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**Human Rights Committee****Concluding observations on the fifth periodic report of the Philippines\***

1. The Committee considered the fifth periodic report of the Philippines<sup>1</sup> at its 3919th and 3920th meetings,<sup>2</sup> held on 10 and 11 October 2022. At its 3946th meeting, held on 28 October 2022, it adopted the present concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the fifth periodic report of the Philippines and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies<sup>3</sup> to the list of issues,<sup>4</sup> which were supplemented by the oral responses provided by the delegation, and for the supplementary information provided in writing.

**B. Positive aspects**

3. The Committee welcomes the adoption by the State party of the following legislative and policy measures:

(a) The Act Prohibiting the Practice of Child Marriage Act (Republic Act No. 11596), in 2021;

(b) The Anti-Age Discrimination in Employment Act (Republic Act No. 10911), in 2016;

(c) The Anti-Bullying Act (Republic Act No. 10627), in 2013;

(d) The Human Rights Victims Reparation and Recognition Act (Republic Act No. 10368), in 2013;

4. The Committee also welcomes the State party's ratification of the Convention on the Reduction of Statelessness, in 2022.

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\* Adopted by the Committee at its 136<sup>th</sup> session (10 October to 4 November 2022).

<sup>1</sup> CCPR/C/PHL/5.

<sup>2</sup> See CCPR/C/SR.3919 and CCPR/C/SR.3920.

<sup>3</sup> CCPR/C/PHL/RQ/5.

<sup>4</sup> CCPR/C/PHL/Q/5.

## C. Principal matters of concern and recommendations

### Implementation of the Covenant and its Optional Protocol

5. The Committee regrets the lack of requested information on the implementation of Views adopted under the Optional Protocol to the Covenant and of a specific procedure for the implementation of those Views in the State party. While noting the State party delegation's information about the National Human Rights Action Plan (2018-2022) and the United Nations Joint Programme on Human Rights (2021-2024), the Committee regrets that sufficient information was not provided about the content of the Plan (art. 2).

6. **The State party should give full effect to the Committee's Views and thereby ensure access to effective remedies when violations of the Covenant are committed. It should intensify its efforts to implement the Committee's Views, including through the Presidential Human Rights Committee Secretariat. Furthermore, it should strengthen its efforts to assess the implementation of the National Human Rights Action Plan with the use of human rights indicators and to draft and adopt the next Plan with the meaningful participation of the Commission on Human Rights and civil society organizations. It should also continue to effectively contribute to the implementation of the United Nations Joint Programme on Human Rights (2021-2024), in cooperation with relevant stakeholders, including the United Nations Country Team in the Philippines and the Commission on Human Rights.**

### Commission on Human Rights

7. The Committee appreciates the continued accreditation of the Commission on Human Rights with "A" status by the Global Alliance of National Human Rights Institutions and the increased budget allocated to the Commission between 2016 and 2020. Nevertheless, it remains concerned by the significant delay in adopting the bills concerning the Charter of the Commission, which aims to strengthen and expand its mandate and authority, and by allegations of harassment and intimidation of members of the Commission. It also regrets reports that not all commissioner positions have been filled, which may hinder the full operations of the Commission (art. 2).

8. **The State party should ensure that the bills concerning the Charter of the Commission are enacted into law without delay and that the Commission continues to be fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It should provide the Commission with sufficient human and financial resources to carry out its mandate independently in all parts of the country. The State party should also take concrete measures to ensure that members are effectively protected from harassment and intimidation and provide redress for those whose rights are violated. Furthermore, it should expedite the process of searching and appointing new commissioners who possess established competence and relevant expertise in the protection and promotion of human rights.**

### Anti-corruption measures

9. While noting the State party's efforts to combat corruption, such as the establishment of the presidential Anti-Corruption Commission in 2017 and the Citizen's Complaint Hotline, the Committee remains concerned by reports that corruption remains pervasive and has intensified in the context of the State response to the COVID-19 pandemic. It is also concerned by reports that existing bodies handling allegations of corruption, including the Ombudsman's Office, lack sufficient financial and technical resources to investigate all such allegations (arts. 2 and 25).

