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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General****Technical assistance and capacity-building****Implementation of Human Rights Council Resolution 45/33
and on the progress and results of technical cooperation and
capacity building for the promotion and protection of human
rights in the Philippines****Report of the United Nations High Commissioner for Human Rights****Summary*

The present report examines the implementation of Human Rights Council resolution 45/33 and the progress and results of technical cooperation and capacity-building for the promotion and protection of human rights in the Philippines, including through a United Nations Joint Programme on human rights (UNJP) being implemented with the Government of the Philippines and national partners. The High Commissioner also provides recommendations aiming to promote a transformative approach to human rights-based reforms, strengthen an institutional culture of respect for human rights, ensure justice and redress for victims, and contribute towards the prevention of violations recurring.

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

I. Introduction

1. The present report, submitted pursuant to Human Rights Council resolution 45/33¹, updates on the implementation of the resolution and on the progress and results of technical cooperation and capacity-building for the promotion and protection of human rights in the Philippines since the adoption of the resolution in October 2020.
2. The Office the High Commissioner for Human Rights (OHCHR), including through a new United Nations Joint Programme on Human Rights (UNJP)², continued technical cooperation activities with the Department of Justice (DoJ), the Department of Interior and Local Government (DILG), the Philippine National Police (PNP), the Anti-Terrorism Council Programme Management Center (ATC-PMC), the Dangerous Drugs Board (DDB), the Presidential Human Rights Committee Secretariat (PHRCS), the Commission on Human Rights of the Philippines (CHRP), other governmental actors, civil society and other actors. The High Commissioner is grateful to the Government for its cooperation in the preparation of this report. The Government provided written inputs in July and August 2022³ in response to a list of questions, and factual comments on the report⁴.

II. Context

3. On 9 May 2022, presidential elections were held in the Philippines. The new administration, headed by H.E. Mr Ferdinand Marcos Jr as President and H.E. Ms. Sara Z. Duterte as Vice-President, took office on 30 June 2022.
4. The COVID-19 continued to have a negative impact on the human rights situation in the Philippines. Prolonged lockdowns, school closures, economic impacts and sharp decline of remittances particularly affected vulnerable populations, including youth, women, and overseas Filipino workers.⁵ The pandemic and shortages of healthcare workers exacerbated strains on the healthcare system.⁶ The United Nations Country Team (UNCT) supported the Government by implementing the Socio-economic and Peacebuilding Framework for COVID-19 Recovery in the Philippines.⁷
5. The enforcement of COVID-19 restrictions also affected civil and political rights, with reports of restrictions on freedom of movement and the right to peaceful association.⁸ The High Commissioner and various United Nations Special Rapporteurs had previously expressed concerns regarding the alleged use of lethal force by police officers in the implementation of COVID-19 measures.⁹ Most restrictions have since been lifted.
6. Climate change and extreme weather events also continued to affect the enjoyment of human rights. In December 2021, Typhoon Rai (locally known as Odette) struck the Philippines, affecting approximately 12 million people in 11 of Philippines' 17 regions. The cumulative number of displaced persons reached 3.9 million, of which 6,800 remained

¹ The resolution encouraged the Philippine Government to address the issues raised in the High Commissioner's report (A/HRC/44/22).

² See para.11. While this report refers to the UNJP in terms of activities undertaken, the UNJP is not a separate entity but is implemented by four participating UN entities with the Government and national partners.

³ On 6, 27 July and 3 August 2022: NV-EPG-308-2022, NV-EPG-328-2022 and NV-EPG-338-2022.

⁴ On 30 August: NV-EPG-363-2022.

⁵ https://philippines.un.org/sites/default/files/2021-11/UN%20Socioeconomic%20and%20Peacebuilding%20Framework%20Final_1.pdf, p17-18.

⁶ *Ibid.*, p13.

⁷ *Ibid.*

⁸ AL PHL 2/2020
<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25323>;
<https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-arrest-of-8-protesters-in-up-cebu-due-to-alleged-violation-of-quarantine-rules/>; CHRP, CHR (V) No. POL2022-012 Addressing Inequality During the Pandemic: The 2021 National Human Rights Situation Report, p16.

⁹ *Op.cit.* 8; <https://news.un.org/en/story/2020/04/1062632>.

displaced as of mid-June 2022.¹⁰ As of July 2022, emergency response efforts by the Government, United Nations and various humanitarian partners provided life-saving assistance to over a million people.¹¹ Humanitarian partners continued to work with national and local authorities to ensure long-term solutions for affected communities and to build resilience against future shocks, including through anticipatory action.

7. Ongoing internal armed conflicts, including with the Communist Party of the Philippines–New People’s Army (CPP-NPA)¹² continued to impact on human rights, with alleged human rights violations and abuses committed. Inequality and social marginalization, including land dispossession, persistent inadequacies in access to services, and prejudice between demographic groups,¹³ have fuelled social instability and conflicts.¹⁴ In October 2021, the Government adopted legislation extending the transition period under the peace agreement in the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM) from 2022 to 2025.¹⁵

8. The leadership of the CHRP ended its seven-year term on 5 May 2022.¹⁶ New leadership has yet to be appointed by the new administration. Once appointed, the new commissioners are set to serve until 2029. The CHRP is accredited with “A” in compliance with the Paris Principles.

9. On 10 November 2021, the Government requested that the Prosecutor of the International Criminal Court (ICC) defer his investigation of alleged crimes against humanity committed in the Philippines between 1 November 2011 and 16 March 2019 in the context of the “war on drugs”, in view of the Government’s own investigations of and proceedings on relevant alleged crimes. On 24 June 2022, the Prosecutor formally requested the ICC’s Pre-Trial Chamber for authorization to resume his investigation into the situation in the Philippines.¹⁷ Litigation on the matter is continuing. On 1 August 2022, the new administration announced it would not rejoin the Rome Statute of the ICC.¹⁸

III. Progress in the implementation of resolution 45/33 implementation and progress and results of technical cooperation and capacity building for the promotion and protection of human rights

10. In resolution 45/33, the Human Rights Council encouraged the Government to address the issues raised in the High Commissioner’s report A/HRC/44/22 and other remaining challenges in relation to the situation of human rights throughout the country. It also took note of “the proposed United Nations joint programme on human rights to provide technical assistance and capacity-building for, *inter alia*, domestic investigative and accountability measures, data gathering on alleged police violations, civic space and engagement with civil society and the Commission on Human Rights, national mechanism for reporting and follow-up, counterterrorism legislation, and human rights-based approaches to drug control.” The

¹⁰ <https://reports.unocha.org/en/country/philippines>.

