced by family members – mostly women and children – when losing the male breadwinner.³³

2. Obligation to investigate

26. Despite credible allegations of widespread and systematic extrajudicial killings in the context of the campaign against illegal drugs, there has been near-impunity for such violations. The Government states that the Internal Affairs Service of the Philippine National Police automatically investigates deaths that occur during police operations. The Internal Affairs Service reportedly launched 4,533 investigations between July 2016 and May 2019.³⁴ Yet the Government has cited only one case – that of 17-year-old Kian delos Santos – where three police officers were convicted of a drug campaign-related killing. This

²¹ *Petitioners v. Dela Rosa et al.*, notice of resolution, pp. 6 and 9.

²² Philippine Drug Enforcement Agency, #RealNumbersPH, 31 January 2020.

²³ See <https://dahas.upi.edu.ph/database/>.

²⁴ See www.rappler.com/nation/181519-duterte-order-pnp-chr-refuse-share-case-folders and <http://bbc.com/news/world-asia-49201752>. See also *Petitioners v. Dela Rosa et al.*, notice of resolution, p. 45.

²⁵ Duterte Administration year-end report 2017, p. 21.

²⁶ *Petitioners v. Dela Rosa et al.*, notice of resolution, p. 48.

²⁷ *Ibid.*

²⁸ See www.philstar.com/nation/2019/03/06/598959/29000-deaths-probed-drug-war-launched.

²⁹ See <https://data.world-stable-center/phi-drug-war>.

³⁰ Submission of the Commission on Human Rights, 5 May 2020.

³¹ *Petitioners v. Dela Rosa et al.*, supplemental memorandum, p. 2.

³² PhilRights, “The killing State” (2019), pp. 1–17.

³³ Panagholi: the war on drugs from the perspective of women and children, pp. 27–38.

³⁴ Government submission, 1 May 2019.

outcome owes much to the availability of closed-circuit television footage and public outrage following the murder. Although the Government noted that 9,172 police personnel had had administrative cases filed against them,³⁵ it remains unclear how many of these are related to extrajudicial killings. OHCHR notes that administrative sanctions are insufficient where there are serious allegations of violations of the right to life. OHCHR also notes the lack of progress in investigating cases related to the anti-illegal drugs campaign referred to the Office of the Ombudsman.

27. The police have invoked a “presumption of regularity” of operational conduct to justify the lack of prosecutions.³⁶ The Supreme Court, however, has observed that the police cannot claim a presumption of regularity in official functions because deaths are not supposed to occur during any police operations.³⁷

28. The Government also asserts that law enforcement agencies are unable to investigate killings in the absence of private complaints.³⁸ Under international human rights law, the Philippines is obliged to establish rules and procedures for mandatory reporting, review, and investigation of lethal and other life-threatening incidents by law enforcement personnel. Where there are allegations that it knows or should have known of potentially unlawful deprivations of life, it has the duty to investigate and, where appropriate, prosecute perpetrators.³⁹

29. Relatives – mostly female – of victims, as well as lawyers and journalists interviewed by OHCHR, cited numerous obstacles in documenting cases and pursuing justice. These included surveillance, harassment, threats, intimidation, lack of education, lack of protection of witnesses and victims, a feeling of powerlessness in the face of official statements encouraging killings, unwillingness by law enforcement agencies to investigate, and reluctance by judges to critically examine drug-related cases.⁴⁰ Families interviewed by the country’s Commission on Human Rights also expressed fears over the safety of relatives, stigma, limited financial resources, and pressing basic needs of household members – especially children – as reasons not to pursue legal action.⁴¹ Public assurances by the President to protect police officers even if they killed 1,000 people while on duty⁴² have deterred victims from pursuing justice, and law enforcement agencies from investigating killings.

30. Submissions received by OHCHR also suggest widespread impunity for drug-related killings committed by unidentified persons and describe the disturbing familiarity of masked perpetrators with locations and victims, suggesting their possible collusion with police and local government officials in some cases.

3. Deprivation of liberty

31. International law prohibits arbitrary arrest and detention. Arrest or detention is arbitrary if it is unlawful or where there are sufficient elements of inappropriateness, injustice, lack of predictability and insufficient due process. Arbitrariness must also be assessed in the light of necessity, proportionality and reasonableness.⁴³

32. Government figures indicate that 223,780 “drug personalities” were arrested from 1 July 2016 to 31 December 2019.⁴⁴ The Government stated that 204,721 of those individuals were charged in criminal cases. It remains unclear how many charges related to trade in drugs as opposed to personal drug use, and how many persons were convicted, released, or remain in pretrial detention. The lack of clarity, coupled with due process irregularities, raises concerns that many cases may amount to arbitrary detention.

33. The high number of arrests strain the judiciary and prisons. With low court disposition rates,⁴⁵ and delays in the administration of justice, detainees have been languishing in often protracted pretrial detention. In 2016, the Committee against Torture noted that pretrial detainees accounted for 85 to 90 per cent of the detained population, mostly due to strict application of the Comprehensive Dangerous Drugs Act of 2002.⁴⁶ The Government is implementing measures to enhance efficiency in the administration of justice, including through projects with international partners.

34. In February 2020, the prison congestion rate stood at 534 per cent,⁴⁷ and remains among the highest in the world. The congestion has worsened with the increase in drug-related cases, lack of judicial capacity for timely processing of criminal cases, and poverty precluding many detainees from posting bail. A government audit in 2018 assessed that this violated Bureau of Jail Management and Penology standards and the United Nations Standard Minimum Rules for the Treatment of Prisoners. The Government is building and upgrading jail facilities.⁴⁸ OHCHR welcomes measures to decongest detention facilities, which include a Supreme Court initiative leading to the release of nearly 10,000 prisoners during the coronavirus disease (COVID-19) outbreak.⁴⁹

35. See www.dilg.gov.ph/news/DILG-internal-cleansing-in-PNP-on-going-despite-controversies-9172-erring-personnel-facing-admin-reps/NC-2019-1272.

36. Meeting with government representatives, 13–14 February 2020.

37. *Petitioner v. Dela Rosa et al.*, notice of resolution, p. 47.

38. Meeting with government representatives, 13–14 February 2020.

39. See Human Rights Committee, general comment No. 36 (2018), paras. 13 and 27–29.

See also the Minnesota Protocol on the Investigation of Potentially Unlawful Death.

40. OHCHR interviews, 24 and 26–27 February and 4 March 2020.

41. Panaghoy, p. 39.

42. See www.philstar.com/headlines/2016/07/07/159840/duterte-pnp-kill-1000-ill-protect-you.

43. See Human Rights Committee, general comment No. 35 (2014) on liberty and security of person, paras. 10–12.

44. Co-Chairperson’s Report, p. 11.

45. Judiciary annual reports, 2017 and 2018.

46. CAJ/C/PH/CO/3, para. 15.

47. Government submission, 1 May 2020.

48. Commission on Audit, 2018 annual audit report of the Department of the Interior and Local Governance, pp. 54–56.

49. Administrative Circular No. 38 (2020), Supreme Court.

4. Right to health

35. All persons who use drugs retain the right to health.⁵⁰ Treatment of drug dependence is an element of the right to health, and should be ensured in compliance with human rights principles of non-discrimination, respect for the inherent dignity of individuals, confidentiality, privacy and informed consent.⁵¹

36. In 2018, the Philippines adopted an anti-illegal drugs strategy encompassing provisions for treatment and rehabilitation. In cooperation with the World Health Organization, the Government is establishing pilot recovery clinics for persons who use drugs.⁵² The Comprehensive Dangerous Drugs Act, however, imposes six months of mandatory drug rehabilitation for first-time drug users, violating the principle of voluntary treatment.⁵³ Compulsory drug treatment is inconsistent with international drug control conventions and human rights law.⁵⁴

37. According to the Government, 497,775 people who use drugs undertook a Philippine National Police recovery and wellness programme in the period between 1 January 2018 and 31 December 2019. A further 524,320 people underwent community-based rehabilitation. Only 26,300 individuals underwent treatment and rehabilitation in centres managed and accredited by the Department of Health. OHCHR is concerned that the involvement of law enforcement agencies in drug rehabilitation programmes runs counter to the provision of evidence-based medical treatment and rehabilitation.

38. The Comprehensive Dangerous Drugs Act also requires mandatory drug testing and reporting of drug users in public facilities – including secondary schools. This may breach the right to privacy, generate stigmatization and constitute degrading treatment. The law also prescribes severe sanctions that can be manifestly disproportionate to the particular offence, such as lengthy prison sentences for mere possession of small amounts of illegal drugs. Criminalization of personal use, coupled with disproportionate sentencing, hinders people from obtaining appropriate treatment for drug use.⁵⁵

39. OHCHR also notes with concern the lack of government-supported harm reduction programmes, such as opioid replacement or the provision of syringes. These are also absent from detention facilities.⁵⁷

B. National security and civic space

40. Alongside the intensified campaign against illegal drugs, the State has scaled up its response for countering terrorism and conflicts, which also impact on human rights. OHCHR has examined key national security laws and policy, and their acute impact on civil society, including human rights organizations, lawyers, political and judicial actors, journalists, trade unionists, church groups and others, particularly through the phenomenon of “red-tagging” (see annex II).

National security and counter-terrorism legislative framework

41. While the Constitution and laws contain strong human rights provisions, several laws give the authorities wide discretion to detain and charge individuals on the grounds of national security – without adequate human rights safeguards. These include the Human Security Act,⁵⁸ the Cybercrime Protection Act, the Subpoena Powers Act and laws on sedition.

42. Worrying new laws and amendments have been proposed with the stated aim of strengthening public order and countering terrorism. These proposals risk eroding constitutional and other legal protections. Proposed bills to restore the death penalty for drug-related offences, and to significantly lower the age of criminal responsibility, would breach the obligations of the Philippines under international human rights law.⁵⁹ The proposed Anti-Terrorism Act, slated to replace the already problematic Human Security Act, dilutes human rights safeguards, broadens the definition of terrorism and expands the period of detention without a warrant from 3 to 14 days, which is then extendable by another 10 days. The vague definitions in the Anti-Terrorism Act may violate the principle of legality.⁶⁰

43. A spate of emergency measures has also been imposed in recent years. A nationwide state of emergency proclaimed on 4 September 2016 – two days after the Davao City bombing that claimed 14 civilian lives – remains in force more than three years later. State of emergency measures must be limited to the extent strictly required by the exigencies of the situation, in duration and geographic scope.⁶¹ In the Philippines, what should have been an exceptional state appears to have become normalized.

44. Additionally, in May 2017, martial law was declared across Mindanao when a coalition of armed groups affiliated to Islamic State in Iraq and the Levant (ISIL) laid siege to Marawi City.⁶² Martial law was extended by the Congress three times, until the last extension expired in December 2019.

⁵⁰ A/65/255, para. 7.

⁵¹ See www.unodc.org/documents/drug_prevention_and_treatment/UNODC_WHO_International_Standards_Treatment_Drug_Use_Disorders_April_2020.pdf.

⁵² See www.dcb.gov.ph/images/downloads/Revised_PADS_as_of_May_9_2018.pdf.

⁵³ Department of Health, Administrative Order No. 2019-0005.

⁵⁴ A/65/255, para. 40.

⁵⁵ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24367&LangID=E.

⁵⁶ Dangerous Drugs Act, sect. 11; and E/C.12/PHL/CO/5-6.

⁵⁷ Government submission, 1 May 2020.

⁵⁸ See CCPR/C/PHI/CO/4.

⁵⁹ See www.ohchr.org/Documents/HRBodies/CCPR/NV_from_HRC_ThePhilippines_28March2017.pdf; see also www.ohchr.org/Documents/Countries/PH/OpenLetterHRC_DeathPenalty.pdf.

and www.unicef.org/philippines/press_releases/lowering-age-criminal-responsibility-against-child-rights-unicef.

⁶⁰ See Human Rights Committee, general comment No. 35, para. 15.

⁶¹ See Human Rights Committee, general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency, para. 4; and A/HRC/37/52, para. 11.

⁶² See www.officialgazette.gov.ph/2017/05/23/proclamation-no-216-s-2017/.

45. In November 2018, Memorandum Order No. 32 authorized the immediate deployment of additional officers of the Armed Forces of the Philippines and the police “to suppress lawless violence and acts of terror in the Provinces of Samar, Negros Oriental and Negros Occidental, and the Bicol region”. Though there was violence in these areas prior to the implementation of the Order, information obtained by OHCHR and statements by the Commission on Human Rights indicate that the subsequent joint operation by the police and the military may have resulted in serious human rights violations, including alleged killings and arbitrary detention.⁶³ There are also alarming reports of violations of international humanitarian law, including in regard to the conduct of aerial bombing operations.⁶⁴ These require further investigation.

46. On 4 December 2018, the President signed Executive Order No. 70 “to institutionalize the whole-of-nation approach to end the insurgency by the end of his term in 2022, by strengthening the counter insurgency programme with a comprehensive socioeconomic development component.” Under the Order, the National Task Force to End Local Communist Armed Conflict was created. The stated aim is “inclusive and sustainable peace and economic vitality in hundreds of communities still vulnerable to, or under the grip of, the NPA’s influence”.⁶⁵ The Government reports that resources equivalent to \$438 million were allocated for social and economic development programmes under Executive Order No. 70.

47. The departure from a predominantly militarized response to preventing and countering violent extremism is encouraging, but this can only be sustainably achieved through meaningful participation of the communities affected, and respect for human rights and the rule of law. There are concerns, however, that the implementation of Executive Order No. 70 appears to be going in the opposite direction, mobilizing the administration, from the national to local levels, against suspected communist sympathizers, and further sowing suspicions and divisions in communities. Advocacy for economic and social rights comes with the risk of being labelled anti-government, and thus pro-insurgency, which may hinder the goal of inclusive and sustainable development.⁶⁶ There are concerns that these patterns resemble those that characterize the anti-illegal drugs campaign, notably a presumption of guilt and lack of due process or of effective oversight – this time against those suspected of supporting the Communist Party of the Philippines-NPA.

48. Against this backdrop, OHCHR has noted a more than fivefold increase over five years in the national budget for opaque “intelligence” and “confidential” activities – 8.28 billion pesos (\$163 million) in 2020 compared with 1.49 billion pesos (\$29 million) in the 2015 budget. Over half of the 2020 allotment (of 4.5 billion pesos) is allocated to the Office of the President.⁶⁷

Impact on civic space

49. The Philippines has a long-standing, robust tradition of human rights advocacy and civil society activism, with 60,000 registered non-governmental organizations. This is particularly striking given the pervasive attacks – online and offline – against human rights defenders over many years. For decades, red-tagging – labelling individuals and groups as communists or terrorists – has been a persistent and powerful threat to civil society and freedom of expression.⁶⁸

50. Since 2007, various United Nations human rights mechanisms have repeatedly raised concerns about threats against and vilification, arbitrary detention, legal harassment, enforced disappearances and killings of human rights defenders. OHCHR requested but did not receive government figures on killings of human rights defenders. Credible civil society sources, however, have compiled detailed lists documenting hundreds of killings. OHCHR has verified the killings of 208 human rights defenders, journalists and trade unionists, including 30 women, between January 2015 and December 2019. Despite efforts to strengthen⁶⁹ the mechanism under Administrative Order No. 35, the Government has failed to ensure transparent, independent, effective investigations and prosecutions in the vast majority of cases.⁷⁰ Of 383 cases under the mechanism dating back to the year 2001, 216 cases have been either dismissed or archived while only 13 have resulted in convictions.

51. The pervasive nature of government red-tagging is clearly illustrated by the inclusion of 649 names in the Government’s court petition to designate the Communist Party of the Philippines and NPA as terrorist groups under the Human Security Act. The list included indigenous and other rights defenders, and a United Nations special rapporteur. Many were subsequently removed from the list, but continued to report harassment,⁷¹ and labelling as terrorists. On 5 November 2019, a senior army intelligence official provided Congress with a list of national and international organizations that allegedly provide financial support to and serve as fronts for the “communist terrorist group”⁷² – despite independent audits providing evidence to the contrary for several of the organizations.⁷³

63. See, for example, <https://cnr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-de-guia-on-the-deployment-of-more-troops-in-bicol-region-samar-and-negros-provinces/>, <https://specommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25006>, <http://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-de-guia-on-the-recent-spate-of-killings-in-negros-oriental/> and <http://chr.gov.ph/statement-of-the-commission-on-human-rights-on-the-series-of-arrests-of-activists-in-negros-occidental-and-metro-manila/>

64. See, for example, www.dna.gov.ph/articles/1084364.

65. Government submission, 31 January 2020.

66. See also <https://newsinfo.inquirer.net/126413/chr-wants-eo-that-justifies-attacks-on-activists-revoked>.

67. See www.dbm.gov.ph/wp-content/uploads/GAA/GAA2020/TechGAA2020/OP/OP.pdf and

www.dbm.gov.ph/index.php/budget-documents/previous-years.

68. See the dissenting opinion of Associate Justice Leonen in the Carlos Isagani Zarate et al. case, Supreme Court, 10 November 2015, p. 1.

69. See <https://gojust.org/>.

70. See, for example, www.ilo.org/wcmsp5/groups/public/-asia/-ro-bangkok/-filomanila/documents/publication/wcms_713337.pdf.

71. See A/HRC/49/41, A/HRC/42/30, and A/73/18, chap. II, sect. A, for Committee on the Elimination of Racial Discrimination decision 1 (95) on the Philippines.