10. **The State party should intensify its efforts to prevent and eradicate corruption and impunity at all levels. It should ensure that all allegations of corruption, including those related to public procurement, are promptly, independently and thoroughly investigated, that those responsible are duly tried and adequately punished, and that victims receive full reparation. To this end, it should immediately provide sufficient human, technical and financial resources to its anti-corruption bodies, including the**

**Ombudsman’s Office, with a view to enabling it to effectively and independently discharge its mandates.**

**Fight against impunity and past human rights violations**

11. While taking note of the convictions in December 2019 of some of the perpetrators of the 2009 Maguindanao massacre killing 58 people, the Committee regrets the significant delay in bringing these individuals to justice and the large number of suspects who have not yet been arrested, which raises concerns about the safety of those who seek justice. While also noting the adoption of the Human Rights Victims Reparation and Recognition Act of 2013, which has established the Human Rights Victims’ Claims Board, it remains concerned about the sufficiency and coverage of such compensation. While noting the State party’s information on a bill to establish a regional transitional justice and reconciliation commission for the Bangsamoro Autonomous Region in Muslim Mindanao, it regrets that a national transitional justice and reconciliation commission for the Bangsamoro, which was recommended in the 2016 report of the Transitional Justice and Reconciliation Commission, has not been established (arts. 6–7, 9, 14 and 26).

**12. The State party should investigate and prosecute in a timely manner all reported cases of past human rights violations and ensure that perpetrators are brought to justice that penalties imposed are commensurate with the severity of the offence, and that the victims or members of their families receive full reparation, including adequate compensation, and other legal, medical, psychological and rehabilitation services. It should ensure that all victims of the past human rights violations have adequate access to compensation schemes, including under the Human Rights Victims Reparation and Recognition Act and that victims and their relatives who seek justice and redress are protected against intimidation and harassment. It should also expedite the establishment of a national transitional justice and reconciliation mechanism for the Bangsamoro that is in line with international law and standards.**

**Counter-terrorism measures**

13. The Committee is concerned about the Anti-Terrorism Act of 2020, in particular relating to:

- (a) The reported lack of meaningful consultations at the time of its adoption;
- (b) Overbroad and vague definitions of terrorism;
- (c) Warrantless arrests and prolonged detention without charge, up to 24 days, of individuals suspected of terrorism;
- (d) Excessive powers granted to the Anti-Terrorism Council to permit compilation and publication of personal data of individuals suspected of terrorism, without judicial oversight, and surveillance over these individuals without notice to them;
- (e) Use of the Act to legitimize the targeting of government critics, human rights defenders and journalists, including through “red-tagging”, and consequent chilling effects on freedoms of expression, peaceful assembly and association (arts. 4, 17, 19, 21 and 22).

**14. The State party should:**

- (a) **Review and amend the Anti-Terrorism Act, particularly its articles 25 and 29, with a view to bringing it into full compliance with the Covenant and the principles of legal certainty, predictability and proportionality. In doing so, it should ensure participatory consultations process with relevant stakeholders, including the Commission on Human Rights and civil society organizations;**
- (b) **Ensure that individuals suspected of, or charged with, terrorist acts or related crimes are provided, in law and in practice, with all appropriate legal safeguards, particularly the right to be informed of the charges against them, to be promptly brought before a judge, and to have access to legal counsel, in line with article 9 of the Covenant and the Committee’s general comment No. 35 (2014) on liberty and security of person;**

(c) **Facilitate independent, effective and regular monitoring, including by the Commission on Human Rights, of all places of detention where individuals are detained under the Anti-Terrorism Act, without prior notice and on an unsupervised basis;**

(d) **Ensure that any interference with the right to privacy, including through the publication of personal data of individuals suspected of terrorist acts and surveillance activities, requires prior authorization from a court and is subject to effective, regular and independent oversight and that affected persons are, where possible, notified of the surveillance and interception activities to which they are being subjected and have access to effective remedies in cases of abuse;**

(e) **Refrain from using counter-terrorism legislation to limit and repress the freedom of expression, assembly and association of government critics, human rights defenders and journalists.**