¹¹ <https://philippines.un.org/en/191082-un-and-humanitarian-partners-support-1m-odette-affected-persons-last-six-months-recovery#:~:text=MANILA%2C%2020%20July%202022%2D%2D,assistance%20to%20over%20a%20million>.

¹² In December 2017, President Duterte proclaimed the CPP and its military wing, NPA, “terrorist entities”. CPP-NPA is listed by some member states on their counter-terrorism lists.

¹³ https://philippines.un.org/sites/default/files/2021-11/UN%20Socioeconomic%20and%20Peacebuilding%20Framework%20Final_1.pdf, p20.

¹⁴ CHRP, The Haran Report: On Human Rights Violations Against the Lumad of Mindanao.

¹⁵ Republic Act 11593.

¹⁶ <https://chr.gov.ph/chr-announces-the-appointment-of-new-chairperson/>.

¹⁷ <https://www.icc-cpi.int/news/statement-prosecutor-international-criminal-court-karim-khan-qc-following-application-order>.

¹⁸ <https://www.pna.gov.ph/articles/1180284>.

following section examines progress and challenges in each of the six areas, which are also the focus of the UNJP.

11. On 22 July 2021, the Secretary of Justice, Secretary of Foreign Affairs, and the United Nations Resident Coordinator (UNRC) signed the framework for a three-year UNJP, with the CHRP present. The signing followed extensive consultations between October 2020 and July 2021 with the Government, the CHRP and civil society actors. In a meeting with the UNRC on 10 June 2022, the then President-elect expressed support for the continued implementation of the UNJP.

12. With a consultative governance structure, the UNJP brings together diverse stakeholders, including Government agencies, the CHRP and civil society organizations (CSO) representatives and development partners.¹⁹ The UNJP Steering Committee, responsible for its overall strategic direction, held its inception meeting on 20 December 2021, adopting the workplan for the initial phase of the UNJP. Six technical working groups convene monthly to discuss progress on the implementation of the key areas. Each technical working group is co-chaired by a participating United Nations entity and a government counterpart, with the participation of relevant government agencies, the CHRP and civil society representatives as full members. In some cases, challenges in agreeing on civil society participation led to delays in constituting the working groups. As of 1 July 2022, three technical working groups were constituted and meeting regularly.

13. The UNJP overall three-year budget is USD 10,212,314. As of 30 June 2022, resource partner contributions totalled USD 2,879,616.²⁰ In addition to the Philippines itself, resource partners included Australia, Germany, Ireland, the Netherlands, Norway, the Republic of Korea and the United Kingdom, and pledges were also received from the European Union. The majority of the funding for the programme was administered through a Multi-Partner Trust Fund mechanism. The United Nations conducted a risk assessment for the UNJP and applied the Human Rights Due Diligence Policy in line with United Nations requirements.

A. Domestic investigative and accountability measures

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

15. The Government took some initiatives to advance accountability for human rights violations and abuses. However, access to justice for victims of human rights violations and abuses remained very limited. Institutional and structural shortcomings in law enforcement and the judiciary remained, despite efforts to address some cases. These shortcomings included limited oversight of human rights investigations, inadequate investigation capacity and inter-agency cooperation, limited forensic capacity and protracted judicial processes. Inadequate victim and witness support and protection and fear of reprisals also impacted victims' engagement.

16. The Government took initial steps towards investigating some killings in the context of anti-drug operations, but during the reporting period, these steps did not result in convictions. In June 2020, then Secretary of Justice Menardo Guevarra announced the establishment of an Interagency Review Panel (IRP) to review 5,655 killings in the context

¹⁹ The UNJP is being implemented by four participating UN entities – OHCHR, UN Educational, Scientific and Cultural Organization (UNESCO), UN Office of Counter-Terrorism (UNOCT) and UN Office of Drugs and Crime (UNODC), and governmental partners. The programme is co-implemented by the DoJ, PHRCS, DILG, PNP, DDB, Department of Health (DoH), ATC-PMC, Bureau of Jail Management and Penology (BJMP) and the CHRP. CSOs and the academia are core partners in the UNJP implementation.

²⁰ The UNJP expected fund contribution is USD 7,978,811 and USD 2,233,503 from participating UN organizations.

of anti-drug operations.²¹ However, the DoJ encountered obstacles to its review, including the lack of availability of and access to relevant records. On 19 October 2021, the DoJ published an initial list of 52 reviewed cases which were handed to the National Bureau of Investigation (NBI) for criminal investigation.²² On 3 August 2022, the Government informed that 250 new cases related to deaths arising from anti-illegal drugs operations in Central Luzon reviewed by the IRP had been handed to the NBI for criminal investigation, adding to the 52 initial cases made public on 19 October 2021.²³ On 17 August, Secretary of Justice informed diplomats that seven cases had been filed for prosecution involving at least 25 officers; two of these cases are now pending in court where nine police officers have been indicted.²⁴ Arrest warrants were also issued against three police officers suspected of the killing of Diego Bello DelaFuente. However, on 6 July 2022, the CHRP expressed concern about delays in executing the warrants.²⁵ As of the end of July 2022, none of the initial 52 cases had resulted in convictions.²⁶ Transparency and public scrutiny in investigative processes and outcomes, remain a challenge.

17. Charges were filed in one other drug-related case. On 25 August 2021, seven police officers of the Intelligence Section/Drug Enforcement Unit of the San Jose del Monte, Bulacan police station were charged with the arbitrary detention and murder of six men during an anti-drug operation in 2020. The six were reportedly detained as they passed by the house of a suspect and were subsequently killed. While police claimed they resisted arrest, the investigation revealed a photo of the six in the police station, with their hands tied behind their backs, prior to being killed.²⁷

18. The Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons (AO35 Mechanism) has been established since 2012 to investigate “unsolved cases of political violence”,²⁸ including the killings of human rights defenders and environmental activists falling under its mandate.²⁹ According to Government information, as of August 2022, 386 cases were being investigated by the AO35 Mechanism, the majority comprising killings.