72. See www.congress.gov.ph/legisdocs/cdb/cdb18-v1135-20131105.pdf. See also <https://philippines.oxfam.org/latest-press-release/oxfam-statement-inclusion-atf%E2%80%A99s-list-%E2%80%9CCommunist-terror-groups%E2%80%9D>

73. For example, an independent audit process by the Government of Belgium found no irregularities with the Alliance for the Advancement of People’s Rights (Karapatan); see www.ackamer.be/doc/CCRI/pdf/55/ic075x.pdf.

52. Such public labelling has proved extremely dangerous. In 2018, for instance, posters and hit lists claiming to depict Communist Party of the Philippines-NPA-National Democratic Front of the Philippines personalities were circulated in the island of Negros.⁷⁴ At least four of the human rights defenders listed were subsequently murdered: activist Haide Flores, lawyer Benjamin Ramos Jr., city councillor Bernardino Patigas and lawyer Anthony Trinidad. All four murders remain unsolved.

53. Numerous human rights defenders have shared with OHCHR death threats that they have received in text messages or phone calls or on social media. One red-tagged rights defender, Honev Mae Suazo, has been missing since 2 November 2019. She had previously received many threats in relation to her work documenting violations against peasant farmers and indigenous peoples in southern Mindanao.⁷⁵ Other women human rights defenders have additionally been threatened with rape and been harassed with sexual slurs.⁷⁶

54. The police and the military reportedly use visits and raids to intimidate nongovernmental organizations and civil society; this has also occurred during the COVID-19 lockdown. Some individuals are detained and released, while others face charges, such as illegal possession of firearms, abduction and sedition.⁷⁸ While judicial remedies such as the Supreme Court's writ of amparo are available, in one recent case, members of civil society seeking such temporary protection orders against the Government were themselves charged with perjury.⁷⁹

55. Red-tagging, harassment and killings of trade unionists continue.⁸⁰ Intervention by State security forces in union meetings and affairs, threats, and profiling of members – including of a national alliance of teachers⁸¹ – have been reported. The Committee on Freedom of Association, of the International Labour Organization, has also raised concerns about “blanket linkages of trade unions to an insurgency” placing unionists in situations of extreme insecurity.⁸²

56. Lawyers’ groups worldwide have been raising the alarm about killings of legal professionals since 2004 in the Philippines,⁸³ but the numbers documented have risen considerably over the past five years. OHCHR has corroborated information that, since 2015, over 40 legal professionals have been killed, many of whom were working on politically sensitive cases or advocating for land rights of farmers and indigenous peoples. Others have faced attempts on their lives. Most cases remain unresolved. Reprisals, threats and criminal charges – often for non-bailable offences – against legal professionals involved in human rights cases are also prevalent.⁸⁴ Many lawyers and judges decline or recuse themselves from such cases.

57. In 2018, the Supreme Court removed from office the Chief Justice, Maria Lourdes Sereno – a prominent critic of the “war on drugs” and of the extension of martial law in Mindanao⁸⁵ – following a government petition in relation to her non-declaration of assets prior to her appointment in 2012. The Commission on Human Rights denounced her removal, recalling that under the Constitution, a Chief Justice can only be removed through impeachment by Congress.⁸⁶ United Nations special rapporteurs warned that her dismissal had a “chilling effect” on judicial independence.⁸⁷

58. Two Senators, Leila de Lima and Risa Hontiveros, are among women officials who have faced reprisals for criticizing government policy. Ms. De Lima has been arbitrarily detained for three years⁸⁸ and Ms. Hontiveros faces various criminal charges. Furthermore, the Vice-President, Leni Robredo, and a former Senator, Antonio Trillanes, were among individuals accused of conspiracy to commit sedition, although charges against the Vice-President have been withdrawn. On 20 April 2020, seven people linked to the Anakpawis political party were charged with sedition for reportedly carrying printed material critical of the Government while handing out food packets to quarantined communities in Bulacan, Luzon, during the COVID-19 outbreak.⁸⁹

59. Some welcome steps have been taken to address impunity for killings of journalists. In December 2019, 43 people were convicted in relation to the 2009 killing of 32 media workers in Ampatuan, Maguindanao Province. Several legal cases against journalists and prominent media organizations are, however, pending. For instance, in 2018 the Securities and Exchange Commission revoked the licence of the prominent news website Rappler. Although Rappler continues operations, its Chief Executive Officer, Maria Ressa, has been arrested multiple times on various charges. OHCHR and United Nations special rapporteurs have raised concerns about what appears to be “a pattern of intimidation” of independent news sources.⁹⁰

⁷⁴ See annexes I and II below.

⁷⁵ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25006>.

⁷⁶ See also Working Group on Arbitrary Detention opinion No. 61/2018, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23035>, A/HRC/42/30, A/HRC/40/60/Add.1 and A/HRC/40/52.

⁷⁷ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25006>.

⁷⁸ See also <https://cnnphilippines.com/regional/2020/2/7/tacloban-raid-progressivegroup.html>.

⁷⁹ See also A/HRC/32/35/Add.3 and <https://lawyersforlawyers.org/en/philippines-lawyersorganizations-worldwide-call-on-aquino-government-to-address-attacks-against-philipino-lawyers/>.

⁸⁰ See [www.pna.gov.ph/articles/11093366](http://pna.gov.ph/articles/11093366).

⁸¹ See [www.wilo.org/wcmsp5/groups/public/-red_normal/-rel_onf/documents/meetingdocument/wcms_713974.pdf](http://wilo.org/wcmsp5/groups/public/-red_normal/-rel_onf/documents/meetingdocument/wcms_713974.pdf).

⁸² See www.deped.gov.ph/2019/01/07/statement-on-the-alleged-inventory-of-alliance-of-concerned-teachers-members-by-the-philippine-national-police and <https://news.abs-cbn.com/news/01/06/19/alliance-of-concerned-teachers-slams-police-profiling>.

⁸³ Case No. 2528, report No. 356, March 2019.

⁸⁴ See <https://lawyersforlawyers.org/en/philippines-lawyersorganizations-worldwide-call-on-aquinogovernment-to-address-attacks-against-philipino-lawyers/>.

⁸⁵ Numerous submissions from lawyers’ groups corroborate these reports.

⁸⁶ See <https://pna.gov.ph/2019-09-2016-news-releases>.

⁸⁷ See <https://chr.gov.ph/statement-of-the-chr-on-the-decision-to-oust-chief-justice-sereno/>.

⁸⁸ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23163&LangID=E.

⁸⁹ See www.ohchr.org/Documents/Issues/Deterioration/Opinions/Session82/A_HRC_WGAD_2018_61.pdf.

⁹⁰ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23035>,

A/HRC/42/30, A/HRC/40/60/Add.1 and A/HRC/40/52.

⁹¹ See www.pna.gov.ph/articles/11093378.

⁹² See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24171&LangID=E.

In February 2020, the Office of the Solicitor-General filed a petition to revoke the franchise of major broadcaster ABS/CBN, after the President had threatened to shut it down, claiming that its reporting was biased against him. On 5 May 2020, the National Telecommunications Commission issued a “cease and desist” order against ABS/CBN when its legislative franchise expired, leading to the immediate shutdown of its broadcasting services and raising serious concern about freedom of the press. Congressional hearings on renewal of the network’s licence were ongoing at the time of writing.

60. The Philippines has one of the highest per capita uses of social media in the world, with Facebook being the dominant platform. While social media is an important tool for civil society to share information, it has also been used to spread misinformation, to troll, to red-tag and to harass civil society and opposition politicians, with women particularly subjected to misogynistic comments.⁹¹ Facebook has removed at least 200 instances of coordinated inauthentic behaviour found in Facebook and Instagram pages, groups and accounts, which it found were linked to a network organized by the social media manager of the President’s electoral campaign.⁹² The Government has also increasingly filed criminal charges, including by using special powers and laws relating to COVID-19, against social media users posting content critical of government policies and actions.⁹³

61. Twenty media and non-governmental organization websites faced a spate of distributed denial of service attacks in 2018 and 2019 after posting stories critical of officials. A lawsuit relating to the attacks was settled out of court in March 2020.⁹⁴

C. Situation of indigenous peoples, farmers and internally displaced persons

62. As at 31 March 2020, 359,941 persons remained displaced in Mindanao due to armed conflicts and natural disasters – many protractedly, including 127,865 persons following the 2017 siege of Marawi.⁹⁵

63. Serious concerns remain that the persistent lack of security and economic development in Mindanao, which includes insufficient progress in rebuilding Marawi and the reported violations of international humanitarian law and the lack of progress in transitional justice and reconciliation,⁹⁶ provide fertile ground for radicalization. Although no hostilities have been reported between the Moro Islamic Liberation Front and the Armed Forces of the Philippines since the establishment of the Bangsamoro Autonomous Region of Muslim Mindanao, armed clashes continue in other parts of Mindanao with ISIL-affiliated non-State armed actors: the Abu Sayyaf Group, Bangsamoro Islamic Freedom Fighters and the Maute Group.

64. Ongoing clashes between the army and NPA, and the activities of other armed groups, continue to cause displacements in eastern and northern Mindanao. The implementation of martial law in Mindanao and of Memorandum Order No. 32 in the island of Negros has increased militarization in the region, with far-reaching impacts on the rights of farmers and indigenous peoples, in particular.

1. Land, farmers and indigenous peoples

65. The Philippine legal framework for the rights of indigenous peoples remains, on the face of it, exemplary. Powerful business and political actors, however, consistently undermine efforts at land distribution and agrarian reform. The requirement for free and prior informed consent for any interventions in indigenous communities is regularly manipulated, including through bribery and intimidation, as has been noted in multiple independent studies.⁹⁷ While the National Commission on Indigenous Peoples has substantial powers, there remains mistrust in its effectiveness and its independence.

66. The indigenous Lumad peoples have for decades been caught in a tug of war between the army and NPA.⁹⁸ Accusations based on perceived affiliation with one side or other are common, and often precede arbitrary detention, as well as threats, violence and killings by both State and non-State actors.⁹⁹ Further issues arise from the role of private mining and logging companies, infrastructure projects, and large-scale agribusiness on ancestral lands, and in the implementation of the land distribution programme for peasant farmers.¹⁰⁰

67. Various controversial large-scale projects to which indigenous communities have not consented remain pending, including the Kaliwa dam project in Quezon. State officials have publicly expressed exasperation with the process and threatened to push projects through. In other cases, companies continue to operate without appropriate consent from the communities, such as in Luzon, where a Commission on Human Rights inquiry found, in 2011, that the OceanaGold mining company was responsible for the illegal demolition of 200 houses and violent eviction of residents.¹⁰¹

⁹¹ See Working Group on Arbitrary Detention, *omnibus* No. 61/2018.

⁹² See <https://about.fb.com/news/2019/05/cib-from-the-philippines>. See also www.isek.ph.

⁹³ See, for example, www.pna.gov.ph/articles/1699910 and www.dole.gov.ph/news/press-statement-on-the-deportation-of-a-philippine-caregiver-in-taiwan-for-the-crime-of-cyber-libel.

⁹⁴ See www.gurum.org/alerts-philippines/attribution-the-attacks-against-media-human-rights-philippines/ and www.altermidya.net/parties-to-cyberattack-cases-reach-agreement/.

⁹⁵ Office of the United Nations High Commissioner for Refugees, *Mindanao displacement dashboard*, March 2020, issue No. 67.

⁹⁶ See, in particular, *Transitional Justice and Reconciliation Commission recommendations*, at www.tjrc.ph.

⁹⁷ See www.giz.de/en/downloads/grz2013/en-assessing-free-and-prior-informed-consent-fpic-philippines.pdf and A/HRC/32/35/Add.3.

⁹⁸ *Global Terrorism Index 2019*, available from <https://reliefweb.int/report/world/global-terrorism-index-2019>.

⁹⁹ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=72567&LangID=E.

¹⁰⁰ The President’s mid-term report to the people (2019).

¹⁰¹ See www.scribd.com/document/589045428/Commission-on-Human-Rights-Resolution-on-OceanaGold-in-the-Philippines. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=75850&LangID=E.

68. The establishment of the Citizen Armed Force Geographical Unit in 1987, “force multipliers” in 2006¹⁰² and other armed groups led to an increase in extrajudicial killings and other violence against those perceived to be anti-Government, pro-NPA or anti-business. In 2013, the Human Rights Committee urged the State to disband and disarm all “private armies, vigilante groups and ‘force multipliers’”.¹⁰³ Such armed groups have, however, continued to proliferate, and to act with apparent impunity.

69. Land and environmental rights defenders feature prominently among the documented killings of human rights defenders, particularly in Mindanao, Negros Island, the Cordillera Administrative Region, and Palawan and Bataan Provinces. Information provided by civil society and the Commission on Human Rights suggests widespread impunity for such killings.

70. In one emblematic case, an investigation by the Commission found that the killing by the military of tribal leader Datu Victor Danyan – one of eight Lumad killed in Lake Sebu in South Cotabato in December 2017 – amounted to a human rights violation. To date, however, there has been no accountability, with the army stating that the killing occurred during an encounter with NPA.¹⁰⁴ Mr. Danyan had refused to consent to renewing an authorization for a coffee plantation. Similarly, veteran peasant leader and land reform advocate Nora Apique was shot and killed on 31 March 2020 by unidentified assailants on her way home in San Miguel, Surigao del Sur Province.

71. As many indigenous communities are geographically isolated, and lack adequate access to basic social services, they rely heavily on civil society support. The emphasis on national security, intelligence-gathering and red-tagging in the execution of Executive Order No. 40, however, has hampered local civil society, including church groups, from tending to the humanitarian needs of the communities for fear of being portrayed as NPA affiliates.

72. Teachers and students of indigenous community learning centres run by non-governmental organizations have also long been attacked and harassed. On 25 February 2019, several banners were posted outside a school in North Cotabato Province, accusing it of links with NPA. On 12 July 2019, the Government closed 54 such schools in Mindanao, pointing to complaints that the schools were teaching violent extremism. The United Nations Children’s Fund (UNICEF) has expressed concerns about the closures.

73. The 2019 report of the Secretary-General on children and armed conflict cited verified attacks and threats of attacks on schools and teachers, mainly for perceived support for NPA. The majority of these violations were attributed to the Armed Forces of the Philippines, which also used two schools as bases during military operations.¹⁰⁵

2. Violations and abuses by the New People’s Army

74. OHCHR received individual submissions alleging human rights abuses by NPA, including killings, abductions, recruitment of children and extortion.

75. Without access to the country, OHCHR was unable to verify these reports. The Commission on Human Rights has, however, verified reports of killings by NPA, and the Government has stated that 80 incidents allegedly perpetrated by NPA are being examined under Administrative Order No. 35. The reports of the Secretary-General on children and armed conflict from 2015 to 2019 confirm grave violations against children committed by both State and non-State actors. In 2018, 16 children were killed (four by the army and one killed by the Abu Sayyaf Group), and 41 children were maimed (four maimed by the army, three by NPA and one by the Maute Group).¹⁰⁶

76. The United Nations has verified the recruitment and use of children by NPA in combat or support roles in 2019, and by the army to provide support in a military camp.¹⁰⁷ The United Nations lists NPA among parties that commit grave violations affecting children in situations of armed conflict.¹⁰⁸

D. Incitement to hatred and violence

77. In recent years, harmful rhetoric from the highest levels of the Government has been pervasive and deeply damaging. Some statements have risen to the level of incitement to violence.

78. The rhetoric has ranged from degrading and sexually charged comments against women human rights defenders, politicians and combatants – including rape “jokes” – to statements making light of torture, calling for bombing of indigenous peoples, encouraging extreme violence against drug users and peddlers – even offering bounties, calling for beheadings of civil society actors, and warning that journalists are not immune from “assassination”. Days after the imposition of COVID-19-related restrictions on movement, the President declared in an address to the nation that police, military and barangay officials were to shoot those disobeying orders, creating trouble or fighting.¹⁰⁹ Responding to criticism about the distribution of relief supplies, he also threatened to detain “the left” until the COVID-19 crisis was over. The Commission on Human Rights commented that

¹⁰² See 1987 Executive Order No. 264, and 2006 Executive Order No. 546.

¹⁰³ CCPR/C/PHI/CO/4, para. 14.

¹⁰⁴ See www.pna.gov.ph/index.php/articles/1018556

¹⁰⁵ See A/73/967-S/2019/509.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ See <https://pnao.gov.ph/presidential-speech/nation-address-of-president-roa-duterte-on-coronavirus-disease-2019-covid-19-pandemic> and <https://news.trib.com.ph/2020/04/03/palace-defends-dutertes-shoot-to-kill-order-vs-troublemakers/>.

the President's statement "is dangerous as it may be construed as an official policy from the Government".¹⁰ The Chief of the Philippine National Police subsequently stated that the police would "exercise maximum tolerance" and act "within the bounds of the law".

79. Other high-level officials have also used incendiary language inciting violence against critics of the Government. On 5 March 2020, reacting to a media comment by a non-governmental organization, a government minister tweeted as follows: "These are f---ing Communists. You shoot them. You don't listen to them." The tweet was later removed and the minister's Twitter account temporarily blocked.