#### **Non-discrimination**

15. The Committee takes note of several anti-discrimination bills pending at different stages in the State party, including Comprehensive Anti-Discrimination Bills, Anti-Discrimination Bills on the Basis of Race, Ethnicity and Religion and Anti-Discrimination Bills on the Basis of Sexual Orientation Gender Identity and Expression and Sex Characteristics. It, however, remains concerned by the delay in adopting these bills and continuing reports of discriminatory practices and attitudes towards persons with disabilities, lesbians, gays, bisexuals and transgender persons, Muslims and indigenous peoples. In particular, it is concerned about reports of: the living situations of and stigma faced by persons with disabilities, particularly children with psychosocial disabilities; the “grave scandal” provision in the Revised Penal Code, which may expose lesbian, gay, bisexual and transgender persons to police harassment and extortion; stereotypes perpetrated by public officials linking Muslims to terrorism and discrimination against young Muslims in the area of employment; and discrimination against indigenous peoples in accessing health care, education and social services (arts. 2 and 26).

16. **The State party should:**

(a) **Expedite the adoption of comprehensive legislation prohibiting discrimination, including multiple, direct and indirect discrimination, in all spheres, in both the public and the private sectors, on all the grounds prohibited under the Covenant, and ensure access to effective and appropriate remedies for victims of discrimination;**

(b) **Take effective measures to combat stereotypes about and negative attitudes towards persons on the basis of their disabilities, sexual orientation and gender identity and ethnicity;**

(c) **Ensure that all acts of discrimination and violence against persons with disabilities, lesbian, gay, bisexual and transgender persons, members of minority groups and indigenous peoples are promptly and effectively investigated, perpetrators brought to justice and victims provided with redress.**

#### **Gender equality**

17. While noting the increased representation of women in the public sector, the Committee regrets the overall low rates of their representation in political and public life, particularly in decision-making positions, and the lack of updated data in this respect. It is further concerned by reports that, since 2016, several women, mainly critics of the previous administration, have been summarily removed from their judicial and elected positions while male critics have not been punished (arts. 2–3 and 25–26).

18. **The State party should step up its efforts to guarantee, in law and in practice, gender equality. In particular, it should:**

(a) **Increase the representation of women in decision-making positions at all levels of the executive, legislative and judicial branches and in the private sector;**

(b) **Eliminate gender stereotypes about the roles and responsibilities of women and men in the family and in society;**

(c) **Refrain from any discriminatory treatment of women in leadership and decision-making roles.**

**Violence against women, including domestic violence**

19. While noting the State party's efforts to enhance the implementation of the Anti-Violence against Women and Their Children Act of 2004 and raise awareness in this respect, the Committee remains concerned by the lack of information on the impact of these measures and the continuing underreporting of cases of violence against women, due in part to the authorities' failure to bring the perpetrators to justice. It is further concerned by information that the significant decrease in the number of reported cases of violence against women in 2020 may indicate additional barriers to reporting during the COVID-19 pandemic. While noting the bills aimed at legalizing divorce, the Committee reiterates its previous concern<sup>5</sup> that the lack of legislation providing for divorce may compel victims of domestic violence to remain in violent relationships (arts. 2, 3, 6, 7 and 26).

20. **The State party should intensify its efforts to:**

(a) **Encourage the reporting of cases of violence against women, including through ensuring that all women have access to multiple forms of reporting, information about their rights and available remedies, and addressing societal attitudes regarding reporting;**

(b) **Investigate all allegations of violence against women, including domestic violence, prosecute and, if found guilty, punish perpetrators with penalties commensurate with the gravity of the offences, and provide victims with full reparation and means of protection, including access to adequately resourced shelters;**

(c) **Provide appropriate training of public officials, including judges, lawyers, prosecutors and law enforcement officers, handling cases of violence against women, including domestic violence;**

(d) **Take targeted measures to protect women and children from domestic violence, particularly during emergencies such as the COVID-19 pandemic;**

(e) **Expedite the adoption of legislation legalizing divorce with a view to protecting victims of domestic violence, as per the Committee's previous recommendation.<sup>6</sup>**

**Voluntary termination of pregnancy and reproductive rights**

21. The Committee takes note of the State party's efforts to reduce unsafe abortion and maternal mortality, including through conducting maternal death reviews and integrating family planning into other health programs. Nevertheless, it reiterates its previous concern<sup>7</sup> that abortion remains criminalized in the State party, which leads women to seek out clandestine abortion services that endanger their lives and health. It is further concerned by reports of harassment against women and girls who have or seek abortions and of routine interrogation and recording by hospital staff of those who seek post-abortion health care. It also notes with concern information about the insufficient primary healthcare facilities and the significant increase in indirect obstetrical deaths during the COVID-19 pandemic, due in part to the lack of healthcare capacity. It notes with concern the high number of unintended pregnancies, especially among adolescent girls (arts. 2, 3, 6 and 17).