19. On 7 March 2021, nine persons were killed in joint police and military operations in Southern Luzon based on search warrants issued in the context of its counter-insurgency campaign against the NPA. Amongst those killed were human rights defenders Emanuel Asuncion, Ana Mariz Lemita-Evangelista, Ariel Evangelista, Melvin Dasigao and Mark Lee Coros Bacasno. Two indigenous peoples' rights defenders and two housing rights defenders were also killed.³⁰ In December 2021 and January 2022, murder charges were filed against 34 police officers over the killing of three of nine activists killed on 7 March. The NBI reportedly found that the police officers had a “deliberate intent to kill” during the deadly police operation.³¹ It was not known, as of July 2022, whether the police officers had been detained. On 3 August 2022, the Government informed that the AO35 Mechanism recently completed its investigation related to the abovementioned killings in Southern Luzon and would soon initiate prosecution against a number of law enforcement officers involved in serving the warrants that led the killings.³²

²¹ https://www.doj.gov.ph/news_article.html?newsid=661.

²² <https://www.pna.gov.ph/articles/1157212>.

²³ NV-EPG-338-2022.

²⁴ NV-EPG-363-2022.

²⁵ <https://chr.gov.ph/statement-of-chr-executive-director-atty-jacqueline-ann-de-guia-on-the-delay-in-the-implementation-of-the-arrest-warrant-for-those-accused-in-the-killing-of-businessman-diego-bello-lafuente/>.

²⁶ <https://idpc.net/alerts/2021/10/statement-on-the-human-rights-situation-in-the-philippines-human-rights-council-48th-session>.

²⁷ <https://www.pna.gov.ph/articles/1152132>.

²⁸ <https://www.officialgazette.gov.ph/2012/11/22/administrative-order-no-35-s-2012/>.

²⁹ Killings occurring in anti-drug operations do not generally fall under the AO35 mandate.

³⁰ <https://www.ohchr.org/en/2021/03/press-briefing-notes-philippines?LangID=E&NewsID=26865>.

³¹ <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-welcoming-the-dojs-preliminary-investigation-on-the-batangas-couple-killed-on-bloody-sunday-raids/>.

³² NV-EPG-338-2022.

20. Numerous reports of abuses by members of the CPP-NPA were also received. From 1 January 2020 to 31 May 2022, the Armed Forces of the Philippines (AFP) reported 749 cases of abuses by non-state armed groups, resulting in the killing of 123 civilians.³³ The AFP reported that it submitted 317 cases of alleged killings of civilians to the AO35 Mechanism, and a base list of 1,730 “probable violations” of Republic Act 9851 on crimes against international humanitarian law, genocide and other crimes against humanity.³⁴ The AFP also submitted a compilation of such cases to OHCHR and the CHRP.

21. On 24 September 2021, three former soldiers were sentenced to 40 years’ imprisonment for the killing in 1986 of labour leaders Leonor Alay-ay and Rolando Olalia. Nine suspects are reportedly still at large.³⁵ On 31 May 2022, the Court of Appeal confirmed the conviction of retired Army General Jovito Palparan and two other army officers, sentencing them to up to 40 years’ imprisonment for the 2006 kidnapping and illegal detention of university students Karen Empeno and Sherlyn Cadapan, whose whereabouts remain unknown.³⁶

22. The UNJP is supporting the capacity and improved functioning of the AO35 Mechanism to strengthen accountability efforts; supporting initiatives to strengthen victims and witnesses’ access to justice, restitution, support, and protection and the establishment of a permanent national preventative mechanism under Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The UNJP also supports the DoJ to establish a National Referral Pathway Mechanism to contribute to efforts to investigate and prosecute a broader range of human rights violations and help complainants in accessing appropriate domestic mechanisms.

23. The UNJP engaged with the AO35 Mechanism to conduct needs assessment to develop recommendations to increase its effectiveness, and held an initial consultation on the development of pathways for accountability. To strengthen investigative and forensic capacity, the UNJP held consultations between the DoJ, PNP, CHRP and CSO actors, and experts on the Minnesota Protocol on the investigation of potentially unlawful deaths (Minnesota Protocol), and the Special Rapporteur on extrajudicial, summary or arbitrary executions. Targeted training on the Minnesota Protocol involving police officers, medical practitioners, DoJ officials, judicial officers and CSOs will be implemented as a follow-up. The Minnesota Protocol was translated into the national language, Filipino.

24. The Philippines ratified the OPCAT in 2012, but has yet to adopt legislation to allow for the establishment of a permanent National Preventive Mechanism (NPM), though an interim mechanism was operational.³⁷ The UNJP conducted consultations on consolidation of the different versions of the draft legislation and capacity building needs of the Interim NPM. An initial assessment of victim support and protection needs, and mapping of domestic judicial and non-judicial remedies has been initiated.

B. Data-gathering on alleged violations

25. In September 2021, at the 76th session of the General Assembly, the then President, H.E. Mr. Rodrigo Duterte, stated that he had given instructions to the DoJ and the PNP to review police operations in the context of anti-drug operations, and that “[t]hose found to have acted beyond bounds during operations shall be made accountable before our laws.”³⁸ However, the former President also made public statements defending his anti-narcotics campaign.³⁹

³³ NV-EPG-308-2022.

³⁴ NV-NPG-363-2022.

³⁵ <https://www.pna.gov.ph/articles/1156436>.

³⁶ CR-HC-12275; <https://services.ca.judiciary.gov.ph/csisver3-war/faces/pages/ResultInformation.xhtml>.

³⁷ https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=137&Lang=EN.

³⁸ <https://news.un.org/en/story/2021/09/1100612>.

³⁹ <https://www.pna.gov.ph/articles/1174275>.

26. On 29 June 2021, the Supreme Court issued rules requiring police officers to wear body-work cameras when executing warrants and repealing a 2004 decision that allowed Manila and Quezon City executive judges to issue search warrants in locations “outside their territorial jurisdiction.” It cited “increasing reports of civilian deaths in the execution of warrants issued by trial courts, the causes and conditions surrounding such deaths being widely disputed.”⁴⁰

27. Deaths continue to be reported in anti-illegal drug operations, with the Philippine Drug Enforcement Agency (PDEA) publishing monthly figures of persons killed during such operations.⁴¹ The PDEA reported a decrease in killings in the context of anti-drug police operations, with 448 persons reportedly killed in 2020, 214 in 2021, and 27 between January and 31 May 2022.⁴² PDEA figures record that, from 1 July 2016 to 31 May 2022, 6,252 people died during drug operations, and 239,218 anti-illegal drug operations were conducted with 345,216 people arrested.⁴³ According to Government information citing PDEA figures, 67.69 percent of the drug cases filed from 2016 to July 2022 nationwide are yet to be resolved.⁴⁴