80. While numerous statements by the President, Mr. Duterte, are subsequently clarified by his spokesperson and other officials as not to be taken literally, the widespread killings, detentions, red-tagging and score-settling by State actors, including in the campaign against illegal drugs, suggest that his public comments may have incited violence and may have had the effect of encouraging, backing or even ordering human rights violations, with impunity. The use of such language could amount to a violation of the prohibition against arbitrary deprivation of life in article 6 of the International Covenant on Civil and Political Rights.¹¹

IV. Conclusions

81. The legal, constitutional and institutional framework in the Philippines contains human rights safeguards, as well as checks and balances. The challenge has always been one of implementation -- and circumvention. The long-standing overemphasis on public order and national security at the expense of human rights has become more acute in recent years, and there are concerns that the vilification of dissent is being increasingly institutionalized and normalized in ways that will be very difficult to reverse.

82. In just the first four months of 2020, including during the COVID-19 pandemic, OHCHR documented continued killings of persons suspected of drugs offences, and of human rights defenders. Charges were filed against political opponents and civil society members, including for sedition and perjury. A major media network was forced to stop broadcasting after being singled out by the authorities. Red-tagging and incitement to violence have been rife, online and offline. The response to COVID-19 has seen the same heavy-handed security approach that appears to have been mainstreamed through the ramped-up campaign against illegal drugs and by counter-insurgency imperatives. While important measures were taken to mitigate the economic impact of the pandemic on vulnerable communities, threats of martial law, the use of force by security forces in enforcing quarantines and the use of laws to stifle criticism have also marked the Government's response.

83. Persistent impunity for human rights violations is stark, and practical obstacles to accessing justice within the country are almost insurmountable. Human rights advocacy is routinely equated with insurgency, with the focus being diverted to discrediting the messengers rather than examining the substance of the message. This has muddled the space for debate, for disagreement and for challenging State institutions and policies, which has resulted in deep mistrust between the Government and civil society -- a rift in urgent need of repair.

84. The country faces major systemic challenges, from structural poverty, to inequalities, to armed conflict, to natural disasters, and now, the nationwide impact of COVID-19. OHCHR welcomes the important efforts to improve protection of economic and social rights and access to essential goods and services across the country. It is crucial, however, that this be guided by a human rights-based approach that is focused on "leaving no one behind". Efforts to address criminality and the proliferation of illicit drugs, and to prevent and counter violent extremism and armed conflict, must be grounded in evidence, be consistent with the rule of law, and embody full respect for human rights. Accountability for violations committed both by State and by non-State actors, with full transparency and respect for due process, is essential for rebuilding public confidence.

85. Given the widespread and systematic nature of the alleged killings, and the failure of domestic mechanisms to ensure accountability thus far, there have been strong calls for an international accountability mechanism. In June 2019, a group of 11 special procedure mandate holders called upon the Human Rights Council to establish an independent investigation.¹² The International Criminal Court, for its part, is conducting a preliminary examination of the situation in the Philippines. The United Nations High Commissioner for Human Rights again emphasizes the need for independent, impartial and effective investigations into the killings and stands ready to assist credible efforts towards accountability at the national and the international levels.

86. The High Commissioner expresses the readiness of OHCHR to continue positive engagement with the Philippines, including through enhanced provision of technical assistance and capacity-building, particularly for the implementation of the recommendations contained in the present report, and through continued monitoring and reporting on progress on human rights.

¹⁰ See www.facebook.com/notes/commission-on-human-rights-of-the-philippines/statement-of-chr-spokesperson-on-the-order-to-shoot-alleged-agitators-and-violat/2713442025438922

¹¹ See Human Rights Committee, general comment No. 36.

¹² See www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=24679&LangID=E

V. Recommendations

87. The High Commissioner calls upon the Government of the Philippines to:

(a) In context of its campaign against illegal drugs:

(i) Repeal Philippine National Police Command Memorandum Circular No. 16-2016; cease “Project Tokhang”, and urgently put an end to extrajudicial killings, arbitrary detention and other violence targeting suspected drug offenders and people using drugs; and abolish the compilation and publication of “drug watch lists” at all administrative levels;

(ii) Undertake a comprehensive review of legislation and policies relating to narcotics, including revisiting the mandatory penalties for drug offences; consider decriminalization of drug possession for personal use; and implement alternative measures to incarceration, and other human rights-based responses;

(iii) Ensure adequate assistance for families of victims of drug-related killings, including financial aid, legal support and psychosocial services.

(b) National security laws and policies:

(i) Rescind Memorandum Order No. 32; and ensure that emergency measures are necessary, proportionate and time-bound, and are limited to those strictly required by the exigencies of the situation;

(ii) Urgently disband and disarm all private and State-backed paramilitary groups;

(iii) Review Executive Order No. 70 and its implementation to ensure compliance with rule of law and international human rights norms and standards, and that political and socioeconomic grievances are tackled through meaningful, participatory consultation.

(c) Accountability:

(i) Empower an independent body to conduct prompt, impartial, thorough, transparent investigations into all killings, and into alleged violations of international humanitarian law, with a view to prosecution and to the provision of remedies for victims and their families;

(ii) Improve systems for compiling and publishing consistent, disaggregated data on all allegations of extrajudicial killings;

(iii) Improve cooperation between law enforcement bodies and the Commission on Human Rights; strengthen the investigative and forensic capacity of the Commission, including through adoption of the Commission on Human Rights Charter; and adopt legislation establishing a national preventive mechanism on torture.

(d) Civic space:

(i) Take confidence-building measures to foster trust with civil society organizations and facilitate their engagement with State institutions mandated to respond to human rights concerns, without reprisal; and halt and condemn – incitement to hatred and violence and other harmful, threatening and misogynistic rhetoric against human rights defenders and other critics of the Government, both offline and online;

(ii) Ensure that the rights to freedom of expression, association and peaceful assembly are respected and protected; drop politically motivated charges against human rights defenders, political opponents, journalists and media organizations, legal and judicial officials, trade unionists, church workers, and others, and take legal measures to ensure their protection, particularly following threats, including of gender-based violence; and ensure there are no reprisals against persons and entities that engaged with OHCHR for the present report.

(e) Indigenous peoples:

(i) Fully and comprehensively implement the Indigenous Peoples’ Rights Act, and address, together with affected communities, major challenges impeding the proper functioning of the Act;

(ii) Ensure full respect for the principle of free, prior and informed consent and meaningful participation at all stages of development projects that affect indigenous communities;

(iii) Ensure universal access by indigenous children to quality education in line with their cultural identity, language and values.

(f) Cooperation with OHCHR and United Nations human rights mechanisms:

(i) Invite special procedure mandate holders to monitor and report on specific human rights concerns and provide relevant technical assistance;

(ii) Invite OHCHR to strengthen its provision of technical assistance, inter alia for it to advise on reviewing counter-terrorism legislation, adopting human rights-based approaches to drug control, strengthening domestic investigative and accountability measures, and improving data-gathering on alleged police violations, and to assist in bridging the gap between civil society and State authorities.

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

- (a) Encourage and support technical cooperation between the Government and OHCHR to implement the recommendations of the present report, with the participation of the Commission on Human Rights and civil society;
- (b) Mandate OHCHR to continue monitoring and documenting the situation of human rights in the Philippines, and to regularly report to the Human Rights Council, including on progress in technical cooperation;
- (c) In the absence of clear and measurable outcomes from domestic mechanisms, consider options for international accountability measures;
- (d) Remain engaged with regard to possible reprisals against human rights defenders;
- (e) Bolster implementation of the Guiding Principles on Business and Human Rights and conduct strict human rights due diligence when carrying out investment and development cooperation, particularly in relation to infrastructure projects, extractive industries, and cooperation involving the security sector.

Annex I

Illustrative cases – victims' voices

The following three cases of alleged extrajudicial killings illustrate some of the key issues highlighted in the report. The stories were compiled through interviews with victims and witnesses, family members, as well as a review of official documentation and videos to corroborate information. In all the cases, there is a need for thorough, impartial and transparent investigations.

Benjamin Ramos – human rights lawyer

After more than 30 years of defending the rights of farmers in Negros, multiple threats, frequent red-tagging and surveillance, attorney Benjamin Ramos was shot dead on 6 November 2018. Two hooded assassins on a motorbike fired three bullets into the victim in Kabankalan city centre on Negros Island. CCTV footage captured the motorcycle speeding away. The Presidential spokesperson condemned the killing, pledging to bring to justice the perpetrators. To date, however, there has been no justice for his family, and Ramos' colleagues continue to face threats and vilification.

Benjamin Ramos was one of the most active lawyers and human rights defenders on Negros Island. He started his work as a community organizer in the 1980s and was a founding member of the National Union of People's Lawyers (NUPL) and the secretary-general of its Negros Occidental chapter. Witnessing the difficulties that the Negros sugar plantation farmers faced, he was determined to work towards improving their socio-economic situation, his wife Clarissa Ramos told OHCHR. He worked on various issues related to the State's agrarian reform programme, land ownership, mining and the situation of sugar workers, among others.

"Through his community work, Ben quickly realized that if the farmers did not possess the land – the whole effort is futile. He became interested in the agrarian reform and decided to pursue legal studies in order to deepen his understanding of the law. He felt that this knowledge would help the farmers to assert their rights", explained Clarissa Ramos, herself a human rights defender.

Benjamin Ramos' legal advocacy and pro bono work with the Negros communities quickly earned him powerful enemies, including landowners, mining corporations, and military officers. Over the decades, Ramos frequently faced surveillance and was increasingly publicly accused by the military of being affiliated with the NPA. His name was aired on a radio programme, telling listeners not to seek legal advice from him as he was a front for the NPA. His picture appeared on a poster along with other rights defenders tagged as CPP-NPA-NDF personalities, and he was similarly maligned in PowerPoint presentations conducted by the military. Over the years, Ramos also lost several of his NUPL colleagues to assassinations, and he himself on occasion was followed by motorcycle-riding men, his wife said. In October 2018, after nine sugar workers were killed in Sagay City, Negros Occidental, Ramos took up the case. Two weeks later, Ramos himself was killed.

Despite the availability of CCTV footage and numerous witnesses to the circumstances of Ramos' assassination, there remains widespread fear to assist police with the investigation, Clarissa Ramos said.

"If they can kill a lawyer – imagine what they can do to a lay person?" one witness said in an interview with OHCHR. Following his death, Ramos' family and colleagues were subjected to further acts of surveillance, threats, and intimidation, including credible reports suggesting the involvement of military intelligence. Two of his colleagues were sent photos of coffins, warning they would be next.

Ramos is survived by his three children and his wife. "I will continue to pursue justice for my husband through all available venues, both in the Philippines and internationally", Clarissa Ramos said.

Elisa Badayos and Eleuterio Moises – human rights defenders

From 26 to 28 November 2017, Elisa Badayos, a long-time human rights defender and an NGO coordinator for Central Visayas, led a team of 30 individuals on a fact-finding mission to Negros Island. The purpose of the mission was to investigate and document human rights violations allegedly committed by private security guards, the Citizen Armed Force Geographical Units (CAFGUs), and the Armed Forces of the Philippines (AFP). The team also included Eleuterio Moises, member of the local

peasant organization, Mantapi Ebian Farmers' Association. On the last day of their mission, 28 November, at around 2:40 p.m., Badayos and Moises were shot dead by motorcycle-riding gunmen.

Members of the fact-finding team recalled in interviews with OHCHR how on 28 November, in Bayawan city, their vehicle was stopped by a group of armed guards. Some of the guards were reportedly members of the CAFGU. The men reportedly worked for an influential local family with close ties to the municipal government. The guards brandished their weapons and asked the team about the purpose of the mission. The team showed the guards the municipal permit they had obtained to conduct their work. The armed men relented and allowed the team to proceed.

The fact-finding team separated into smaller groups and conducted interviews with victims and witnesses. Badayos and her team spoke to farmers who told them that security guards employed by a powerful local politician were attempting to drive farmers off the land. After the interviews with farmers, Badayos, Moises and other colleagues got on two motorbikes to go to the Nangkay barangay hall in Bayawan to file a police report on the harassment they had faced from the armed men. The team that witnessed the killing recalls noticing they were being followed by masked armed men on another motorbike.

The witnesses say that Badayos, Moises and another colleague were shot – and the gunmen took pictures of their victims before driving off. Badayos and Moises were pronounced dead on arrival at the hospital, while the third colleague survived.

Elisa Badayos' daughter Jimmylisa was part of the mission: *"I recall my mission colleague receiving a call informing us that something happened to my mother. My heart sank."*

The Philippine National Police opened an investigation into the incident but despite witness testimonies and CCTV footage capturing the suspects on a motorbike, the case remains unsolved. A Commission on Human Rights investigation concluded that while human rights violations have been committed in the attack, failure to collect evidence has precluded the case from moving forward.

Colleagues of the murdered human rights defenders and labour activists shared with OHCHR the continued threats they have been receiving on social media in relation to their work in Bohol, Cebu and Negros, and told also of intimidating visits from individuals who introduce themselves as representatives of the Government.

Elisa Badayos is survived by her four children, including Jimmylisa. Elisa's husband Jimmy Badayos, a labour organizer, disappeared in 1990 after being arrested and taken away by police in Cebu city. His fate and whereabouts remain unknown.

The Lozano brothers – on a drug watch list

According to the Philippine National Police, brothers Crisanto (34) and Juan Carlos Lozano (31) were killed on 12 May 2017 after a robbery incident in Arboretum, Quezon City. The police report claimed that three men allegedly took a mobile phone of a victim at gunpoint and then fled in a passenger "jeepney" vehicle. Police allegedly caught up with the trio a few kilometers down the highway, and after a shootout, killed all three suspects. Officers said they recovered two guns – .38 caliber and .45 caliber – beside the bodies of Crisanto and Juan Carlos. Both victims were on the barangay's "drug watch list".

According to victims' relatives interviewed by OHCHR, the day before the killing, the two brothers had gone out early to see their uncle and to get clearances and referrals for work. After failing to hear from the brothers throughout the day, the family grew worried. They printed out the brothers' pictures and started approaching police stations throughout

Quezon City. Eventually the family got a call that bodies believed to be of the two brothers were brought into police camp Karingal in Quezon City. There, they were able to identify the bodies as Crisanto and Juan Carlos.

Crisanto and Juan Carlos' mother, Llore Benedicto, said the police told the family that a police-accredited funeral parlour took the bodies from the morgue. The parlour, notorious for profiteering off the anti-illegal drugs campaign, reportedly had close ties with local police, claimed unidentified bodies and processed them for a fee. Benedicto said that the parlour asked for PHP 112,000 (approximately USD 2,200), to be paid on the day before the interment. The family did not have the money, so the parlour refused to let her even see her sons' bodies. It took days for the family to negotiate the price down to PHP

75,000 – of which PHP 50,000 was to be paid in cash for the release of the bodies and the remaining PHP 25,000 had to be settled before the family could get death certificates required for the burial.

Eight days after her sons were killed, Llore Benedicto finally saw their bodies. *"I asked myself, is this what it feels to lose someone in the President's 'war on drugs'? I lost my loved ones and I still get to suffer in every step – including the funeral home."*

The victims' family denied that Crisanto and Juan Carlos ever owned guns, and said that while they had used drugs in the past, they had stopped doing so for more than a year prior to their killing.

The family did not pursue a case against the police due to the lack of means, witnesses, a lack of faith in the justice system, and for fear of retaliation, Benedicto said.

"Everybody knows that unless you have evidence or witnesses willing to step forward, the case will not go anywhere", admitted Llore Benedicto. She vowed, however, to continue her quest for justice in international venues: *"When a grieving parent or family cries because of a violent experience like this...I learned that when you cry, you gain more strength to fight. To fight for justice no matter how long."*

The following is an account of the killing of a municipal councilor, allegedly by NPA, for refusal to pay "revolutionary taxes". The account is drawn from submissions received by OHCHR and an investigation by the Commission on Human Rights. The real names, dates and locations are not used in the account below, for the protection of surviving family members

At around 7:00 on 15 May 2019, more than 50 heavily armed people on board three trucks stopped outside the house of municipal councilor Jose dela Suarez, according to his mother. She said the armed men scattered themselves and broke into the room where dela Suarez was, with his wife and young child. The family hid under their bed, but one of the intruders spotted dela Suarez. Dela Suarez's sister said that the assailant immediately sprayed the victim with bullets, pulled him out and proceeded to repeatedly stab him with a knife.

The assailants then gathered money and jewelry from the house before driving off, chanting “mabuhay ang NPA” (“long live the NPA”), the victim’s mother said.

Investigators of the Commission on Human Rights interviewed witnesses who said that dela Suarez had been repeatedly approached by individuals claiming to be members of NPA, demanding “revolutionary taxes”. Over many years, Dela Suarez had refused to pay up. A year before his killing, dela Suarez had received a letter warning him against running for re-election.

Suspects have been identified in the case and court proceedings are ongoing.

OHCHR received a number of accounts of NPA violations. Further investigations are required in such cases. While there are no comprehensive figures on NPA violations, the Government has informed OHCHR that 80 incidents allegedly perpetrated by NPA are being monitored under Administrative Order 35.

Annex II

Images threatening human rights defenders below are open source and circulating in the public domain. Some were discussed in the Philippines Senate. Images and names blurred by OHCHR.