22. **Bearing in mind the Committee's previous recommendations<sup>8</sup> and paragraph 8 of the Committee's general comment No. 36 (2018), the State party should:**

(a) **Amend its legislation to guarantee safe, legal and effective access to abortion where the life and health of the pregnant woman or girl is at risk, or where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain**

<sup>5</sup> CCPR/C/PHL/CO/4, para. 12.

<sup>6</sup> CCPR/C/PHL/CO/4, para. 12.

<sup>7</sup> CCPR/C/PHL/CO/4, para. 13.

<sup>8</sup> CCPR/C/PHL/CO/4, para. 13.

or suffering, most notably where the pregnancy is the result of rape or incest or where the pregnancy is not viable;

(b) **Repeal the criminal penalties imposed upon women and girls who undergo abortions and upon medical service providers who help them to do so;**

(c) **Strengthen the provision of sexual and reproductive health services, including post-abortion healthcare in all circumstances on a confidential basis, especially for rural women, women living in poverty, women with disabilities and women from ethnic or religious minorities;**

(d) **Further develop and implement comprehensive programmes on sexual and reproductive health education, including with a view to preventing unintended pregnancies as well as stigmatization of women and girls who have recourse to abortion, and on the prevention of sexually transmitted infections throughout the country.**

#### **Climate change and environmental degradation**

23. The Committee appreciates the efforts made by the State party to address climate change and environmental degradation, including the adoption of National Framework Strategy on Climate Change 2010-2022, the National Climate Change Action Plan 2011-2028 and the National Climate Risk Management Framework of 2019. While also noting the State party's commitment to the implementation of mitigation measures, the Committee regrets the lack of specific information on measures taken or envisaged to implement the recommendations of the Commission on Human Rights in its 2022 report of the National Inquiry on Climate Change, concerning the impact of climate change on the human rights and the role of business corporations (art. 6).

24. **Recalling its general comment No. 36 (2018) on the right to life, the Committee recommends that the State party:**

(a) **Strengthen the legal framework on climate change, including by implementing the recommendations of the Commission on Human Rights contained in the National Inquiry on Climate Change report, such as enacting laws that impose legal liabilities for corporate or business-related human rights abuses;**

(b) **Ensure that all projects that affect sustainable development and resilience to climate change are developed with the meaningful consultations with and participation of the affected population, including the indigenous peoples.**

#### **Death penalty**

25. The Committee is concerned by a number of legislative attempts made to reinstate the death penalty in the State party. It is further concerned about the proposed application of the death penalty to offences, including drug-related offences, that do not meet the threshold of the "most serious crimes" within the meaning of article 6 (2) of the Covenant (art. 6).

26. **The Committee recalls its general comment no. 36 (2018) on the right to life, in which it affirms that States parties that have abolished the death penalty are barred from reintroducing it.<sup>9</sup> The State party should therefore discontinue any attempts to reintroduce the death penalty, in full compliance with its obligations under article 6 of the Covenant and as a State party to the Second Optional Protocol to the Covenant.**

#### **Extrajudicial killings**

27. Despite the State party's denials, the Committee is concerned about reports of the extremely high number of extrajudicial killings, particularly in the context of the government's anti-illegal drug campaigns, and of grave human rights violations involved in these killings with a majority of victims being young men from poor and marginalised communities who provide for their families. It is particularly concerned by reports of: incitement to violence against and extrajudicial killings of suspected drug offenders by high-level officials, including the former president; use of "drug watch lists" of suspected drug offenders based on unsubstantiated information as well as non-judicial house visits, the "Oplan Tokhang", made by the authorities based on these lists to persuade suspected

<sup>9</sup> CCPR/C/GC/36, para. 34.

offenders to surrender, which often involves threats and intimidation and leads to their seemingly involuntary enrolment into treatment programmes; the killing of children during raids targeting their family members as “collateral damage” and the severe impact on children of victims and child witnesses of extrajudicial killings; the continued failure of the authorities to promptly, effectively and independently investigate extrajudicial killings and to bring the perpetrators to justice; and intimidation, harassment and surveillance of relatives of victims seeking justice. The Committee also notes the State party’s refusal to cooperate with the international human rights mechanisms and the ongoing investigations by the International Criminal Court of extrajudicial killings (art. 6).