28. OHCHR continued to receive allegations of human rights violations by members of the PNP, however it was not possible for OHCHR to verify these cases or the number of such violations. The Government informed OHCHR that the “PDEA immediately investigates reports on alleged human rights violations” and that, as of 31 July 2020, all PDEA-initiated operations that had been investigated were determined to have the absence of human rights violations.⁴⁵ The Government also stated that the PNP leadership condemned unlawful killing and that the “conduct of police operations, which include the serving of search or arrest warrant, buy bust operations, ..., the objective is not to kill anyone but only to arrest the suspect and prevent the commission of crimes”. In April 2022, the CHRP issued a report on their investigations into drug-related killings, which observed, *inter alia*, the lack of effective, prompt, and transparent accountability mechanisms, and lack of access to documentation despite the mandate of the CHRP.⁴⁶

29. The PNP implemented the Human Rights Recording, Analysis and Information System (HuRAISE).⁴⁷ This serves as “an institutional mechanism for generating empirical data on human rights, with corresponding analysis in order to address misconduct among personnel.”⁴⁸ Analysis of data in the PNP HuRAISE system by the PNP Human Rights Affairs Office (HRAO) is ongoing. In addition, the HRAO will implement an online standardised test on human rights to all PNP officers.⁴⁹

30. The UNJP supports efforts that are already underway within the PNP HRAO to improve police data and accountability for human rights violations. This includes an ongoing needs assessment and study of PNP accountability mechanisms to identify gaps and the rollout of training on the Minnesota Protocol. The UNJP will work on best practice for reporting and follow up, and through the technical working group, support existing efforts on community and civil society dialogues and engagement with the PNP.

C. Civic space and engagement with civil society and the CHRP

31. The Philippines has a large and active civil society, and constitutional guarantees for freedom of expression, association, and peaceful assembly. The Government took some steps

⁴⁰ <https://www.icnl.org/wp-content/uploads/bodycamwarrants.pdf>.

⁴¹ <https://www.facebook.com/realnumbersph/>.

⁴² *Ibid.*

⁴³ https://pdea.gov.ph/index.php?option=com_content&view=article&layout=edit&id=279.

⁴⁴ In July 2022, the Secretary of the DILG stated that 77 percent of drug cases filed from 2016 to July 2022 were still pending. Out of a total 291,393 cases, some 22,000 ended with conviction, 5,753 were dismissed, and 223,579 were pending: <https://www.facebook.com/pnp.pio/videos/434441455404687>.

⁴⁵ NV-EPG-308-2022.

⁴⁶ Report of the Investigated Killings in Relation to the Anti-illegal Drug Campaign (April 2022).

⁴⁷ NV-EPG-338-2022.

⁴⁸ <https://law.upd.edu.ph/wp-content/uploads/2020/11/PNP-Memorandum-Circular-No-2020-060.pdf>.

⁴⁹ NV-EPG-338-2022.

to engage with some CSOs, such as the first ever virtual Philippines Human Rights Defenders National Assembly in December 2021, with the participation of the Special Rapporteur on Human Rights Defenders.

32. Despite repeated calls for protecting human rights and environmental defenders, journalists, lawyers, labour rights activists, and humanitarian workers, OHCHR continued to receive reports of killings, arbitrary detention, physical and legal intimidation against them. They are often targets of “red-tagging”, a tactic deployed to accuse individuals of fronting for the CPP-NPA. This continued to put human rights defenders at risk, hampering legitimate human rights activities while eroding trust between the Government and civil society actors.⁵⁰ In June 2022, incoming National Security Advisor Clarita Carlos called for an end to red-tagging and for a focus on addressing inequalities and lack of opportunities.⁵¹

33. On 30 December 2020, nine indigenous Tumandok leaders were killed in joint military and police operations to execute search warrants in Iloilo Province after being accused of possession of firearms and affiliation with CPP-NPA.⁵² Sixteen other persons, including six human rights defenders, were detained during the operations. A Tumandok leader and witness in the case, Julie Catamin, was subsequently killed by unknown persons on 28 February 2021, while a lawyer representing the victims survived a killing attempt on 3 March 2021. On 22 January 2022, the Working Group on Enforced and Involuntary Disappearances (WGEID) sent an allegation letter regarding the alleged enforced disappearance of human rights defender Steve Abua who disappeared in November 2021. In its response to the WGEID in March 2022, the Government stated that it continues to investigate the case but has not found evidence of his enforced disappearance.⁵³

34. On 23 March 2021, the Supreme Court *en banc* issued a statement expressing “serious and urgent concerns regarding the killing of lawyers and threats to judges”,⁵⁴ and the following day the Senate adopted a resolution “strongly condemning (such) killings and acts of violence.”⁵⁵ This followed a report by the Free Legal Assistance Group that 61 lawyers had been killed since 2016, most of them by unknown perpetrators.⁵⁶

35. Several women human rights defenders faced criminal prosecution on questionable grounds. Maria Salome Crisostomo-Ujano, the national coordinator of Philippines Against Child Trafficking was detained on 14 November 2021, based on an arrest warrant for rebellion from 2004, and remained in custody.⁵⁷ Environmental activist Daisy Macapanpan was arrested on 11 June 2022 after delivering a speech protesting a hydropower project on charges in relation to an incident in 2008.⁵⁸ She was released after posting bail on 10 August. Former Senator Leila de Lima, whose arrest had been found arbitrary by the Working Group on Arbitrary Detention (WGAD) in 2018, remained in pretrial detention⁵⁹ despite key

⁵⁰ A/HRC/48/28; AL PHL 1/2021

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25942;>
AL PHL 3/2021

[https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26417.](https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26417)

⁵¹ [https://chr.gov.ph/statement-of-chr-executive-director-atty-jacqueline-de-guia-on-the-statement-of-the-incoming-national-security-adviser-against-red-tagging/.](https://chr.gov.ph/statement-of-chr-executive-director-atty-jacqueline-de-guia-on-the-statement-of-the-incoming-national-security-adviser-against-red-tagging/)

⁵² [https://www.ohchr.org/en/2021/03/press-briefing-notes-philippines.](https://www.ohchr.org/en/2021/03/press-briefing-notes-philippines)

⁵³ NV-EPG-119-2022 [https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36850.](https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36850)

⁵⁴ [https://sc.judiciary.gov.ph/17874/.](https://sc.judiciary.gov.ph/17874/)

⁵⁵ [https://legacy.senate.gov.ph/lis/bill_res.aspx?congress=18&q=SRN-691.](https://legacy.senate.gov.ph/lis/bill_res.aspx?congress=18&q=SRN-691)

⁵⁶ [https://www.philstar.com/headlines/2021/03/11/2083558/flag-report-found-almost-half-lawyers-killed-linked-legal-practice.](https://www.philstar.com/headlines/2021/03/11/2083558/flag-report-found-almost-half-lawyers-killed-linked-legal-practice)