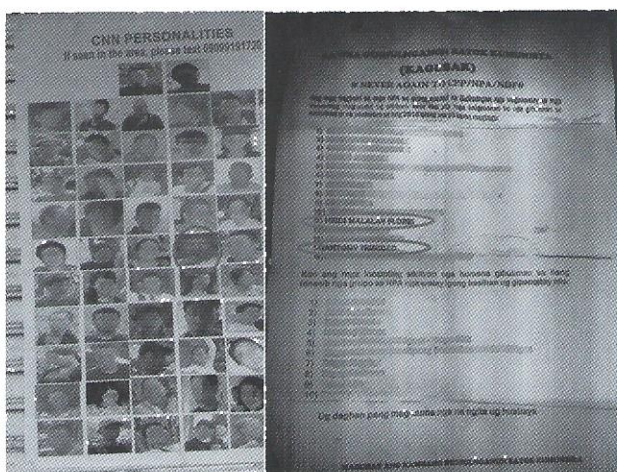


Image 1

Left: A poster that claims to be bearing pictures of suspected CPP-NPA-NDF (“CNN” personalities). The phone number listed is a local police number. Circled in the poster, Bernardino Patigas (6th row) and Anthony Trinidad (second row, from the bottom), have been killed.

Right: A “hit list leaflet” declaring 15 people as NPA who “will be judged”. Circled are activist Haide Flores (spelled Heidi below) and lawyer Anthony Trinidad, who have since been killed.

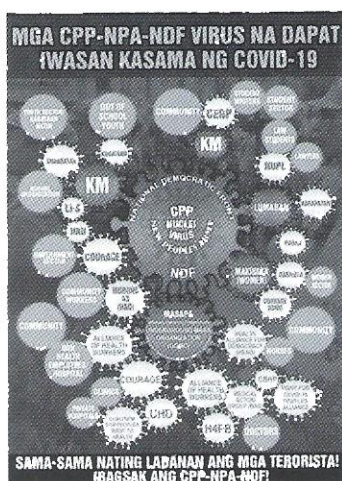


Image 3

Image posted on the Facebook page of the AFPs 303rd Infantry Brigade on 30 April

2020, depicting prominent NGOs as “the real virus” (the text reads: “The CPP-NPA-NDF viruses that should be avoided along with COVID-19. Together we fight terrorists! Overthrow CPP-NPA-NDF!”)

www.facebook.com/303rdbrigade.philarmy/posts/903439520101515

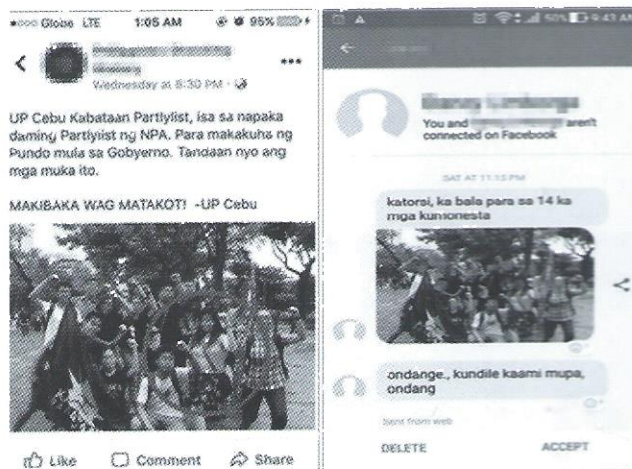


Image 2

Left: Facebook post red-tagging an activist with caption: “UP Cebu Kabataan Partylist, isa sa napaka-daming Partylist ng NPA. Para makakuha ng Pundo mula sa Gobyerno. Tandaan nyo ang mga muka ito. REMEMBER THEIR FACES!”

Right: Private Facebook message to the activist reading: “Fourteen bullets for 14 communists .. Stop it, or else we will make you stop.”

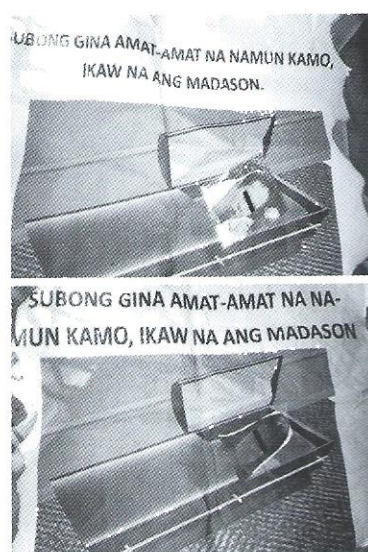


Image 4

Death threats received on 24 November 2018 by two colleagues of slain human rights lawyer Benjamin Ramos Jr, some 18 days after his unsolved murder. The text reads “Now we are looking at you, you will be next.” Black hats added by OHCHR

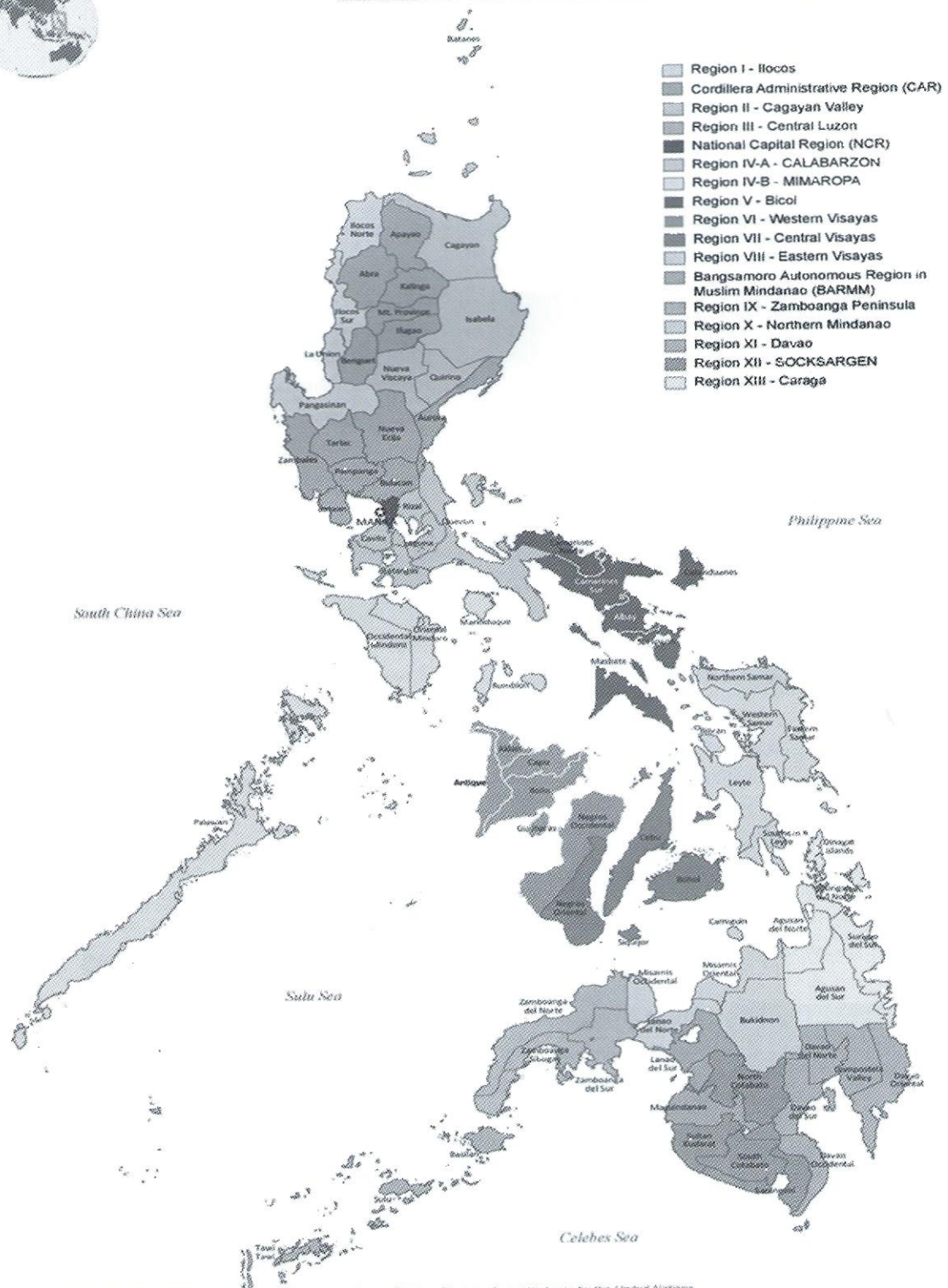
Annex III

Map of the Philippines

PHILIPPINES: Provinces

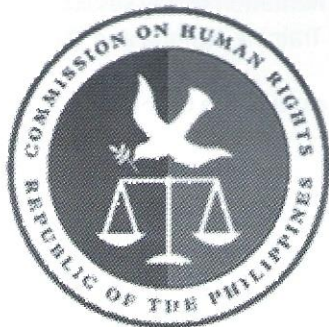


17 REGIONS	81 PROVINCES	145 CITIES	1,489 MUNICIPALITIES	42,036 BARANGAYS
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The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Part 4:
Sample Training Design/Session on
International Human Rights Mechanisms



Republic of the Philippines
COMMISSION ON HUMAN RIGHTS
Diliman, Quezon City



Training on International Human Rights Mechanisms

Conducted for the staff of the Commission on Human Rights,
on 1-4 August 2017, in Linden Suites, Pasig City, Philippines.

Introduction /

This sample training session is a documentation of the capacity building training programme for senior officials of the Commission on Human Rights of the Philippines (CHRP) on the use of international human rights mechanisms. The International Service for Human Rights (ISHR), together with the CHRP, and with support from the Spanish Agency for International Development Cooperation (AECID) conducted the training session. The whole programme was a four-day in-residence training held on 1-4 August 2017 at the Linden Suites, Ortigas, Pasig City, Philippines and was divided into 2 parts. Part 1 (1 August), was a meeting between the ISHR and the Commission En Banc (CEB). This was followed by the CEB's brown bag session with Civil Society Organizations (CSOs). Part 2 was the training proper with the CHRP Senior Officials and staff held on 2 to 4 August 2020. This ANNEX is a concise documentation of key sessions of the training proper (Part 2). Sections VI and VII of this documentation carry the detailed Training Agenda and the link to the materials used during the sessions.

A total of twenty-seven (27) participants, including the Commission En Banc, the directors and division chiefs of the CHRP Central Office, and representatives from AECID took part in the four-day intensive, immersive discussions, workshops and sharing of experiences, all designed to build and strengthen skills in making use of international human rights mechanisms, in line with the CHRP's function as a national human rights institution (NHRI). The Commission is the country's independent national human rights institution, mandated by the 1987 Philippine Constitution to promote and protect the human rights of all persons in the Philippines and of Filipinos abroad.

The monitoring of human rights obligations of the State has taken on even greater importance, as a culture of impunity and disregard for the very essence of human rights is being perpetuated. The State has the responsibility to protect, promote and uphold human rights, as tasked by the Constitution, and by the national laws and international human rights treaties the State has passed and ratified. The role of the CHRP is to monitor the State's compliance with these laws and international human rights standards.



The sessions on 2-4 August 2017 were comprehensive and intensive, with the added participation of twenty (20) senior officials from the CHRP who in their respective positions and departments make use of international human rights mechanisms. Through a mix of lectures, games, group work and bilateral discussions, participants gained a better appreciation of the Human Rights Council, the Universal Periodic Review, the Treaty Bodies, and the Special Procedures. Guest speakers who enriched the

discussions included human rights experts connected with the work of the UN. At the end of the training, participants charted a road map, tracking the next steps of the CHRP through engagement with various international human rights mechanisms. Evaluation of the training was generally positive. Some participants found the practical exercises and teaching methods creative, while others welcomed having more lecture-type sessions. The interaction with the facilitators was seen as an opportunity to gain insider perspectives on how international human rights mechanisms operate. A number of participants suggested providing similar training to other CHRP staff. Some participants suggested that the four day training was not enough for some participants to fully grasp how, for example, Treaty Bodies or the HRC operate. A recommendation was made to provide more time for breaks during the training. The facilitators and organizers acknowledge the participation of civil society partners, namely the Philippine Alliance of Human Rights Advocates (PAHRA), KARAPATAN, ASEAN SOGIE Caucus, Migrant Forum in Asia (MFA), and Tehtebba. CHRP Commissioner Karen Gomez-Dumpit and Dr. June Lopez provided invaluable information as resource persons. Commissioner Gomez-Dumpit presented an overview of the work of the CHRP as an NHRI

through years of engaging international human rights mechanisms. Dr. June Lopez, a member of the Subcommittee on the Prevention of Torture (SPT), a UNTreaty Body, gave an insightful presentation on the unique role of the SPT in taking States to task in complying with the Optional Protocol to the Convention against Torture (OPCAT). Acknowledgment is also due to the representatives of AECID, Yolanda Rodriguez and Jose Maria Taberne, who came as observers but also participated in group exercises and listened intently during the lecture sessions.



Training Objectives /

This training is designed to enhance knowledge on how international human rights mechanisms work, and how they can be more effectively applied. This training was conducted specifically intended to:

1. improve staff knowledge of the Human Rights Council, the Universal Periodic Review, the Special Procedures and the UN Treaty Bodies;
2. heighten awareness of the complementary roles of civil society and NHRIs in international human rights monitoring and reporting, and identify opportunities for CHRP's effective engagement with UN human rights mechanisms;
3. increase the capacity of the CHRP to engage in human rights advocacy with the Government at the regional and international levels; and
4. build capacity to follow up on UN recommendations, and to mainstream international human rights standards into the national and local initiatives of government, civil society and relevant stakeholders.

Methodology /

ISHR uses practitioner-focused lectures, combined with participatory learning and facilitation, to empower adult learners to understand and strategically use the UN human rights system. Training activities includes games, brainstorming, analytical exercises and break-out group sessions aimed at tapping into the existing experience of advocates and human rights professionals. Lecture materials provide entry points and visual references, and printed materials help participants visualize and contextualize the content. The ISHR training for CHRP covered the following topics:

- Overview of the UN system
- A quick history of international human rights and their monitoring and enforcement
- Treaty Bodies (TB)
- Human Rights Council (HRC)
- Universal Periodic Review (UPR)
- Special Procedures (SP)
- Observer (NHRI and civil society) participation and reprisals
- For the Commission en banc, NHRI engagement on women's rights, migrants' rights and human rights defenders and the general process of participation in UN New York

Relevant information and examples for each topic were tailored to the needs and interests of the audience. This included use of country-specific cases. At the conclusion of the training, participants were invited to consider next steps, based on a calendar of upcoming opportunities that respond to the national context and organizational interests.

Much of the participation and “next steps” components would focus on the Universal Periodic Review, and the advocacy opportunities available until the adoption of the UPR report. Follow-ups were made to Treaty Body recommendations presented to the Philippines, such as by the Committee on Economic, Social and Cultural Rights (CESCR) and the Committee on the Elimination of Discrimination against Women (CEDAW), in order to encourage their implementation.

Binders with reading materials and handouts were distributed to participants at the start of the training. Copies of HRC resolutions, UPR and TB documents relevant to the Philippines, country case studies and charts, maps and exercise sheets were included in the training binders. Soft copies of the materials and PowerPoint presentations were shared with the participants after the training.

General Programme Flow /

Day 1 of Training

Overview of the UN System

How to do effective advocacy? Jo Becker: 5 ways to a successful human rights campaign

Session 4: UPR can or cannot?

Session 5: Human Rights Defenders

Day 2 of Training

Leveraging the Human Rights Council

UN Human Rights Treaty Bodies and NHRI Participation

Meeting with a member of a Treaty Body

Concluding observations and key thematic discussions

Day 3 Final day of Training

Special Procedures

Reprisals

Conclusion and next steps

Evaluation and Feedback

Training Highlights /



Ice breaker: getting to know each other through a human bingo game

First day of training with CHRP staff

Overview of the UN System²

Aims of the session

- Be equipped with a “mental map” to choose the best tool in the UN toolbox
- Inventory experiences in using international human rights bodies
- Identify “key drivers of success” from positive advocacy stories

The United Nations



United Nations Office in Geneva, Switzerland. Photo from ISHR.

The UN is an intergovernmental organization made up of 193 member States. States do not get admitted automatically—a State must be a “peace-loving State” according to the UN Charter. An application must be submitted, with the Security Council recommending the membership. (Nine states must vote in favor and none of the permanent members must vote against). The GA must then vote; a two-thirds majority vote is required for the new State to be admitted.

Political discussions between States and technical discussions between experts. In the succeeding discussions, the UN system is divided between the expert bodies on one side, composed of individuals chosen for their expertise on a subject matter, and the political bodies on the other side, composed of States. This is an important distinction to keep in mind.

With “legislative” power. International treaties or declarations are drawn up by relevant body, e.g. human rights treaties by the HRC (or a sub-body of it) or its predecessor the Commission on Human Rights. The distinction between treaties and declarations is part of the same division that was just mentioned between expert bodies and political bodies.

Without military power. The UN has no military, although it does have peacekeeping forces supplied by its member States. On approval of the UN Security Council, these peacekeepers are often sent to regions where armed conflict has recently ended to discourage combatants from resuming fighting. So in this sense it has no military power. However, through resolution it can authorize the invasion of one State by another; recall

²From the presentations of Ms. Helen Nolan and Ms. Sarah Brooks, “Strategic engagement with the UN human rights system,” 2 August 2017, Under Swiss Orugas, Pasig City, Philippines.

U.S. (and UK) attempts to get a SC resolution backing its invasion of Iraq, on grounds that by not allowing weapons inspectors, Iraq had broken terms of a SC resolution that called for "serious consequences" which they interpreted as armed force; and their failure to do so rendered the war illegal.