**28. The Committee urges the State party to put an end to extrajudicial killings of suspected drug offenders and users. In doing so, it should:**

(a) **Take steps to replace an exclusively punitive approach to drug control with an approach fully in line with the Covenant;**

(b) **Ensure that high-level officials refrain from inciting violence and extrajudicial killings, especially of suspects of drug use or trade;**

(c) **Abolish the use of “drug watch lists” of individuals suspected of drug use or trade and the practice of “Oplan Tokhang”, including through repealing Command Memorandum Circular No. 16 and the Board Regulations No. 3 and 4 of 2016;**

(d) **Redouble its efforts to promptly, independently and thoroughly investigate all allegations of extrajudicial killings, bring perpetrators, including law enforcement officials, to justice;**

(e) **Strengthen its accountability efforts, including through establishing an adequately resourced independent accountability mechanism for all allegations of extrajudicial killings and collecting and publishing consistent, disaggregated data on such allegations;**

(f) **Provide victims and their relatives with full redress, including compensation and appropriate support services, such as psychological and rehabilitation services and other services tailored to meet specific needs of children affected by the anti-illegal drug campaign;**

(g) **Refrain from any acts of harassment and intimidation against those who seek justice for victims of extrajudicial killings and ensure their access to justice and redress;**

(h) **Provide law enforcement officials with regular and appropriate training on the use of force, on the basis of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement;**

(i) **Strengthen its cooperation with the international human rights mechanisms as well as the ongoing investigations by the International Criminal Court.**

#### **Prohibition of torture and other cruel, inhuman or degrading treatment**

29. While noting the measures taken to prevent torture and ill-treatment, including the training programmes provided on human rights for police officers and prison personnel, the Committee is concerned about reports of the widespread practice of torture and ill-treatment in places of detention, including under the police custody, with only one conviction secured under the Anti-Torture Act of 2009. While noting the State party’s information on the inspection conducted by members of the Philippine National Police, it regrets the lack of specific information on the establishment of any independent monitoring mechanism for all places of detention (arts. 2 and 7).

**30. The State party should take measures to eradicate torture and ill-treatment. In particular, it should:**

(a) **Establish an independent institution, such as a national preventive mechanism under the Optional Protocol to the Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, mandated with conducting**

visits and monitoring places of deprivation of liberty and ensure that all such places are subject to independent, effective and regular monitoring and inspection without prior notice and on an unsupervised basis;

(b) **Enhance the independence, impartiality and effectiveness of existing investigative bodies, including the mechanism under Administrative Order No. 35, through, inter alia, providing sufficient human and financial resources, to ensure prompt, independent and effective investigations of all cases of torture and ill-treatment, prosecutions and punishments of all perpetrators, and provision of effective remedies to victims. It should also guarantee the protection of complainants against reprisals;**

(c) **Continue its efforts to provide regular training to judges, prosecutors, lawyers, security officers and law enforcement officials in the field of human rights, including on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).**

#### **Conditions of detention**

31. While noting the State party's efforts to expand capacity and improve conditions in places of detention, the Committee remains concerned about severe overcrowding, which has been exacerbated by the influx of individuals arrested as part of the anti-illegal drug campaign. It is further concerned by the reported lack of adequate access to food and clean water in places of detention and the numerous outbreaks of COVID-19 without adequate access for prisoners to medical treatment and testing. While noting that the June 2021 Memorandum Circular of the Bureau of Jail Management and Penology includes the provision of pre- and post-natal care, it regrets the lack of information on the implementation of such measures (arts. 7 and 10).