⁵⁷ [https://chr.gov.ph/statement-of-chr-commissioner-karen-gomez-dumpit-focal-commissioner-on-womens-rights-on-the-arrest-of-maria-salome-sally-crisostomo-ujano/.](https://chr.gov.ph/statement-of-chr-commissioner-karen-gomez-dumpit-focal-commissioner-on-womens-rights-on-the-arrest-of-maria-salome-sally-crisostomo-ujano/)

⁵⁸ [https://chr.gov.ph/statement-of-chr-executive-director-atty-jacqueline-ann-de-guia-on-the-arrest-of-environmental-defender-in-laguna/.](https://chr.gov.ph/statement-of-chr-executive-director-atty-jacqueline-ann-de-guia-on-the-arrest-of-environmental-defender-in-laguna/)

⁵⁹ A/HRC/WGAD/2018/61.

prosecution witnesses retracting their testimonies in May 2022.⁶⁰ As of June 2022, several human rights defenders, including from Karapatan, were also facing perjury charges.⁶¹

36. The Government took some steps aimed at protecting journalists and media workers. The Presidential Task Force on Media Security (PTFoMS), established in 2016,⁶² provided updates on 112 cases of killings of journalists in the UNESCO observatory, most of which were classified as ongoing or unresolved.⁶³ In January 2022, PTFoMS and the PNP established “Media Security Vanguard” (MSVs) to strengthen the protection of journalists ahead of the 2022 presidential elections⁶⁴ by expediting the investigation and resolution of complaints.⁶⁵

37. Between June 2020 and June 2022, UNESCO documented six killings of journalists and media workers in the Philippines.⁶⁶ OHCHR also received reports of restrictions on critical media outlets and harassment of media workers. Maria Ressa, the 2021 Nobel Peace Prize laureate, continued to face legal action linked to her work with Rappler. In June 2022, the Philippine Securities and Exchange Commission upheld its earlier ruling to revoke the operating license of Rappler for violation of foreign equity rules, while in July 2022, the Court of Appeals upheld a cyber-libel conviction against her.⁶⁷ On 10 December 2020, a journalist was among seven persons detained on suspicion of possession of illegal weapons.⁶⁸ She was held in pre-trial detention until her case was quashed in March 2021, but the Mandaluyong City judge who had ruled in her favour was subsequently red-tagged.⁶⁹ Six labour rights activists were detained in the same operation, four of whom remained in pretrial detention as of July 2022.

38. In October 2021, several special procedures mandate holders⁷⁰ expressed concern about state-linked cyber-attacks against independent media outlets and human rights network Karapatan. In response, the Government reiterated its commitment to “always respect the varying views and perspectives expressed in different platforms, including dissenting voices” and to protect their freedom of expression from online hacking and cyber-attacks,⁷¹ but the cyber-attacks reportedly continued.⁷²

39. To facilitate documentation of violations and abuses against human rights defenders, CHRP and the Philippine Statistics Authority concluded an agreement to cooperate on establishing a methodology for gathering data on violations against human rights defenders under Sustainable Development Goal (SDG) 16.10.1. In April 2022, OHCHR facilitated a four-day workshop to strengthen data collection, disaggregation, dissemination, and analysis of SDG indicators 16.1.2 and 16.10.1.

40. On 12 January 2022, the House of Representatives adopted House Bill 10576 on the Protection of Human Rights Defenders in its third and final reading, but the bill was not

⁶⁰ <https://chr.gov.ph/statement-of-the-commission-on-human-rights-on-the-recanted-testimony-against-senator-leila-de-lima/>.

⁶¹ <https://www.escr-net.org/news/2022/global-call-philippine-authorities-stop-criminalization-human-rights-defenders-0>.

⁶² NV-EPG-338-2022.

⁶³ NV-EPG-308-2022. See also <https://en.unesco.org/themes/safety-journalists/observatory/country/223790>.

⁶⁴ <https://www.pna.gov.ph/articles/1166098>; NV-EPG-308-2022.

⁶⁵ <https://www.pna.gov.ph/articles/1166098>; <https://www.pna.gov.ph/articles/1166071>.

⁶⁶ <https://en.unesco.org/themes/safety-journalists/observatory/country/223790>.

⁶⁷ <https://www.ohchr.org/en/press-releases/2022/07/philippines-un-expert-slams-court-decision-upholding-criminal-conviction>.

⁶⁸ <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-string-of-arrests-on-human-rights-day/>

⁶⁹ <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-red-tagging-of-a-mandaluyong-city-judge/>.

⁷⁰ Special Rapporteurs on the situation of human rights defenders, freedom of opinion and expression, and freedom of peaceful assembly and of association; AL PHL 5/2021 <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26662>.

⁷¹ NV-EPG-10-2022 <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36754>.

⁷² <https://cpj.org/2022/02/three-philippine-media-outlets-string-of-cyberattacks/>.

tabled in the Senate.⁷³ The UNJP has raised awareness around the legislation, and the Special Rapporteur on Human Rights Defenders has advocated its adoption.⁷⁴ In September 2022, the UNJP co-hosted a seminar with the CHRP on human rights defenders legislation, engaging similar experiences from legislators in Mongolia, the first country in Asia to have enacted such legislation. From May to July 2022, the UNJP worked with partners to assess the use and applicability of local initiatives and ordinances on human rights, including on the protection of human rights defenders.

41. The UNJP engaged with the CHRP and CSOs to strengthen their capacity in critical human rights areas. These included freedom of expression, the safety of journalists, advocacy on the Human Rights Defenders Bill and the protection of defenders. The UNJP also facilitated capacity building on engaging with international human rights mechanisms and the Berkeley Protocol on Open-Source Investigations, which provides guidelines on international standards for conducting online research into alleged violations and using public digital information.⁷⁵ In the election context, the UNJP also worked on freedom of expression, including fact checking webinars and virtual town hall meetings on disinformation and the promotion of media literacy and training for citizen journalists, and the PNP on the safety of journalists and access to information.

D. National mechanism for reporting and follow-up

42. During the reporting period, the Philippines submitted reports⁷⁶ to the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of All Forms of Discrimination Against Women and Committee on the Elimination of Racial Discrimination and replies to lists of questions of the Human Rights Committee and the Committee on the Rights of the Child. The Philippines will undergo the fourth cycle of the Universal Periodic Review in November 2022.