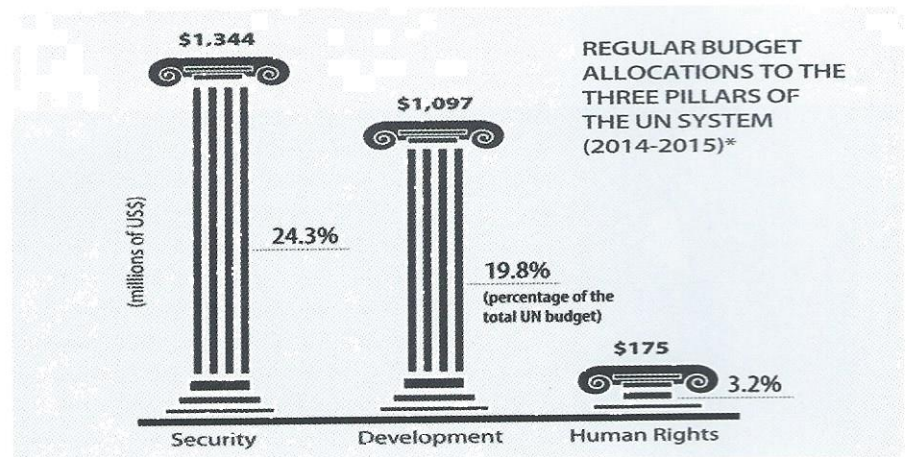
Judicial power restricted to the International Court of Justice. The ICJ settles legal disputes submitted to it by States in accordance with international law to give advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies.

In summary, the UN have the following functions: forum for discussion, legislative power, no military but role in peacekeeping, and judicial power in limited way.

The three pillars of the UN

- Security
- Development
- Human Rights

Half of the UN budget goes to staff and operations costs.



The Universal Declaration of Human Rights (UDHR)



The UDHR is the most translated document in the world (according to the Guinness book of world records). There was some discussion around whether it should be adopted as a treaty or as a declaration – it was adopted as a declaration –and Eleanor Roosevelt supported this. She felt it would have the kind of influence on global society as the Declaration of Independence had had in the US. And she was right, the UDHR has been adopted or has influenced most

national constitutions and has inspired more than 80 international human rights treaties and declarations, a great number of regional human rights conventions, domestic human rights bills, and constitutional provisions, which together constitute a comprehensive legally binding system for the promotion and protection of human rights. It is the foundation of human rights.

However, although it was adopted with overwhelming support and is the foundation of human rights, at this point in time it is by no means the case that States are fully unified behind the UDHR. In fact, the debate around human rights as a western concept continues today and if anything, it gets stronger as more States push against the notion that human rights are universal. More challenges are foreseen.

The UDHR is crucially a declaration which in itself does not have the status of binding law and after it was adopted the Commission on Human Rights wanted to create a body of law that also expanded on the rights in the UDHR. It did this by creating two treaties (treaties are legally binding and in this respect they are distinct from declarations). By putting the rights in the UDHR into treaties the Commission on Human Rights wanted to ensure that States could be held accountable to those standards. These treaties are the International Covenant on Economic and Social Rights and the International Covenant on Civil and Political Rights.

Development of the UDHR

- Following World War II
- January 1947: Commission on Human Rights first met and "definition" of human rights was its first priority
- 8-member committee prepared draft text
- Revised draft based on Member States' comments
- After 1400 votes, the General Assembly adopted the UDHR on 10 December 1948 without a single vote against, but with 8 abstentions
- Overwhelming support

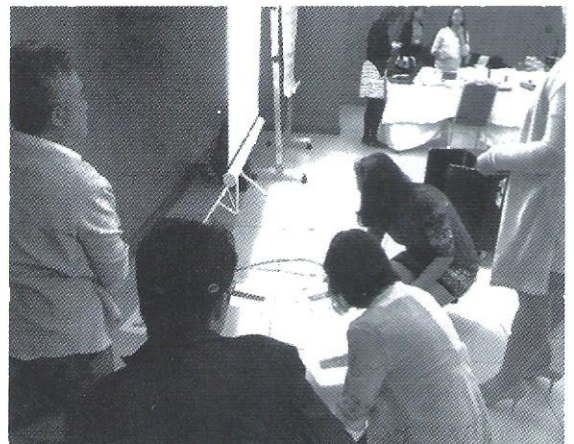
It is quite impressive that in that era with arguably a bigger divide between east and west common ground was found on such fundamental issues, and within two years. The real shift in the UDHR, in terms of how rights were understood, was that it is addressed to all individuals, not States, not citizens, but individuals as human being. The text encourages we take responsibility on ourselves for the state of the world, and strive by teaching and education to promote respect for human rights and freedoms:

"The aim of the United Nations was not to ensure the selfish gains of the individual but to try and increase man's moral stature. It was necessary to proclaim the duties of the individual, for it was a consciousness of his duties which enabled man to reach a high moral standard"

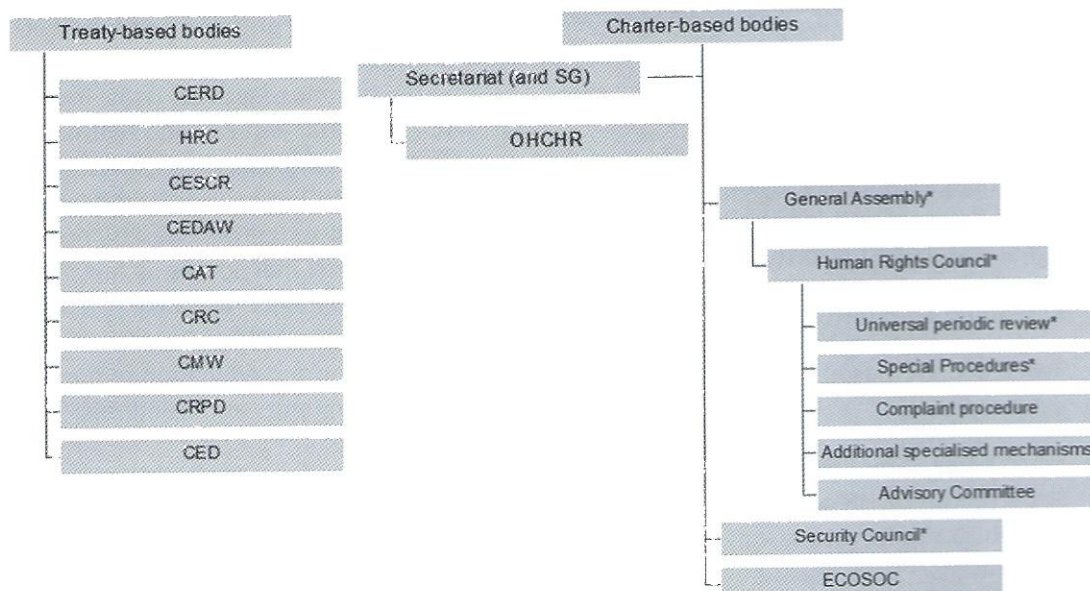
Group exercise: mapping the UN System

Mechanics of the exercise: The names of the following Charter-based bodies were printed on separate papers and put on the floor, to be arranged by participants in their proper order and relationship with one another:

- GA / 3rd Committee
- SC
- OHCHR and HC *
- HRC *
- SP *
- UPR *
- Advisory Committee
- Complaint procedure
- Special bodies
(e.g. forum on minority issues, social forum, expert mechanism on indigenous peoples)



The trainer would then take away the pieces that were not properly placed, and let the group put them in proper order. When the group provides feedback, the trainer may ask questions or complement what they say.



How to conduct effective advocacy? Jo Becker: Five ways to a successful human rights campaign³

The human rights movement has helped bring down dictators, reversed longstanding government practices, and transformed public perceptions on fundamental issues. But as with any social movement, some efforts have succeeded, while others have failed.

What are the secrets of successful human rights campaigns? How did families in Muammar Gaddafi's Libya overcome intimidation by security forces to demand accountability for a prison massacre? How did African and international groups ensure that the former Liberian president Charles Taylor stood trial for war crimes? How did activists in California challenge decades of "tough on crime" legislation? In many cases, even the most persistent efforts and creative campaigning aren't enough to overcome powerful state authorities determined to engage in oppressive practices. However, some key strategies increase the chances of success.

1. Multiple points of leverage

Campaigns are more likely to succeed if they don't put all their eggs in one basket. For example, the Campaign Against Impunity—uniting organizations across Africa with international groups like Human Rights Watch and Amnesty International—used multiple strategies to ensure that Taylor stood trial for war crimes related to his support for rebels in Sierra Leone's brutal civil war.

When his own presidency of Liberia became embattled in 2003, Taylor was offered asylum by Nigeria to induce him to step down. Despite international acquiescence in the deal, the campaign engaged national and international media, the United Nations Security Council, the European Parliament, and individual governments (notably the U.S.) to urge that Taylor be brought to justice.

Activists filed court cases in Nigeria challenging Taylor's asylum, pushed President Olusegun Obasanjo to hand Taylor over for trial, and urged the newly elected Liberian president, Ellen Johnson Sirleaf, to request Taylor's transfer. When Taylor disappeared from his Nigerian villa on the eve of a scheduled meeting between Obasanjo and US President George W. Bush in 2006, activists and members of Congress pressured Bush to cancel the meeting unless Obasanjo apprehended Taylor and turned him over for trial.

The strategy worked. Taylor became the first former head of state since Nuremburg to be convicted of war crimes by an international tribunal. In 2012, Taylor was convicted of war crimes and crimes against humanity for his role in Sierra Leone's war and was sentenced to 50 years in prison.

³Jo Becker is the children's rights advocacy director at Human Rights Watch and the author of *Campaigning for Justice: Human Rights Advocacy in Practice* (Stanford University Press, 2013). Her article presented in this report was read and discussed by and with the training participants.

2. Broad-based alliances

Campaigns are more likely to succeed when they bring together a broad range of individuals and groups as a unified voice, with each using its comparative advantage. They are even stronger if they engage unlikely allies that broaden the campaign's appeal. For decades in California, for example, criminal sentences had grown tougher, with decreasing regard for the nature of the crime or the offender. But in 2012, a coalition won a new law providing juvenile offenders sentenced to life imprisonment without parole a chance for eventual release. In contravention of international law, the United States is the only country in the world that imposes life-without-parole sentences for crimes committed before the age of 18. Across the country, approximately 2,500 inmates are sentenced to die in prison for crimes committed before they were considered mature enough to vote.

Fair Sentencing for Youth pulled together not only human rights groups, law professors, religious leaders, and students, but also former prosecutors, the state prison wardens union, and families of murder victims who were killed by juveniles. Campaign leaders were able to persuade the prison wardens that inmates with no hope of release were more likely to become dangerous to other inmates and to prison guards. While some families of murder victims were outspoken against changing the law, other murder victims' families expressed the view that the juvenile offenders should have a chance at redemption.

One of the most unlikely allies was the conservative former U.S. House Speaker Newt Gingrich. Gingrich wrote an op-ed article that appeared in a San Diego newspaper, arguing that while young people are more likely to act on impulse, they often change for the better, and that sentencing juvenile offenders to life without parole was an overuse of incarceration.

The broad range of individuals and groups involved in the campaign brought diverse perspectives, and in some cases political 'cover' for legislators. After narrow defeats in 2010 and 2011, the campaign won passage of new legislation in 2012, allowing juvenile offenders sentenced to life without parole the chance to petition for their release after serving 25 years.

3. Opportunistic advocacy

Many of the best campaigns take advantage of specific events or developments that offer unique advocacy opportunities. In some cases, activists work to keep an issue alive for years, waiting for the right moment to secure change. One dramatic example was the courageous organizing in Libya by family members of 1,200 prisoners who were massacred by security forces at the Abu Salim prison in 1996.

Under Gaddafi, dissent could bring life imprisonment or execution. Virtually all human rights activism was prohibited. In 2004, the prisoners' families began taking advantage of modest political reforms. They started to speak out about the massacre and press for the truth about what had happened to their loved ones in a way not possible just a few years earlier. They filed complaints in Libyan courts, used newly emerging social media to publicize their demands, and beginning in 2008 organized the first independent demonstrations in Libya in 40 years.

They won unexpected concessions from the Gaddafi government, including an acknowledgement of the massacre, offers of compensation, and official death certificates for the deceased. In 2011, as the Arab Spring began to sweep the Middle East, the families' spokesman, Fathi Terbil, was arrested. Bolstered by years of organizing and public demonstrations, the families protested Terbil's arrest, sparking large-scale demonstrations across Libya. Those protests helped bring about the six-month armed uprising that brought down the Gaddafi regime.

4. Solid research

Research, investigation, and documentation are among the most powerful tools of human rights advocacy. No movement can succeed without facts to back up its claims. The campaigns for treaties to ban anti-personnel landmines, cluster munitions, and the use of child soldiers, among others, depended on solid research to demonstrate the harmful effects and scale of violations.

As just one example, when activists began in the late 1990s to campaign for a UN treaty to ban the use of children under age 18 as soldiers in armed conflict, they found that some diplomats were skeptical about the severity of the problem. To make their case, advocates undertook research showing that hundreds of

thousands of child soldiers were being used in wars in nearly 30 countries. They also provided compelling case studies of children forced to fight in wars not of their own making, as part of a broad-based, global campaign.

The UN subsequently adopted a treaty banning the use of child soldiers that has now been ratified by 150 countries. Since the campaign began, both the number of child soldiers worldwide and the number of countries where they fight has dropped by half.

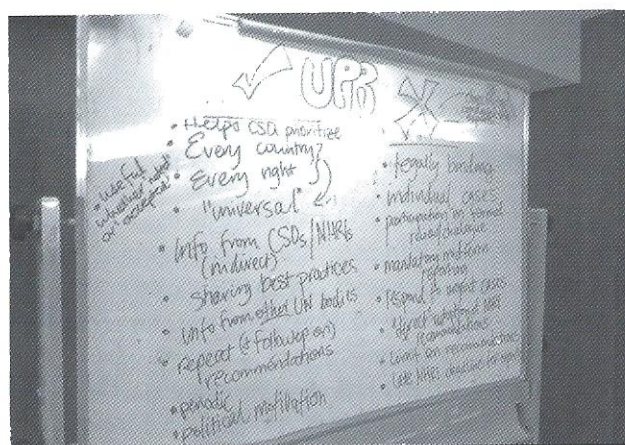
5. Leadership by those most affected

Not surprisingly, those most affected by human rights violations often make the most effective and credible leaders for change. Some of the world's most exploited workers won one of the most significant—though under-recognized—human rights victories in recent years. Domestic workers—housekeepers, nannies, and caregivers employed in private homes—number 50 to 100 million globally, but are often excluded from the protections of national labor laws. They face a range of abuses, from long working hours with no days off to sexual harassment or violence from their employers. Some work for months without being paid or get trapped in situations of forced labor and trafficking.

Although the International Labor Organization had recognized as early as 1965 the need for global labor standards for domestic workers, it was only after domestic workers themselves began mobilizing for a minimum wage, rest days, overtime pay, and other rights enjoyed by other workers that laws began to change. Forming their own unions and associations, they won national labor protections in countries like Bolivia, Peru, Tanzania, and South Africa, and in June 2011, secured an overwhelming vote from governments for an international labor rights treaty that assures domestic workers the same labor rights as other workers. The Domestic Workers Convention went into force in September 2013. No human rights effort succeeds with a single strategy. The most effective use all of the above. Even then, there is no guarantee of success. But the victories of the human rights movement have offered useful lessons about how to achieve real change and protect the rights of the most vulnerable.

Universal Periodic Review can or cannot?

Participants were given a worksheet as seen below, and were asked to circle all statements that are true about the UPR. What followed was a lively interactive question and answer that clarifies the UPR process.



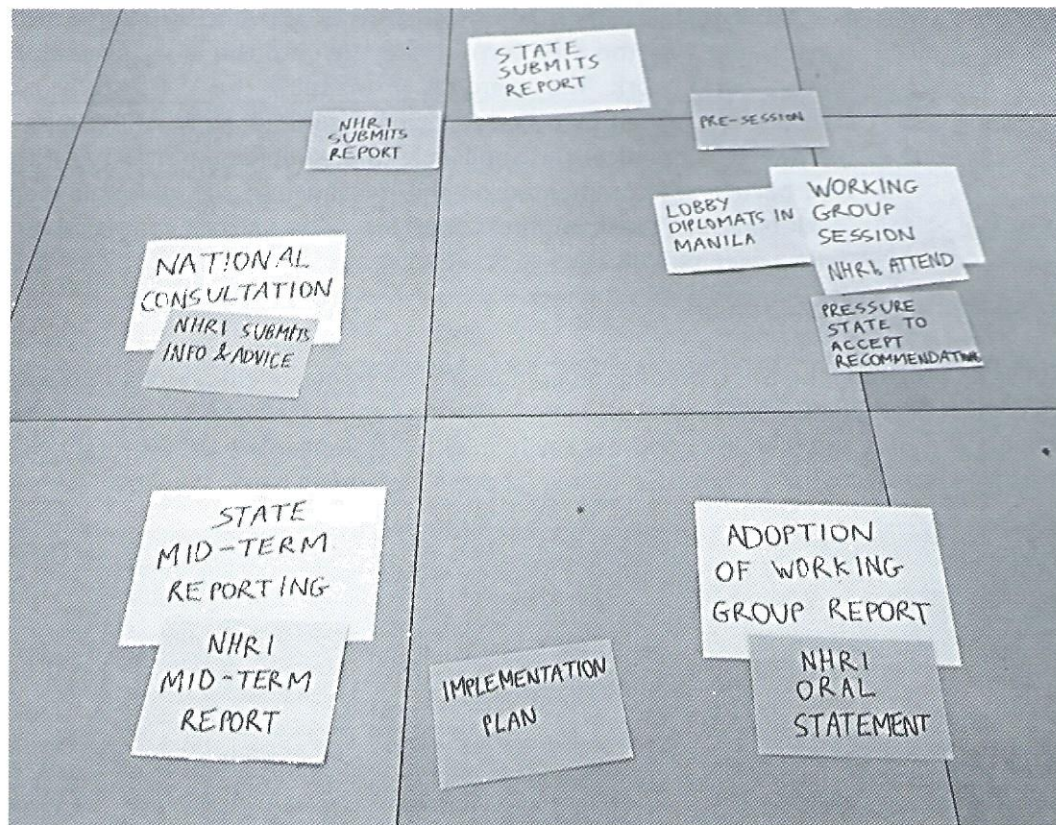
THE UPR IS OR IS NOT?