32. **The State party should intensify its efforts to ensure that the conditions of detention are in full compliance with relevant international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). It should, in particular:**

(a) **Take immediate measures to significantly reduce overcrowding in prisons and police detention facilities, including through the wider application of non-custodial measures as an alternative to imprisonment, as outlined in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);**

(b) **Intensify its efforts to improve the conditions of detention and ensure adequate access to food, clean water and health care for persons held in all places of deprivation of liberty, particularly in places of detention where outbreaks of infectious diseases, such as COVID-19, have been identified;**

(c) **Ensure that women in detention, particularly those who are pregnant or have children, have adequate access to medical care and other necessary services that meet their specific needs.**

#### **Liberty and security of person**

33. The Committee is concerned by reports that detained persons do not always enjoy in practice all the fundamental legal safeguards from the very outset of their detention, including the rights to be informed of the charges against them, to have prompt access to a lawyer and to a doctor of their own choice, to notify a person of their choice of their detention and to be brought promptly before a judge. It is further concerned about reports of the extensive use of prolonged pretrial detention, including in cases involving drug offences, and about the lack of statistical data concerning individuals held in pretrial detention. It also expresses its concern that first-time drugs offenders face penalties of periods of rehabilitation or incarceration, which compels them to opt for rehabilitation, and that individuals admitted to rehabilitation centres, including those who surrender under "Oplan Tokhang", are reportedly subjected to ill-treatment, solitary confinement, forced labour and psychological violence, without any oversight mechanism in place (arts. 9 and 14).



34. **The State party should take effective measures to ensure that all detained persons are afforded in practice all the fundamental legal and procedural safeguards from the outset of their detention. In particular, it should:**

(a) **Review and amend its legislation, including relevant provisions of the 2000 Rules of Criminal Procedure, to guarantee detainees the rights to promptly contact a family member or any other person of their choice, to have prompt and confidential access to a qualified and independent lawyer or, when needed, to free legal aid, in line with the Basic Principles on the Role of Lawyers, to have access to a medical examination by an independent doctor and to be promptly brought before a competent, independent and impartial court within a maximum of 48 hours;**

(b) **Decrease the use of pretrial detention by ensuring a wider use of non-custodial preventive measures as provided for in the new Code of Criminal Procedure and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and ensure that no one is held in pretrial detention for longer than prescribed by law;**

(c) **Ensure and strengthen the judicial oversight of the State-mandated drug treatment programmes, with a view to preventing and prohibiting arbitrary detention, and the regular, independent and effective monitoring, including by the Commission on Human Rights, of the rehabilitation centres where drug offenders are held.**

#### **Elimination of slavery, servitude and trafficking in persons**

35. While noting steps taken to combat trafficking in persons, including the activities of the Inter-Agency Committee against Trafficking, the Committee is concerned about the increased cases of online sexual exploitation of children, especially during the COVID-19 pandemic, and the low rates of reporting, investigation, prosecution and conviction in these cases, including those involving public officials. It notes with concern the insufficient provision of specialized protection and assistance services for child victims of sexual abuse and exploitation (arts. 2, 7, 8 and 24).

36. **The State party should strengthen its efforts to effectively prevent and combat trafficking in persons and all forms of exploitation of children, including online sexual exploitation and abuse, by, inter alia:**

(a) **Ensuring effective identification of victims of trafficking in persons and all forms of exploitation of children, including the screening of groups in vulnerable situations, such as children living in poverty;**

(b) **Promptly, thoroughly and independently investigating cases of trafficking in persons, including those involving public officials, and of child sexual exploitation and bringing the perpetrators to justice;**

(c) **Providing victims with full reparation, including rehabilitation and adequate compensation, and access to effective means of protection and assistance services, taking into account the age, specific needs and vulnerability of child victims.**

#### **Independence of judiciary and fair trials**

37. The Committee is concerned by continuing reports of intimidation, killings and reprisals against members of the judiciary. While taking note of the State party's information on the *quo warranto* proceeding on this matter, the Committee is concerned that the dismissal of former Supreme Court Chief Justice Sereno, which followed two days after the public threats against her made by the former President, had chilling effects on other judges and other members of the judiciary, which seriously undermines judicial independence. Moreover, it is concerned by a large number of public threats, intimidation and violent attacks, including killings, of judges and lawyers, particularly those with dissenting opinions, and the delay in bringing the perpetrators to justice (art. 14).