43. In 2021, in its first invitations since 2015, the Government invited two special procedures mandate holders to conduct official visits to the country, being the sale and exploitation of children mandate in 2022 and the freedom of opinion and expression one in 2023. Between September 2020 and August 2022, 21 special procedures mandate holders sent nine communications; the Government provided seven replies to five communications.⁷⁷ The Government also submitted information to the Working Group on Enforced and Involuntary Disappearances (WGEID) on the status of 625 cases reported between 1975 and 2012. The WGEID decided to close 12 cases based on the information provided, while information provided on 185 cases was considered to be insufficient to clarify those cases.⁷⁸ As of September 2021, 590 cases, including 74 involving female victims, remained open.⁷⁹

44. The UNJP supported implementation of international human rights mechanism recommendations in law and policy. The PHRCS and the UNJP worked together, with the support of OHCHR, to strengthen the PHRCS in its role as National Mechanism for Reporting and Follow-up (NMRF). The UNJP facilitated six online workshops in 2021 and 2022 for PHRCS members and other officials. The sessions focused on increasing the understanding of the main functions of the NMRF. In June 2022, the UNJP initiated the roll-out of the National Recommendations Tracking Database which strengthens the information management capacity on human rights reporting. The Philippines is among the first countries globally to use the new interface.

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<https://www.pna.gov.ph/articles/1166069#:~:text=House%20Bill%2010576%20or%20the,disseminat e%20information%3B%20and%20develop%20>

⁷⁴ <https://www.ohchr.org/en/press-releases/2021/03/philippines-expert-urges-congress-enact-human-rights-defenders-law?LangID=E&NewsID=26914>.

⁷⁵ OHCHR_BerkeleyProtocol.pdf.

⁷⁶ https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=PHL&Lang=EN.

⁷⁷ <https://spcommreports.ohchr.org/TmSearch/Results>.

⁷⁸ A/HRC/WGEID/121/1 para. 102-104.

⁷⁹ A/HRC/48/57.

E. Human rights-based approach to counter-terrorism

45. On 3 July 2020, the Government adopted the Anti-Terrorism Act (Republic Act 11479, ATA).⁸⁰ While fully recognizing the need to protect the population from terrorist attacks, OHCHR and special procedures mandate holders remained concerned that the law does not fully conform with international human rights standards, in particular its broad definition of terrorism, and that its implementation could result in human rights violations.⁸¹

46. CSOs filed some 37 petitions to the Supreme Court, questioning the constitutionality of provisions in the ATA. On 9 December 2021, the Supreme Court upheld the constitutionality of most provisions, but struck down parts of Sections 4 and Section 25. Of particular importance was the striking down of a component of Section 4 defining terrorism,⁸² which the Supreme Court found was “overbroad and violative of freedom of expression.”⁸³ However, provisions allowing for the detention without warrant or charge for up to 24 days, broad powers for members of the security forces to conduct surveillance, and the powers of the ATC to designate groups and individuals as “terrorists” without due process were upheld and remained in force.⁸⁴ The Government argued that the law contained safeguards, such as the requirement to immediately inform a judge of the arrest, and to inform the detainee of his or her rights.⁸⁵

47. According to Government information, as of June 2021, 29 cases had been filed under the ATA, of which three had been dismissed,⁸⁶ including two cases in which there were allegations of torture before a Regional Trial Court (RTC) ordered their release.⁸⁷ As of July 2022, there were no known convictions in cases filed under the ATA.

48. Several individuals and organizations were designated as “terrorists” through resolutions issued by the ATC.⁸⁸ There was concern that, in some cases, organizations conducting humanitarian work in vulnerable and remote communities risked being so designated. For example, the Rural Missionaries of the Philippines, a religious group implementing humanitarian programmes, was accused of terrorist financing, and had its banks accounts frozen.⁸⁹ The CHRP expressed concern that the ATA may also be used to limit freedom of expression, including press freedom.⁹⁰ In June 2022, the National Security Adviser reportedly requested the National Telecommunication Commission to block internet news sites Bulatlat and Pinoy Weekly, for allegedly violating the ATA.⁹¹

49. The UNJP worked to strengthen the institutional capacity within the security sector and among judicial actors on a human rights-based approach to counter terrorism, ensuring that such measures are in line with international human rights standards and to support the CHRP to fulfil its mandate related to monitoring human rights violations committed in the

⁸⁰ <https://www.officialgazette.gov.ph/downloads/2020/06jun/20200703-RA-11479-RRD.pdf>.

⁸¹ OL PHL 4/2020

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25384>; Government response: NV-EPG-331-2020.

⁸² The component in Section 4 that was struck down referred: “which are not intended to cause death or serious physical harm to a person, to endanger a person’s life, or to create a serious risk to public safety”; https://lawphil.net/statutes/repacts/ra2020/pdf/ra_11479_2020.pdf.

⁸³ <https://www.pna.gov.ph/articles/1162280>; <https://sc.judiciary.gov.ph/26426/>.

⁸⁴ JOL PHL 4/2020

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25384>.

⁸⁵ NV-EPG-7-2022, p. 3-4.

⁸⁶ 29 cases were filed before the courts, 12 cases before the prosecutor and three cases were dismissed; NV-EPG-308-2022.

⁸⁷ <https://chr.gov.ph/press-statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-allegations-of-the-maltreatment-of-aetas-by-the-philippine-armys-7th-infantry-division/>.

⁸⁸ Resolution-No.-28-2022_Final-as-of-15-Feb-2022.pdf (atc.gov.ph).

⁸⁹ <https://www.civicus.org/index.php/media-resources/media-releases/4269-philippines-raids-on-ngo-offices-arbitrary-arrests-of-activists-and-freezing-of-accounts>; <https://www.pna.gov.ph/articles/1150613>.

⁹⁰ <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-passage-of-the-anti-terrorism-law/>.

⁹¹ <https://www.pna.gov.ph/articles/1177342>; <https://www.pna.gov.ph/articles/1177393>.

context of ATA. The UNJP conducted an assessment of domestic counter-terrorism legislation from a human rights perspective, outlining strategies for activities for further alignment of legislation and policies with international standards, and to incorporate gender perspectives. The UNJP organized consultations with the Philippine Judicial Academy, the DoJ, the Anti-Terrorism Council, the CHRP, academia, and CSOs. It further consulted with the CHRP towards developing a capacity building programme for the latter to perform its monitoring role under the ATA. This included review of the Institutional Framework and Protocols for Investigation and Prosecution of Human Rights Violations in relation to the ATA and the Training Modules for Inter-Agency Collaboration for Effective Prevention of Terrorism.