Seen by governments as relatively fair and objective
Periodic
Independent of political motivation
Conducted by independent experts
Only useful if recommendations are accepted
A review by all States of other States

THE UPR CAN OR CANNOT?

Accept NHRI and civil society reports
Be truly universal
Make binding decisions
Review every country
Never repeat recommendations
Accept individual cases
Include NHRI voices in the formal review
Force countries to write a mid-term report
Directly adopt civil society recommendations
Respond to urgent cases
Be a platform for sharing best practice
Use information from other UN bodies
Follow up on implementation by States
Require a limited number of recommendations
Can receive NHRI reports up to a month before the review

UPR Cycle Map



Human Rights Defenders⁴

GA Res 53/144 was the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. Negotiations took over a decade before this declaration was adopted.

The UDHR was adopted in 1948 by the United Nations General Assembly. It was in 1981 when the United Nations started thinking about the challenges that Human Rights Defenders face. In the 1980s up to the late 1990s, the UN worked on the draft of the declaration that was finally submitted to and adopted by the General Assembly on 9 December 1998.

The Human Rights Defenders Declaration states that for an individual, organization, or institution to be a human rights defender their efforts to promote and protect human rights must be non-violent. Further, in the pursuit of human rights, one cannot violate other human rights.

The Declaration states that the responsibility to promote and protect human rights is primarily the responsibility of the State. The State shall ensure the creation of national human rights institutions for the promotion and protection of human rights. Additionally, States must ensure that human rights defenders can do their duty.

The Declaration also guarantees the right of every person to promote human rights, and for the purpose of promoting these rights, everyone is entitled to the right to peaceful assembly, to form or join non-governmental organizations, and to communicate with non-governmental organizations.

Everyone has the right to solicit, receive and utilize resources for the promotion of human rights. In promoting human rights, everyone has the right to benefit from effective remedy and to be protected in case of violation of these rights.

⁴From the presentation of Ms. Sarah Brooks, 2 August 2017, Linden Suites Ortigas, Pasig City, Philippines.

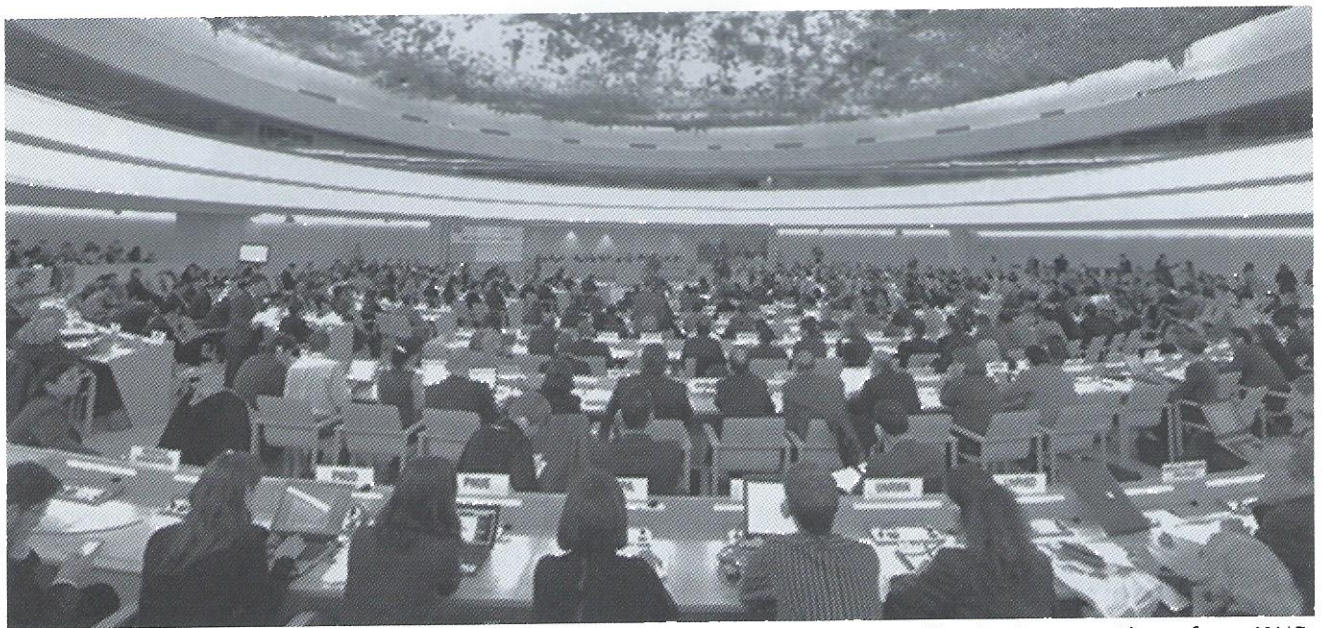
Second day of training



The morning opened with a recap of the first day. What had struck several participants was the structure of the UN, and the small budget allotted for human rights work. The exercises in mapping the UN system and the UPR checklist was noted by other participants. Additionally, Jo Becker's five points were seen as practical and applicable to the implementation of CHR's mandate. One participant commented on the relevance of the UPR and the UN to the Filipino people, while another spoke of having a strong campaign on HRD.

Leveraging the Human Rights Council⁵

The HRC is subsidiary organ of the GA, replacing the Commission on Human Rights through UN GA Resolution 60/251 of 15 March 2006. The Commission on Human Rights was composed of 53 member states, but was seen as ineffective, corrupt and unable to address key human rights issues. The UN Secretary-General then, Kofi Annan resolved to making the Commission more responsive to human rights concerns.



Room XX, United Nations Office in Geneva. Photo from ISHR.

A GA resolution has two parts, first are the preambular paragraphs (PP), which are basically introductions (Affirming, Reaffirming, Emphasizing, Acknowledging...) and the operational paragraphs (OP), which states "who should do what." GA Resolution 60/251 sets out the periodicity, membership and aims of the Human Rights Council.

The first two PPs refer to the UN Charter and the Universal Declaration of Human Rights. Whether or not States have ratified human rights treaties, they still have fundamental human rights obligations, and shared set of values and principles. OP 5 states particular tasks of the Council:

- promote HR education and learning as well as advisory services, technical assistance and capacity-building (in consultation with and with the consent of Member States concerned);
- serve as a forum for dialogue on thematic issues on all HR;
- make recommendations to the GA for the further development of international law;
- promote the full implementation of HR obligations undertaken by States and follow-up to the UN conferences and summits;
- assume the role and responsibilities of the Commission relating to the work of the OHCHR;
- work in close cooperation in the field of human rights with Governments, regional organizations, national human rights institutions and civil society;
- make recommendations with regard to the promotion and protection of human rights;

⁵From the presentation of Ms. Sarah Brooks, "Leveraging the Human Rights Council," 3 August 2017, Linden Suites Orriqas, Pasig City, Philippines.

There are 47 members (States) elected directly and individually, by secret ballot, by the majority of the members of the GA. Members serve for a period of three years, and are not eligible for immediate re-election after two consecutive terms. The geographic repartitions are: Asia (13), Africa (13), Latin America (8), Western and Other States (7), Eastern Europe (6).



Current Membership of the UN Human Rights Council

1 January 2016 - 31 December 2017 by regional groups

**Year in parentheses indicates when the term of membership expires*

AFRICAN STATES

Botswana (2017)
Burundi (2018)
Congo (2017)
Côte d'Ivoire (2018)
Egypt (2019)
Ethiopia (2018)
Ghana (2017)
Kenya (2018)
Nigeria (2017)
Rwanda (2019)
South Africa (2019)
Togo (2018)
Tunisia (2019)

WESTERN EUROPE & OTHER STATES

Belgium (2018)
Germany (2018)
Netherlands (2017)
Portugal (2017)
Switzerland (2018)
United Kingdom of Great Britain and Northern Ireland (2019)
United States of America (2019)

LATIN AMERICAN & CARIBBEAN STATES

Bolivia (Plurinational State of) (2017)
Brazil (2019)
Cuba (2019)
Ecuador (2018)
El Salvador (2017) - *President
Panama (2018)
Paraguay (2017)
Venezuela (Bolivarian Republic of) (2018)

ASIA-PACIFIC STATES

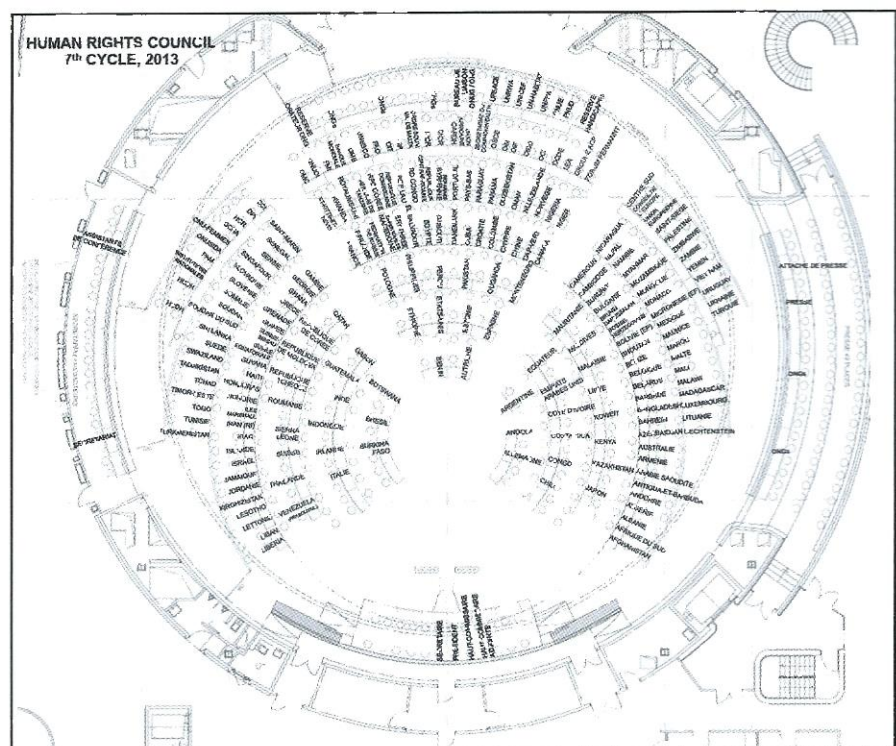
Bangladesh (2017)
China (2019)
India (2017)
Indonesia (2017)
Iraq (2019)
Japan (2019)
Kyrgyzstan (2018)
Mongolia (2018)
Philippines (2018)
Qatar (2017)
Republic of Korea (2018)
Saudi Arabia (2019)
United Arab Emirates (2018)

EASTERN EUROPEAN STATES

Albania (2017)
Croatia (2019)
Georgia (2018)
Hungary (2019)
Latvia (2017)
Slovenia (2018)

The Council meets regularly throughout the year (no fewer than three sessions per year), for a total duration of no less than 10 weeks. It is able to hold special sessions when needed at the request of a member of the Council, and with the support of one third of the membership of the Council. The regular sessions are divided into:

- March - 4 weeks
- June & September - 3 weeks
- For a total of 10 weeks
- The 4th week of March has a high-level segment, in which top officials and heads of States usually attend. NHRIs and civil society has the opportunity to engage and leverage, and can ask the States hard questions.



HRC seating plan. Can you guess where NHRIs are seated?



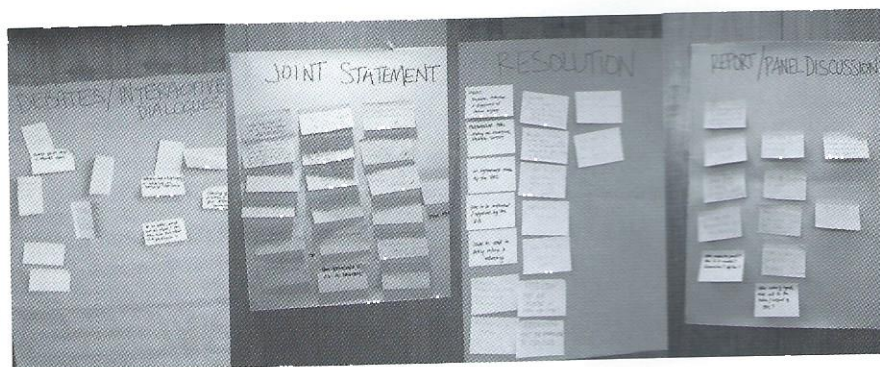
What can civil society and NHRIs do at the Human Rights Council? In this videoclip, John Fisher, Geneva Advocacy Director of Human Rights Watch (see timestamps 1:18-1:55 and 4:00-4:50), explains that the HRC is one of the strengths of the UN system. It does have limitations, however, in that when States get together, the discussions are dominated by their political agenda. In theory human rights must come first, but in reality the States have political and strategic alliances that they maintain. At the end of the day, however, human rights cannot take a back seat.

But one of the good things in the HRC is government delegations are accessible while they are in session in Geneva. Civil society and NHRIs can approach them, and have meetings during breaks and in the sidelines of the Council meetings. Stakeholders are able to pursue their human rights agenda through various opportunities for interaction. For human rights advocates, it can be a challenge to set up meetings with their foreign ministries, but in Geneva one can easily walk up to them. This is one strategy that NHRIs can employ in their advocacy.

Group exercise: HRC tools and outputs

Mechanics of the exercise:

- Break into four groups
- Each group is assigned one "output" or "tool" that the Council has at its disposal
- Eight minutes are allotted for discussion, notetaking
- Move to next pages: 6/4/2 mins
- Plenary Discussion



States can release joint statements at the HRC, in which they can speak of particular urgent human rights issues. Iceland, for example, read out a statement at the 35th Session of the HRC about the Philippines (below).:

Statement of Iceland at the 35th Session of the Human Rights Council

Statement by

Högni S. Kristjánsson Permanent Representative of Iceland

On behalf of:

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and United Kingdom

Thank you, Mr. President,

I have the honour to deliver this statement on behalf of a group of States, including my own country Iceland. We wish to express our deep concerns over the high number of killings associated with the so-called "war on drugs" in the Philippines.

We have noted the statements made on that issue and regarding the human rights situation in general by the High Commissioner [including again this session] as well as a number of the Special Procedures of this Council.

We are alarmed that over 7,000 people have reportedly been killed since the anti-drug campaign was launched last July, many in circumstances, which remain, unexplained. Further, we are concerned at the lack

of appropriate investigation into or, accountability for these killings, contrary to basic democratic safeguards and the rule of law.

While understanding the negative implications of drug addiction and its consequences in the Philippines, any efforts to respond to the challenge of illicit drugs must be carried out in full compliance with due process and international human rights law. We call upon the Philippines to take all necessary measures to bring these killings to an end and to ensure prompt, independent and credible investigations into all violent deaths.

Mr. President, we share the concerns of the Committee on Economic, Social and Cultural Rights regarding harassment, intimidation, threats and killings of human rights defenders in the Philippines and are dismayed at public statements which threaten or appear to support the murder of journalists, human rights defenders or other members of civil society. We urge the Philippines to take immediate steps to create and maintain in law and in practice a safe and enabling environment for civil society and human rights defenders.

We further stress that sexual violence can never be tolerated and call on the Government to strongly condemn the use of sexual violence in conflict.

We would like to underline, that as a member of the HRC, the Philippines is expected to uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council and its mechanisms. In this regard, we urge the Philippines to accept a visit from the Special Rapporteur on extrajudicial, summary or arbitrary executions, without preconditions or limitations.

We further urge and look forward to a positive response by the Philippines regarding recommendations received during its recent UPR, in particular those relating to rule of law and the issue of unexplained violent deaths. We encourage the Philippines to request technical assistance in this regard, if necessary.

Thank you
7 June 2017

Statements are used by stakeholders (and States) if Council resolutions are difficult to obtain. Reading out statements should be strategic too, as mentioned, States have political agenda and alliances. There is at least one State that should take on the task of delivering the statement, and together with CSO lobbying to convince States to speak up. Iceland in this case is the less controversial State. And although Statements can be simply ignored but they can be powerful tools: what matters is the follow through at the national level. Advocates and NHRIs can use this tool to pressure governments.

