

15 September 2022

To: Permanent Representatives of Member and Observer states of the UN Human Rights Council

Excellencies,

PHILIPPINES: Lack of action by the UN Human Rights Council risks abandoning victims of human rights abuses

Without a resolution at the upcoming 51st session of the UN Human Rights Council (HRC), the Office of the High Commissioner for Human Rights' (OHCHR) mandate to report on the Philippines will expire. We are writing to call on you to adopt a resolution on the Philippines that continues and strengthens this reporting mandate. In the absence of secure and effective spaces for deliberations at the domestic level, OHCHR's reporting and the debate that follows it at the HRC are key for victims who continue to seek justice and accountability for human rights violations, including those committed in the context of the so-called "war on drugs." We call on you to not abandon this space and to instead strengthen measures for accountability.

In her report on the progress and results of technical cooperation and capacity building on human rights in the Philippines (HRC Resolution 45/33), the former High Commissioner has called on the Council to once again adopt a resolution that gives the OHCHR the mandate to monitor the situation in the Philippines, report back to the Human Rights Council, and to consider further approaches on accountability mechanisms that may be required. While the High Commissioner recognised some advancements under the UN Joint Programme, she also expressed concerns about access to justice and reparations for families of victims of human rights violations, ongoing reports of attacks, threats and red-tagging against civil society organizations and human rights defenders, and continued drug-related killings by police over the past two years since the Council adopted the last resolution. Rather than continuing with the current punitive approach to drugs, the Philippine government should adopt, as suggested by the High Commissioner, a model of drug control that puts the protection of people's health and other human rights at the centre, including by decriminalizing the use, possession and cultivation of drugs for personal use and expanding access to health and other social services to address the risks related to drug use.

The situation since the adoption of the last resolution continues to be dire. To date, drug-related killings continue even after President Rodrigo Duterte's term ended. According to Dahas, a multi-sectoral research project looking into violence in the Philippines, around 200 people were killed in anti-drug operations since January 2022, over 70 of whom were killed during the first two months (1 July-31 August 2022) of the Marcos administration.

Moreover, since President Marcos took office in July 2022, the administration has not acknowledged the killings and other human rights violations under the government's so-called "war on drugs" nor has it committed to ending this deadly approach as has been the call of many domestic and international stakeholders, including the OHCHR. In an interview aired on 14 September 2022, President Marcos said that he will focus on the prevention of the use of drugs and on the expansion of health services for those using drugs. He, notably, did not call for an end to the punitive approach taken by the previous administration nor did he address the issue of lack of accountability.

Despite repeated promises by the Philippines government, including to your Excellencies on 30 June 2020 and again in 2021, there continues to be no meaningful accountability for killings and other human rights violations committed in the context of the "war on drugs". In this sense, the ICC Office of the Prosecutor has shared the same view as it requested the Pre-Trial Chamber in June 2022 to authorize

the resumption of its investigation in the Philippines, following the temporary suspension of its investigation to assess the government's deferral request since September 2021. As efforts to evade accountability continue under the Marcos administration, including by restating its position that the country will not re-join the Rome Statute of the ICC, it remains imperative for the international community, including through the UN Human Rights Council, to continue to monitor the situation, take meaningful steps to condemn the ongoing human rights violations that are being committed and to address the lack of accountability.

Amidst the killing of people suspected of using or selling drugs, there has also been increased targeting and harassment of activists, human rights defenders, journalists, Indigenous Peoples, judges, lawyers and government critics, many of whom have been arbitrarily "red-tagged" as part of ongoing counter-insurgency efforts by the government. Prisoner of conscience and former Senator Leila de Lima remains arbitrarily detained after five years on fabricated charges. Journalist and Nobel Peace Prize awardee Maria Ressa – and her news website Rappler – continue to be the subject of various unfounded lawsuits for which she could be imprisoned for decades if convicted on all charges. The government has not advanced on the appointment of new leadership to the Commission on Human Rights of the Philippines, a partner in the UNJP and an important interlocutor between civil society and government in the country.

The UN Human Rights Council resolution on the Philippines adopted in October 2020 requested the UN Human Rights Office to support the Philippines through technical assistance. Two years on, the gravity of the human rights situation in the country continues to warrant more than just technical assistance from the UN. The joint approach to the resolution with the Philippines should not become an obstacle for meaningful action and the Philippines should not be given space to dilute outcomes by being part of the resolution process. At this stage, discontinuing the only scheduled debate on the country at the HRC will risk acquiescing ongoing abuses and violations and will abandon tens of thousands of victims who deserve justice and accountability.

We therefore urge you to support a resolution on the Philippines that will take steps to:

- Maintain and strengthen reporting on the Philippines at the HRC
- Mandate OHCHR to conduct an assessment of progress made by the UN Joint Programme of Action on justice and accountability and present a report followed by a debate
- In the absence of clear and measurable outcomes from domestic mechanisms, establish international accountability measures

Sincerely,

Amnesty International

Asian Forum for Human Rights and Development (FORUM-ASIA)

CIVICUS: World Alliance for Citizen Participation

Franciscans International

Harm Reduction International

In Defense of Human Rights and Dignity Movement (iDEFEND)

Karapatan Alliance Philippines

World Organisation Against Torture (OMCT)