F. Human rights-based approaches to drug control

50. The Government took some steps towards addressing narcotic drug concerns through health-centred and evidence-based treatment and prevention approaches to drug control.⁹² In June 2022, the then incoming President was reported in media as having stated that he would conduct the ‘war on drugs’ “within the framework of the law and with respect for human rights and focus on rehabilitation and socio-economic development.”⁹³ The DoH and the DDB adopted the Guidance for Community-Based Treatment and Care Services for People Affected by Drug Use and Dependence in the Philippines developed with guidance from the UNODC and the World Health Organization (WHO), with a view to upscaling evidence-based treatment and prevention efforts.⁹⁴ The DoH also scaled up recovery clinics to promote a voluntary care model for people who use drugs.⁹⁵ The Government informed that, between 2020 and the second quarter of 2021, a total of 164,320 participants benefitted from community-based rehabilitation interventions and services.⁹⁶

51. The DSWD also organized the Family Drug Abuse Prevention Program aimed at educating communities regarding the adverse effects of drug abuse, and equipping families with parenting and life skills towards a drug-free home.⁹⁷

52. However, the overall approach remained punitive and security focused. State-run compulsory treatment facilities, where people who use drugs are ordered by courts or referred by local government officials to undergo treatment and rehabilitation without consent, continued to operate. Some centers are overseen by law enforcement officers through the PDEA.⁹⁸

53. As of May 2021, the BJMP and Bureau of Corrections (BuCor) detained 104,663 persons on drug-related offences. They included 89,795 male and 14,868 female detainees, and constituted 57.96 per cent of the total number of persons deprived of liberty.⁹⁹ Of these, 38,300 were awaiting trial on non-bailable drug-related offences.¹⁰⁰ This contributed significantly to severe congestion in detention centers. As of July 2022, the BJMP congestion rate was at 397 per cent, a decrease from previous years.¹⁰¹ At a joint press conference on 21 July, Secretary of Justice Jesus Crispin C. Remulla and DILG Secretary Benjamin C. Abalos

⁹² NV-EPG-338-2022.

⁹³ <https://newsinfo.inquirer.net/1609050/bongbong-marcos-to-continue-drug-war-within-framework-of-law-human-rights-says-swedish-envoy>.

⁹⁴ https://www.ddb.gov.ph/images/unodc_publications/CBT_Guidance_Doc_Philippines_Final.pdf.

⁹⁵ <https://www.who.int/philippines/news/detail/12-11-2021-voluntary-care-model-for-persons-who-use-drugs-resulted-in-over-90-completion-for-treatment-rate>.

⁹⁶ NV-EPG-338-2022.

⁹⁷ Ibid.

⁹⁸ <https://pdea.gov.ph/2-uncategorised/839-pdea-officially-launches-balay-silangan-reformation-program>.

⁹⁹ NV-EPG-338-2022.

¹⁰⁰ Ibid.

¹⁰¹ In 2020, the decongestion rate was 403% and in 2019 it was 438%. <https://chr.gov.ph/statement-of-chr-executive-director-atty-jacqueline-ann-de-guia-on-the-decongestion-efforts-of-the-bureau-of-jail-management-and-penology/>.

Jr. pledged to work together to address congestion, including through quicker processing and digitalization.¹⁰²

54. In May 2021, the WGAD reiterated its concern about preventive detention regimes that provide for long incarceration of suspected drug traffickers without trial. It noted that approximately 100,000 prisoners had been held awaiting trial on non-bailable drug-related offences for an average of 528 days in the Philippines in 2018.¹⁰³ This included individuals accused of low-level drug offences, such as possession of paraphernalia associated with drug use.¹⁰⁴ The WGAD further reported that the proportion of women imprisoned for drug-related offences is far higher in the Philippines (53 per cent) than the global average of 35 per cent.¹⁰⁵

55. The International Narcotic Control Board reported in March 2021 that a list of priority measures that the Government wished to enact in 2021 included the reinstatement of the death penalty by lethal injection for drug-related crimes. Between June and July 2022, four bills were introduced in the 19th Congress House of Representatives and Senate, which aimed to reintroduce the death penalty, including for drug related offences.¹⁰⁶ OHCHR reiterates its principled opposition to the death penalty, and that its imposition for non-violent, drug-related offences is contrary to international law.¹⁰⁷ The reintroduction of the death penalty would also be contrary to the Philippines obligations as a State Party to the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR). In accordance with international law, States parties to the Second Optional Protocol are barred from reintroducing it.¹⁰⁸

56. The UNJP worked with the Government, the CHRP and CSOs to promote human rights-based approaches to drug control, in particular through supporting voluntary community-based approaches to drug treatment and rehabilitation. In 2021, the CHRP, in cooperation with OHCHR and other partners, organized a national consultation on the International Guidelines on Human Rights and Drug Policy with national stakeholders to review the current efforts on drug policy reform in the Philippines.¹⁰⁹ From February to May 2022, the UNJP conducted a human rights-based review of Philippine drug policies. It also convened consultations towards the drafting of the Philippine roadmap for the transition towards voluntary community-based treatment and rehabilitation for drugs.

57. In April 2022, the UNJP organized a high-level meeting with Government, health officials, academia, CSOs, supported by sectoral consultations. The outcome of these efforts included proposed steps to transition the national drug policy framework towards a public health and human rights-centered system, where voluntary community-based services are available for concerned communities. In the draft roadmap, the stakeholders proposed the creation of a Transition Committee to oversee and coordinate the move to voluntary community-based approaches.

58. The UNJP also provided technical assistance to the DoH related to adopting human rights-based approaches in recovery clinics, including technical assistance to the drafting of the Administrative Order on the Institutionalization of Recovery Clinics. From February to July 2022, the UNJP provided capacity-building sessions for recovery clinic health workers through the programme “Recovery Support System for Persons Who Use Drugs or with Drug Use Disorders in Jails and Prisons”, with the participation of officials from the DoH, the DDB and Local Governance Units.

59. To help alleviate jail congestions due to detainees held on drug offences, the UNJP supported the improvement of the situation in detention facilities through cooperating with the DoH, the DILG, the DoJ and the DSWD. In February and April 2022, the UNJP provided

¹⁰² <https://www.facebook.com/pnp.pio/videos/434441455404687>.

¹⁰³ A/HRC/47/40, para.19.

¹⁰⁴ A/HRC/47/40, para. 7.

¹⁰⁵ Ibid., paras 57, 59.

¹⁰⁶ See for example Senate Bill No. 198.