UN Human Rights Treaty Bodies and NHRI Participation⁶

Treaty Bodies (TB) are committees of independent experts that monitor implementation of human rights treaties. They are elected by States party to the treaties. They monitor thematic and population-specific treaties:

Thematic:

- Human Rights Committee (Civil and Political Rights) (HRCee)
- Committee on Economic, Social and Cultural Rights (CESCR)
- Committee on the Elimination of Racial Discrimination (CERD)
- Committee Against Torture (CAT)
- Subcommittee on the Prevention of Torture (SPT)
- Committee on Enforced Disappearances (CED)

What are the Treaty Bodies?

- Committees of independent experts
- Monitor implementation of human rights treaties
- Elected by States party to the treaties

⁶ From the presentation of Ms. Helen Nolan. "UN Human Rights Treaty Bodies and NHRI Presentation," 3 August 2017, Linden Suites Ortigas, Pasig City, Philippines.

Population:

- Committee on the Elimination of Discrimination Against Women (CEDAW)
- Committee on the Rights of the Child (CRC)
- Committee on Migrant Workers (CMW)
- Committee on the Rights of Persons with Disabilities (CRPD)

Treaty Bodies mainly:

- Conduct country reviews of States that ratified the treaties. They monitor and make recommendations on State compliance with a treaty (report review and 'constructive dialogue');
- Consider individual complaints (only where State accepts competence through Declaration or Optional Protocols); and
- Interpret treaties and develop jurisprudence, through general comments or recommendations.

It is very crucial for human rights advocates to engage with the Treaty Bodies as they:

- Highlight situations of concern and promote accountability for violations;
- Open dialogue with State and other actors;
- Obtain recommendations from international experts; and
- Provide additional tools for national advocacy.

State reports will often attempt to draw a positive picture, omitting or down-sizing existing problems and weaknesses in the domestic implementation of the treaty and highlighting positive factors or focusing on the legislative framework rather than on its implementation. Hence, the availability of alternative information is of fundamental importance and the committees themselves encourage the submission of alternative reports (or "shadow reports") by civil society and NHRIs.

REPORTING TIMELINES

- The initial state report is due within 1-2 yrs after ratification
- one yr (ICCPR; CERD; CEDAW; CAT; MWC)
- two yrs (ICESCR; CRC; CRPD)
- Periodic reports are due 4-5 yrs thereafter (ICCPR: as requested by the Committee; ICESCR: 5 years; CEDAW: 4 years; CROC: 5 years; CERD: 2 years; CAT: 4 years; MWC: 5 years).
- The initial report to the CED is due after 2 years and thereafter when the Committee requests it.

REPORTING CYCLE

- The report is considered first by a sub-committee or working group of the relevant Committee and issues of concern are identified and referred to the State through a "List of Issues". The advance identification and notification of issues allows the report to be considered in greater depth.
- The report is then presented in a public session of the relevant Committee and State representatives are questioned on the basis of the identified issues.
- After the session the Committee issues its Concluding Comments which highlight points of commendation and concern.

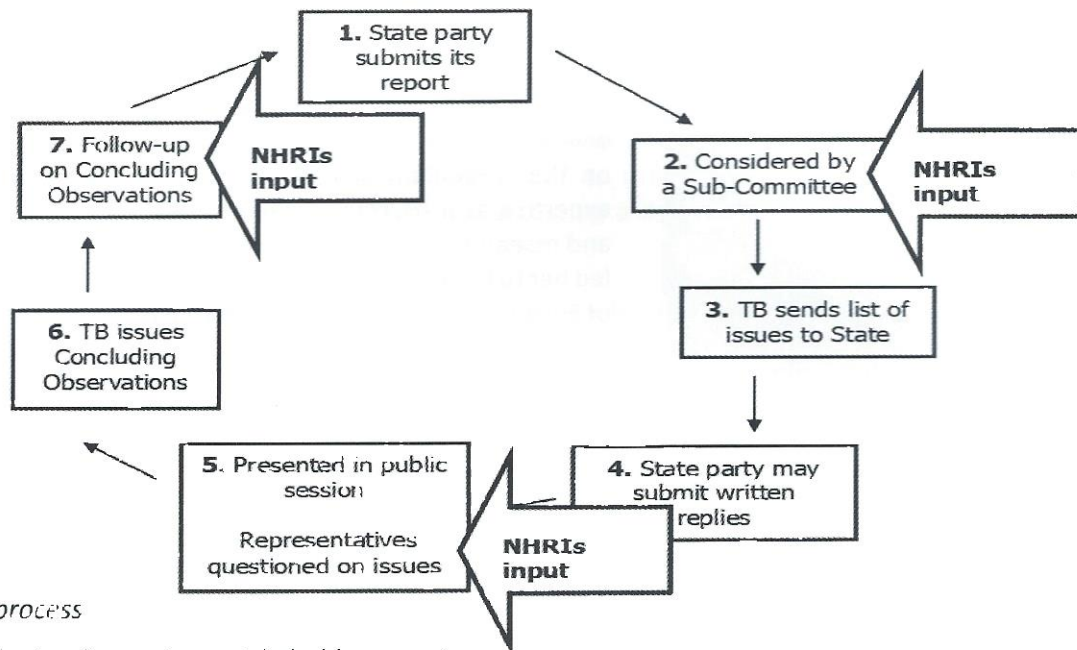
REVIEWS IN THE ABSENCE OF A REPORT

Some committees will consider country situations in the absence of a state party if the report is overdue (10 years of no report). Although this is rarely practiced, as the Treaty Bodies are convinced that States still submit reports. An example of this is one African State whose report was overdue for 17 years, but the State still eventually submitted a report highlighting its current situation.

SIMPLIFIED REPORTING PROCEDURE

Rather than a State submitting a report, followed by the Treaty Body producing a list of issues to be addressed in the review, the State can opt for the Treaty Body to first give them a "List of Issues Prior to Reporting", on the basis of which the State produces the report.

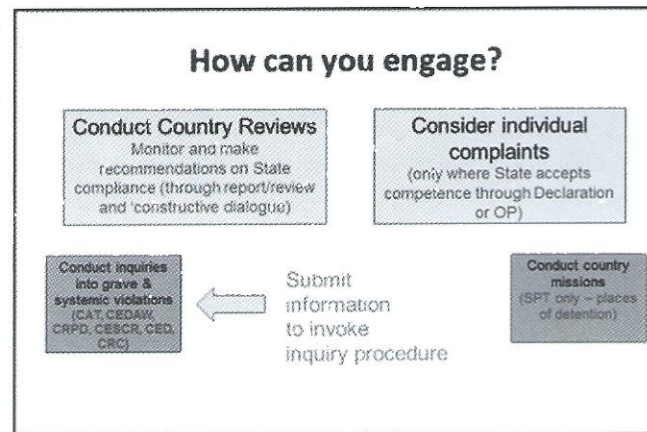
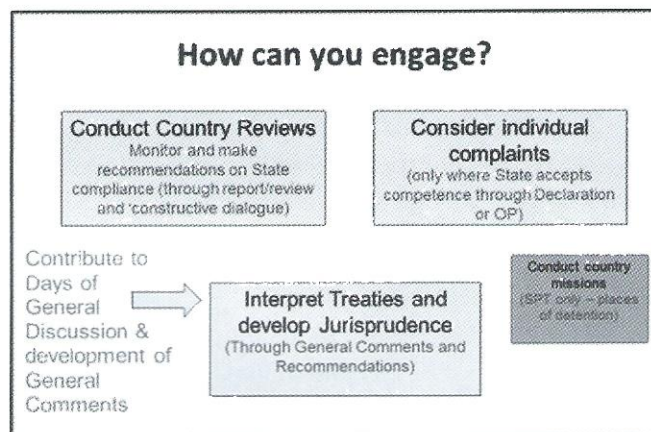
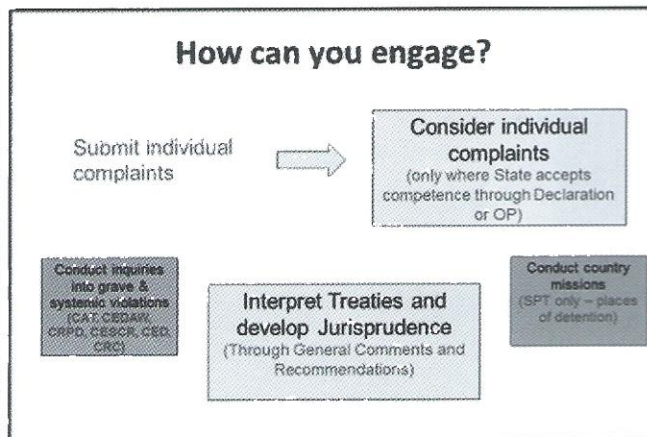
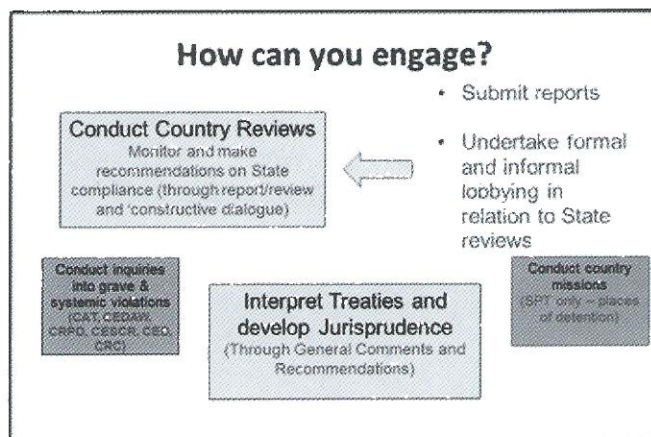
Currently in use by the Human Rights Committee, the Committee Against Torture and the Committee on Migrant Workers.



State review process

Submitting “shadow” reports or stakeholder reports are essential as these submissions:

- Provide a comprehensive picture of the situation in a country and highlights main issues
- Ensure greater scrutiny of State’s efforts and promotes accountability
- Provide recommendations by international experts
- Stimulate public debate
- Open dialogue with the State and other actors
- Strengthen ability of NHRIs to protect and promote human rights through other international mechanisms



After the report submission phase, States will then be scheduled for review in Geneva. NHRIs and civil society groups use the spaces in Geneva to dialogue with the TB. Prior to the review of States, stakeholders’ sessions are organized where NHRIs and CSOs can participate and deliver oral interventions. Informal briefing during lunchbreaks and breakfasts can also be set, in which a more intimate and one-to-one discussions are held.

Meeting with a member of a Treaty Body



In this session, participants had the opportunity to engage in dialogue with Dr. June Lopez, a member of the UN Subcommittee on the Prevention of Torture. Dr. Lopez is well known for her expertise as a psychiatrist and her long experience in teaching and research on torture and other human rights violations, which led her to her election to the UN Subcommittee on the Prevention of Torture (SPT). Dr. Lopez is in charge of awareness-raising of the Optional Protocol to CAT (OPCAT) in the Asia-Pacific region, as well as Lebanon, Kazakhstan, Jordan and Turkey.

Dr. Lopez as resource person was central to the training, as the participants were able to engage in dialogue with a member of a TB, and learned the following:

The SPT's functions are similar to those of the ICRC. It has 25 members (whereas CAT has 10). States that have ratified the OPCAT are required to open up all places of detention in their territories.

The OPCAT establishes a system of regular visits to places of detention (Article 1).

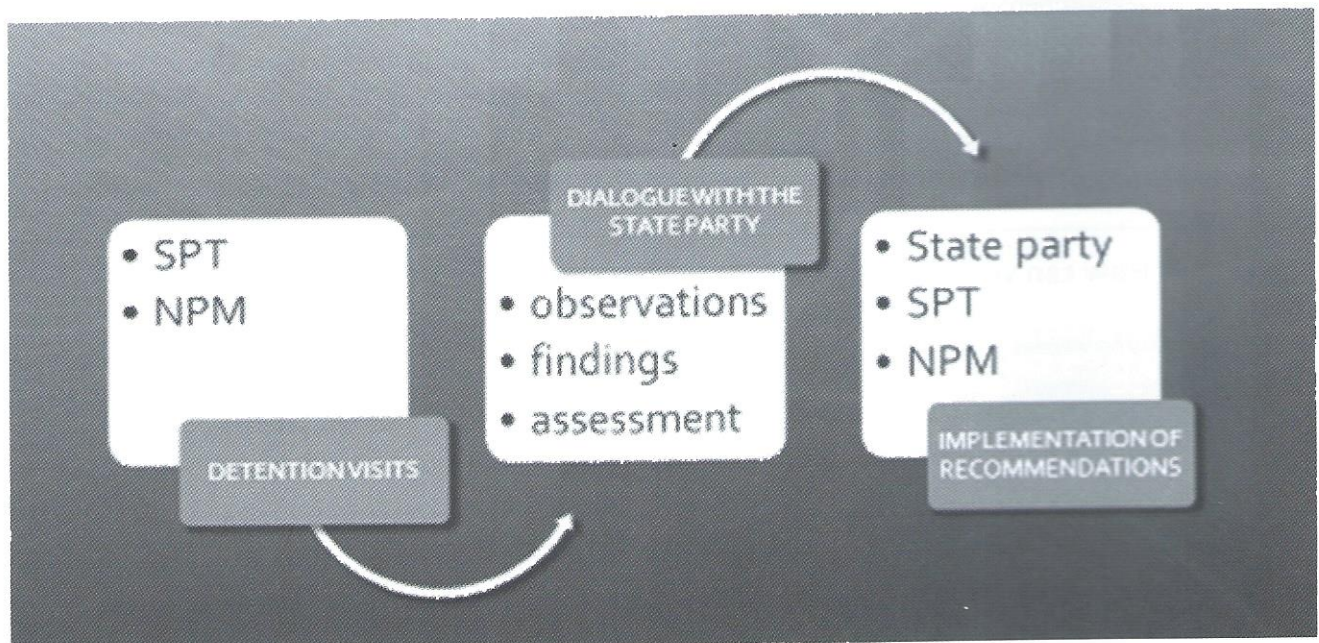


Diagram from Dr. Lopez

Article 2.3 of OPCAT states that "The Subcommittee on Prevention shall be guided by the principles of confidentiality, impartiality, non-selectivity, universality and objectivity."

SPT collaborates with the National Preventive Mechanism (NPM) of a country. Article 3 establishes the NPM: "Each State Party shall set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (hereinafter referred to as the national preventive mechanism)."

The work of the SPT has its challenges. Articles 3 and 17-23 directs a State Party to establish an NPM within one year of ratification. Two models of NPM have been cited. One is the New Zealand model, where legislation has designated five existing institutions, with each having a thematic mandate and its own budget. The Human Rights Commission of New Zealand acts as the coordinator. The challenge is the lack of financial resources granted to these institutions. Another example is the Ombudsperson model, wherein the function falls under the Ministry of Justice, and the appointment of the Ombud is presidential.

The Philippines ratified the OPCAT in 2012, and has not yet established an NPM. Under Article 17, the State is non-compliant. SPT can report to CAT and can call out a State that violates Article 17.

Another setback being encountered by the SPT is the implementation of Article 4 and Article 14: Open up all places of detention and provide all relevant information to the NPM and the SPT. SPT members have experienced visits where they were prevented from accessing a detention facility on the day of the visit, although they were given prior permission.

Article 15 guarantees against any form of reprisal, but individuals—in particular persons deprived of liberty, detainees and prisoners, and human rights advocates—can be under threat once they have spoken and given information to SPT members.

The State should receive, consider and reply to the SPT Visit Report under Article 16 although this is usually another difficulty for SPT members. And in Article 23, “The States Parties to the present Protocol undertake to publish and disseminate the annual reports of the national preventive mechanisms.” The SPT visited the Philippines in 2015 but the report has not been made public. Publishing the annual reports of the NPM can allow States to apply for the OPCAT Special Fund, stated in Article 26, “to help finance the implementation of the recommendations made by the SPT after a visit to a State Party, as well as education programs of the national preventive mechanisms.”

Ideally an NHRI can be an NPM although independence and autonomy translate to budget. Any model can work but the issue is often resources and political will. But this does not limit efforts to establish or strengthen NPMs.

Afternoon session: Concluding observations and key thematic discussions

The afternoon session of the training centered on brainstorming and gathering the participants’ reflections on and recommendations for implementing the concluding observations of TB that recently reviewed the Philippines: CAT, CEDAW and CESC. This was followed by three table conversations held simultaneously, on the topics of indigenous peoples’ rights, extrajudicial killings and business and human rights.



Final day of training

Feedback on the previous day of training was diverse and positive. Most of the participants identified the Treaty Bodies as the mechanisms that most resonated with their own work. They noted:

- The mandate of the SPI, and the challenges it faces, such as they cannot publish the report without government approval.
- If a State Party does not submit reports in the succeeding cycle, the TB can send up to three notices. There is review in absentia but this rarely happens, States are still given a chance to submit reports.
- The TB cycle and stages where there are windows for NHRI to submit parallel reports.
- The TB are composed of experts and advocates can "appeal to their intellect." For HRC, they are political people, on the advocacy point of view, advocates should know where they can present their reports and "bang your pots."
- Beyond submitting and attending, there is opportunity for side meetings, there are avenues to influence their recommendations.
- Dissecting the concluding observations is a good learning exercise and strategy, as they apply to policy advisory work.
- Many aspects of the treaties are cross cutting and interfacing with other issues. Corruption affects economic, social and cultural rights even though it is more of civil and political rights.

The tools of the HRC also sparked interest, particularly the joint statements as tools for advocacy. Knowing who [State or civil society] to collaborate is also a strategic and another important means for advocacy.

The resolution on the Human Rights Council has a principle of universality. There is often an impression that values and traditions are inconsistent with human rights, but there is actually confluence.

The table topics conversation on business and human rights generated new learning on the connections and impact of business operations on children, women and the environment.



From top left: independent Expert on sexual orientation and gender identity, Mr. Viti MUNTARBHORN (Thailand); Special Rapporteur on human rights defenders, Mr. Michel FORST (France); Special Rapporteur on Myanmar, M. Yanghee LEE (Republic of Korea); former Special Rapporteur on freedom of peaceful assembly and of association, Maina KIAI (Kenya); Special Rapporteur on freedom of opinion and expression, David KAYE (USA); Working Group on Business and Human Rights.

Special Procedures⁸

The Special Procedures was created under the Commission on Human Rights following pressure to deal with human rights in apartheid in South Africa.

- 1967: ad-hoc working group of experts to investigate the situation of human rights in Southern Africa
- 1975: ad-hoc working group to inquire into the situation of human rights in Chile
- 1980: 1st thematic Special Procedure: Working Group on Enforced or Involuntary Disappearances
- 1992: 1st country-specific rapporteur on Myanmar

Who are they?

Independent human rights experts

- Mandate: to report and advise on human rights from a thematic or country perspective

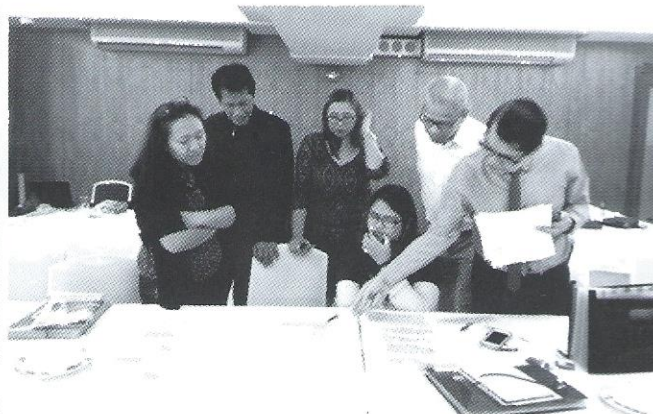
Special Rapporteurs, Independent Experts or Working Groups

- 43 thematic mandates – newest one – IE on Albinism
- 12 country mandates, for Belarus, Cambodia, Central African Republic, DPRK, Eritrea, Iran, Mali, Myanmar, OPT, Somalia, Sudan and Syria

Group exercise: What the Special Procedures can and cannot do

Group mechanics:

- Form groups of five people each
- Take 10 minutes to read and discuss the actions.
- Organise the slips of paper into two columns—what you think the SPs CAN do, and what you think they CANNOT do—and lay them out on the table.
- Discussion/plenary



⁸ From the presentation of Ms. Helen Nolan, 4 August 2017, Linden Suites Ortigas, Pasig City, Philippines.

What an SP does to fulfill their mandate:

- Conduct formal country visits
- Draft and present reports to
 - HRC and, sometimes, the GA
- Send communications on
 - Individual cases and legislation/policy
 - Urgent actions
 - Individually or jointly
- Conduct advocacy and awareness-raising, through
 - Press releases
 - Expert seminars and consultations
- Work directly with governments to advise human rights policies

An SP makes their recommendations to:

- HRC
- Non-state actors, e.g. corporations
- International community
- Civil society

One can engage with an SP through:

- Country visits:
 - Lobby your government and/or the SPs
 - Meet with them or their staff either during a visit
- Thematic reports:
 - Lobby for a theme
 - Respond to calls for information
- Advocacy and awareness raising:
 - Propose issues for press releases
 - Carry out media work around these activities

The recommendations are made through a:

- Country visit report (thematic mandate), e.g. The Special Rapporteur recommends that the Government Take effective and urgent measures to stop children from remaining in the worst forms of child labour, economic exploitation and domestic servitude, and to provide children with appropriate assistance, including through well-resourced shelters, to ensure their social reintegration.
- Country report, e.g. Armed movements in the Sudan should cooperate fully with the international community to find a permanent peaceful solution to armed conflicts in the country.
- Thematic report, e.g. The Special Rapporteur regrets that the issue of servile marriage has evolved and been addressed in a fragmented way. A more comprehensive approach should be taken by the HRC to allow for the better-informed, comprehensive and strategic interventions that are required to put an end to the practice. (A/HRC/21/41)

Challenges faced by SP mandate holders:

The common challenge for mandate holders is resources. They do not receive remuneration from the OHCHR and do not work full time. Mandate holders do not hold office in the OHCHR, although there are staff in Geneva to provide them with technical support.

Non-cooperation from States is also a massive problem. Special Rapporteurs cannot undertake visits without State approval, except for academic visits. States take time to grant country visit requests, or even completely refuse or dismiss such requests and the mandate of the Special Rapporteurs. And if they are conducting country visits, the State can directly or indirectly limit their function, and passively or aggressively derail their mission.

Alliances with civil society and NHRIs are vital to their work, helping to put pressure on States to accept the visits or consider their findings and recommendations. However, people who cooperate with the SPs can be at risk of State reprisal, and their physical safety cannot be guaranteed.

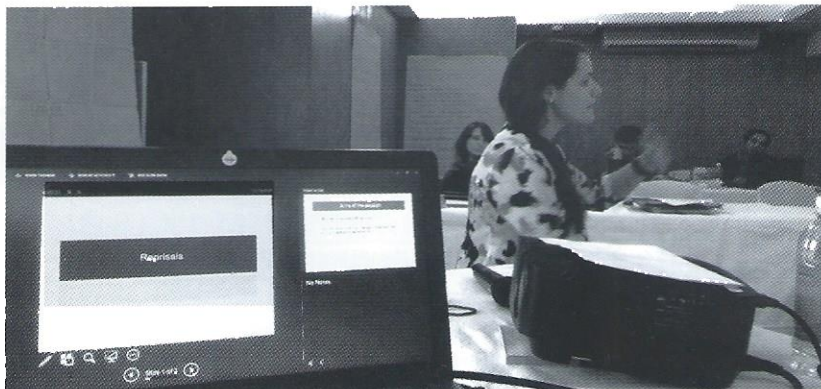
The mandates of the SP and the functions of the TB ideally should complement each other, but in some instances there is divergence. Those with similar thematic issues tend to work in silos and produce different documents. TB and Special Rapporteurs do not have regular meetings but some do choose to meet such as CAT and the Special Rapporteur on torture but they are an exception and not a rule.

The selection of Special Procedures mandate holders can be political too. Civil society and NHRI intervention, through the constant monitoring and calling out of biases in the selection process, is crucial.

Reprisals¹⁰

What constitutes a reprisal?

The UN defines reprisals and intimidation as any act of harassment or intimidation against individuals or organizations, preventing persons from cooperating with the UN system.



UN response – procedural:

- President of the HRC takes up individual cases bilaterally with States and transmits them to the Secretary-General
- UN Treaty Bodies recently adopted guidelines to ensure due attention to reprisals, including the designation of one expert as the reprisals focal point
- UN Special Rapporteurs have adopted, as of 2015, a Standard Operating Procedure to respond to any act of reprisal
- Senior Official on reprisals – Assistant Secretary General

UN response – political:

- Statements by high level officials – High Commissioner, Director-General of the United Nations Office at Geneva, President of the HRC (in plenary)
- Secretary-General's annual report on the issue analyses cases and makes recommendations
- National and joint statements at the adoption of the Secretary General's report (Item 5) in September
- Diplomatic Missions in the Country concerned

A video clip on the statement of the HRC president at the 32nd session spoke of reprisal by a State agent through the misuse of social media:



On 13 June 2016, at the opening of the 32nd session of the Human Rights Council, the President of the HRC, Choi Kyonglim, addressed both a threat made at the previous HRC session toward a civil society delegate, and reprisals in general. He underlined the importance of following up on these threats to enable civil society's active participation at the Human Rights Council. The Council condemns all acts of reprisal online and offline.

In the case of the CHRP, its officials, including several regional staff, have received threats connected to their investigation of extrajudicial killings. State agents and non-state actors, including members of the public, have taken to social media and traditional media to deliver their threatening messages to the CHR and human rights activists, ranging from calls to have the Commission abolished to threats of bodily harm.

Although this mechanism of the UN does not prevent reprisals, UN responses that are highly visible can pressure States to back down on their intimidation of human rights activists and defenders.

¹⁰It is crucial to note the distinct outputs of an official country visit and an academic visit. The former requires an official full report of the mission with recommendations that pressure (but do not bind) States, while an academic visit, which does not need State approval, does not produce a report.

¹¹From the presentation of Ms. Sarah Brooks, 4 August 2017, Linden Suites Ortigas, Pasig City, Philippines.

¹²From Human Rights House Network (HRHN). Mr. Florian Irminger of HRHN was the subject of reprisal by a State representative through social media. View full statement here: <https://youtu.be/4NXSkFv1fRk>.

V. Sample Training agenda

AGENDA, Pt 1 CEB Workshop		
	General	Detailed
8:30 AM	Arrival and set-up	
9:00 AM	Session 1: Refreshers and Overview of the UN System	This would consist of some warm up questions about the different mechanisms, and an activity to identify how the UN human rights system related to the rest of the UN (including New York)
9:30 AM		
10:00 AM		
10:30 AM	Coffee break	
11:00 AM	Session 2: CHRP Opportunities and the role of NHRIs	Here we identify clearly on a calendar what events are relevant to the Philippines. This includes follow-up to CAT and CESC, UPR review, and HRC actions. This also would identify any relevant upcoming thematic reports or conferences by the Special Procedures, where there is the possibility for engagement by NHRIs.
11:30 AM		
12:00 PM		
12:30 PM	Lunch break (Brown Bag with civil society partners)	
1:00 PM	Session 3: Strategic engagement in the UN	Basically, this is about an engagement SWOT analysis. What techniques can Commissioners use to make their advocacy effective? How can they use the materials produced by their staff most effectively? What are the constraints? What are the opportunities/alliances? What are the threats or risks?
1:30 PM		
2:00 PM		
2:30 PM	Session 4: Human Rights Defenders and Reprisals	How can NHRIs engage in the reprisals agenda as advocates and/or as victims? This covers the mechanism-specific reprisal procedures, as well as illustrative cases (global, both NHRI and HRD). It will also discuss the evolution of the reprisals agenda (where we've been, where we're heading) and point to how the CEB can work nationally, regionally and globally to advance these objectives.
3:00 PM		
3:30 PM		
4:00 PM	Session 4: Human Rights Defenders and Reprisals	
4:30 PM		
5:00 PM		
5:30 PM	Closing	

Day 2 - Staff Training, 2 August 2017		
	General	Detailed
8:30 AM	Arrival and set-up	
9:00 AM	Opening remarks	Chair Gascon delivers reflections on Day 1 and vision for CHRP
9:30 AM	Icebreakers, rules, objectives	ISHR facilitates icebreakers/warm up, then lays out agenda for the following days. Participants identify rules for engagement and objectives of the training.
10:00 AM	Overview of UN system and NHRI engagement	Brief PPT lecture on history
10:15 AM		Medium group activity: mapping the UN system
11:00 AM	Coffee break	
11:30 AM	Strategically using the UN mechanisms - international advocacy	Brief PPT lecture on approaches and key ingredients for success (Jo Becker)
12:00 PM		Small group activity: case studies on either Australia or Sri Lanka. How did this countries advance something through the system? How did they apply Jo Becker's analytical model? What are the lessons we can take away?
12:30 PM	Lunch break	
1:00 PM	Strategically using the UN mechanisms - national implementation Human rights defenders, civil society space and opportunities for engagement by the CHRP	Brainstorm in plenary: What are the key intersections between national debates and international recommendations? How can the latter support the former?
1:30 PM		2 groups - review of documents with your neighbor, then report out and sharing in plenary How does the UN define and support HRDs and civil society space? Who/what are they? What potential role could the CHRP have in taking this work forward at international or national level?
2:00 PM		
2:30 PM		
3:00 PM	Coffee break	
3:30 PM	UPR: what is the cycle, what are the opportunities to engage, and what happens now?	Worksheet activity: circle what you think is true about UPR; then discuss in plenary for the 'right' answers. What are the key characteristics of this mechanism?
4:30 PM		UPR cycle map carousel - walk through, answer questions, discuss NHRI opportunities and how the role changes throughout the cycle.
5:00 PM		
	Closing	

Day 3 - Staff Training, 3 August 2017		
	General	Detailed
8:30 AM	Arrival and set-up	
9:00 AM	Recap and Reflections	
9:30 AM	Human Rights Council	Tour of Room XX and Council Calendar
10:00 AM		Carousel and plenary discussion - Opportunities at the Council
10:30 AM		Viewing and discussion: Philippines joint statement at HRC35
11:00 AM		Coffee break
11:30 AM	Treaty bodies	Powerpoint Lecture (Pt 1 - country reviews)
		Small group activity: putting the cycle in order, identifying when and how each actor can participate.
		Powerpoint Lecture (Pt 2 - complaints, General Comments, etc.)
12:00 PM	Lunch break - Brown Bag lunch with SPT member - what is the role of external stakeholders in Treaty Body reviews?	
12:30 PM		
1:00 PM		
1:30 PM		
2:00 PM	Follow-up and implementation of TB recommendations	Group work: split into three, each looks at one of CAT, CEDAW, CESCR Concluding Observations, identifies follow up paras, draws attention to other work
2:30 PM		What are the ways the CHRP can take this forward at the national? Regional? International?
3:00 PM		
3:30 PM	Coffee break	

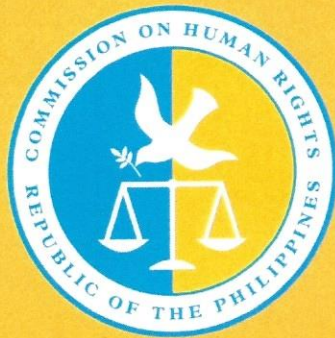
Day 4 - Staff Training, 4 August 2017		
	General	Detailed
8:30 AM	Arrival and set-up	
9:00 AM	UN Special Procedures	Can/Can't in teams
9:30 AM		Lecture: focus on tools/outputs
10:00 AM		Follow-up: how can CHRP use what has already been done?
10:30 AM		Coffee break
11:00 AM	National implementation and followup planning	Crowd-source calendar (4 stations, then bring together)
11:30 AM		Upcycling and reusing information/material
12:00 PM	Reprisals	Powerpoint: Comparison of tools
		Brainstorm in pairs: What CHRP can do at national and intl level?
12:30PM	Review and evaluation (ISHR)	Group activity to review subjects/lessons; short online evaluation form
1:00 PM	Lunch and certificate ceremony!	
1:30 PM		
2:00 PM		
2:30 PM	Next Steps and Finalisation	ISHR and Comm Gwen/Policy Office
3:00 PM		Quick review of survey responses
3:30 PM		Concluding project (roles and responsibilities)
4:00 PM		
4:30 PM	End of training	
5:00 PM		
5:30 PM		

VI. TRAINING MATERIALS (for downloading)

https://drive.google.com/drive/folders/1n_AloBOiHJOly5IKQ0mpi54oGjSlgzTm?usp=sharing

VII. ABBREVIATIONS

AECID	Spanish Agency for International Development Cooperation
ACSC/APF	ASEAN Civil Society Conference of the ASEAN People's Forum
CAT	Convention Against Torture
CCCHP	Center for Crisis, Conflict and Humanitarian Protection
CEB	Commission en banc
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CHRP	Commission on Human Rights of the Philippines
CMW	Convention on Migrant Workers
CRC	Convention on the Rights of the Child
CSO	civil society organization
DOJ	Department of Justice
ECOSOC	Economic and Social Council
ESCR	Economic, Social and Cultural Rights
EU	European Union
FOA	free of association
FPIC	free, prior and informed consent
GA	General Assembly
GANHRI	Global Alliance of National Human Rights Institutions
GSP+	Generalized System of Preferences+
HRC	Human Rights Council
HRD	human rights defender
HRE	human rights education
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Court of Justice
IPRA	Indigenous Peoples' Rights Act
IE	Independent Expert
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
IOM	International Obligations Monitoring Division
ISHR	International Service for Human Rights
LGBTIQ	lesbian, gay, bisexual, transgender, intersex, and questioning
MFA	Migrant Forum in Asia
NCIP	National Commission on Indigenous Peoples
NHRI	national human rights institution
NPM	National Preventive Mechanism
OHCHR	Office of the UN High Commissioner for Human Rights
OPCAT	Optional Protocol of the Convention against Torture
PAHRA	Philippine Alliance of Human Rights Advocates
PHRC	Presidential Human Rights Committee
SC	Security Council
SEANF	Southeast Asia National Human Rights Institutions Forum (SEANF)
SG	Secretary-General
SOGIE	sexual orientation, gender identity and gender expression
SP	Special Procedures
SPT	Subcommittee on the Prevention of Torture
SR	Special Rapporteur
TB	Treaty Bodies
UDHR	Universal Declaration of Human Rights
UNDRIP	UN Declaration on the Rights of Indigenous Peoples
UNOG	United Nations Office in Geneva
UPR	Universal Periodic Review



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