¹⁰⁷ CCPR/C/GC/36 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/261/15/PDF/G1926115.pdf?OpenElement>, para. 35.

¹⁰⁸ Ibid., para.34.

¹⁰⁹ <https://www.humanrights-drugpolicy.org/>.

capacity building training to 168 officers of the BJMP and BuCor to support released prisoners to ensure continuity of care and/or treatment.

IV. Conclusions and recommendations

60. The High Commissioner welcomes the commitment of the Government to the UNJP and recognizes the important role of the CHRP and CSOs. Responding to the human rights challenges in the Philippines requires a long term and consistent approach which engages with the broader development and humanitarian context. Agreement and initial implementation of the UNJP is a positive step towards greater impact on long-standing human rights issues. The High Commissioner recognizes that it is a complex task requiring delicate balancing to deliver concrete and urgent progress on issues such as accountability, while recognizing the long term and structural nature many of these core human rights challenges present.

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

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

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

64. OHCHR remains committed to working with the new Government, CHRP, CSOs and other partners to accelerate the UNJP implementation. The High Commissioner believes the Human Rights Council should continue to support and encourage this progress and further evaluate the results of these efforts within the coming two years.

65. The High Commissioner provides the following recommendations to the Government of the Philippines:

- (a) In the area of domestic investigative and accountability measures:
 - (i) Conduct prompt, impartial, thorough, transparent investigations into all killings, and alleged violations of international human rights law and international humanitarian law, with a view to prosecution and to the provision of remedies for victims and their families;
 - (ii) Accelerate the work of the Interagency Review Panel to undertake review of anti-illegal drug operations where deaths occurred; ensure that relevant findings are acted on promptly, including through internal and criminal processes; and ensure the review identifies any systemic failures and root causes;
 - (iii) Ensure that the AO35 Mechanism is adequately resourced and has the investigative capacity to conduct its work independently and impartially, with meaningful participation of the CHRP, victims' families, and CSOs;

- (iv) **Improve transparency by issuing consistent, disaggregated data on all allegations of human rights violations, and regular reports from the AO35 Mechanism and the Interagency Review Panel on the status and outcome of investigations;**
- (v) **Ensure victim-centred approaches, including access to reparation, legal and psychological support and effective protection from reprisals; address the specific needs of children affected by the anti-illegal drug campaign, including children in conflict with the law;**
- (b) **In the area of data gathering on alleged police violations:**
- (i) **Strengthen cooperation between the Philippine National Police, the CHRP, the Department of Justice Interagency Review Panel and CSOs to facilitate comprehensive investigations; and revise administrative and executive orders that prevent the disclosure of relevant information to bodies mandated to investigate human rights violations;**
- (ii) **Revise operational frameworks, guidelines and procedures related to the use of force in drug operations, including planning, supervision, reporting, precautionary measures, accountability and oversight measures, in line with international human rights standards;**
- (iii) **Ensure that quotas related to the number of arrests for drug related offences are removed and are not used as an indicator of successful law enforcement activity;**
- (c) **In the area of civic space and engagement with civil society and the CHRP:**
- (i) **Ensure the continued independence of the CHRP including through transparent and consultative appointment process for the new Commissioners, in compliance with the Paris Principles;**
- (ii) **Prevent and respond to human rights violations and abuses against human rights defenders; end incitement to violence, and threatening rhetoric against human rights defenders and other critics of the Government, offline and online (e.g., “red-tagging”); and ensure accountability for any acts of intimidation or reprisal;**
- (iii) **Enact and implement the proposed new legislation on Human Rights Defenders;**
- (iv) **Drop charges and other sanctions targeting the peaceful and legitimate work of human rights defenders; and review the cases of human rights defenders who are detained with a view to their release.**
- (d) **In the area of the National Mechanism on Reporting and Follow-up:**
- (i) **Extend a standing invitation to all special procedure mandate holders;**
- (ii) **Continue the active engagement with international human rights instruments and follow-up to their recommendations;**
- (iii) **Consult broadly with relevant Government entities, the CHRP, CSOs and the UN to develop the next National Action Plan on Human Rights;**
- (e) **In the area of human rights-based approach to counter-terrorism:**
- (i) **Ensure that counter terrorism measures comply with international human rights and humanitarian law and that adequate safeguards and accountability mechanisms are in place;**
- (ii) **Provide the CHRP with information and access to places of detention to effectively monitor implementation of the ATA;**
- (iii) **Ensure that restrictions or administrative burdens on access to resources related to countering the financing of terrorism do not arbitrarily restrict civic space;**

- (f) **In the area of human rights-based approaches to drug control:**
 - (i) **Revise legislation and policies in line with a human rights-based approach and the international guidelines on human rights and drug policy; revisit the mandatory penalties for drug offences; consider decriminalization of drug possession for personal use;**
 - (ii) **Strengthen health-centred, human rights and evidence-based prevention, treatment, and rehabilitation approaches to drug control; and ensure that drug use and dependence is treated as a health issue and that treatment and testing is voluntary, based on informed consent and left exclusively to health professionals;**
 - (iii) **Promote measures aimed at reducing stigma and the elimination of discrimination and vilification of persons who use drugs; Cease the practice of drug watch lists or other arbitrary listing of individuals absent safeguards and due process;**
 - (iv) **Adopt measures to reduce excessive pretrial detention and prison overcrowding; ensure access to treatment and harm reduction in detention; and implement alternative measures to incarceration;**
- (g) **In terms of cooperation with OHCHR and the United Nations system:**
 - (i) **Continue to cooperate with the United Nations system, under the leadership of the United Nations Resident Coordinator, OHCHR and the UNCT in implementing all areas of the UNJP;**
 - (ii) **Invite OHCHR to strengthen its presence including a dedicated team in country to further enhance its support to human rights mainstreaming, including through the UNJP, and monitoring of programme implementation and its impact on the human rights situation, in cooperation with the UNCT under the leadership of the Resident Coordinator.**

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

- (i) **Encourage and support a strengthened OHCHR presence and implementation of the UNJP under the overall leadership of the United Nations Resident Coordinator, including through financial contributions;**
 - (ii) **Continue to monitor closely the progress and outcome of domestic and international accountability initiatives to consider further approaches that may be required;**
 - (iii) **Advocate in support of civic space in the Philippines and for the protection of human rights defenders, journalists, and other civil society representatives in their work;**
 - (iv) **Mandate OHCHR to monitor the situation of human rights in the Philippines and regularly report to the Human Rights Council, including on progress in technical cooperation and implementation of the recommendations of the present report.**
-