38. **The State party should take all measures necessary to:**

(a) **Ensure the full independence and impartiality of the judiciary and the public prosecution and guarantee that they are free to operate without any type of undue pressure or interference from the executive and legislative branches. In doing so,**

**it should ensure that the procedures for the selection, appointment, suspension, removal and disciplining of judges and prosecutors comply with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors;**

**(b) Step up its efforts to protect judges, prosecutors and lawyers against public threats, intimidation, harassment and violence, including killings and ensure that all violations are promptly, thoroughly, independently and impartially investigated, that the perpetrators are brought to justice and that the victims receive comprehensive redress.**

#### **Internally displaced persons**

39. While noting the State party's substantial funding allocation for reconstruction of lands of displaced persons as well as the provision of support and relief services for them, the Committee remains concerned by reports that members of the affected communities are not consulted in decision-making processes of reconstruction plans, including with regard to the proposed military camp in Marawi. It is further concerned about reports that, although displaced Marawi residents continue to live in temporary shelters, large-scale infrastructure projects have been prioritized. It also notes with concern reports of the slow progress in providing victims of the 2017 Marawi siege with effective remedies. The Committee regrets reports of indiscriminate military operations against civilians in the context of the ongoing conflict, which will continue to lead to further displacement and human rights violations (arts. 2, 7, 12 and 26).

40. **The State party should intensify its efforts to:**

**(a) Expedite its efforts to provide durable solutions, such as adequate housing, for internally displaced persons, in consultations with them and in accordance with relevant international standards, including the Covenant and the Guiding Principles on Internal Displacement;**

**(b) Expedite the operationalization of the Marawi Compensation Board established under the Marawi Siege Compensation Act of 2022, with a view to providing victims with effective remedies, including adequate compensation;**

**(c) Refrain from indiscriminate military operations, with a view to preventing internal displacement and other human rights violations.**

#### **Right to privacy**

41. While the State party stated that all information obtained in the course of its anti-illegal drug campaigns was treated with the utmost confidentiality, the Committee is concerned about the lack of clear information about any available recourse, such as the complaints mechanism established under the Data Privacy Act of 2012, for those included in the drug watch lists. While noting the State party delegation's information on the health-related concerns, the Committee remains concerned about mandatory drug testing for teachers and students in schools, as required by the Department of Education Order No. 40 of 2017 (art. 17).

42. **The State party should ensure that all types of data retention and access and any arbitrary and unlawful interference with privacy, including in the context of the government's anti-illegal drug campaign, are in full conformity with the Covenant, in particular article 17. Such acts should comply with the principles of legality, proportionality and necessity and be subject to judicial authorization. It should ensure prompt, independent and effective investigations into all cases of abuse and provide victims with access to effective remedies.**

#### **Freedom of expression**

43. The Committee is concerned about the persistent violation of the freedom of expression within the State party. It is particularly alarmed by reports of restricted press freedom, including: the closure of media outlets, such as the denial of ABS-CBN's franchise renewal in July 2020 and the revocation of certificates of incorporation of Rappler in June 2022; the prevalent use of criminal and civil legal actions against journalists and media

outlets including Nobel Peace laureate Maria Ressa, her media outlet, Rappler, and journalists of Rappler; the widespread harassment and intimidation of journalists; and cyberattacks, including State-sponsored attacks, against independent media outlets, severely disrupting their operations. It is concerned about numerous reports of killings of journalists, including radio journalist Percival Mabasa, with impunity. It is also concerned at the potential for restrictions on the freedom of expression under the Anti-False Content Bill of 2019 (SB 09), which uses an undefined “reasonable belief” standard to determine false content and authorizes the Department of Justice’s Office of Cybercrime to modify or remove information from a website on a “valid and sufficient basis”, without any safeguards. Furthermore, it reiterates its previous concern<sup>10</sup> about continued criminalization of defamation under the Revised Penal Code and of libel under the Cybercrime Prevention Act of 2012, which is frequently used against journalists, human rights defenders, activists and government critics in order to repress dissenting opinions (art. 19).

**44. The State party should take immediate measures to ensure that everyone can freely exercise the right to freedom of expression, in accordance with articles 19 of the Covenant and the Committee’s general comment No. 34 (2011) and that any restrictions on the exercise of freedom of expression comply with the strict requirements of article 19 (3) of the Covenant. In doing so, the State party should:**

**(a) Refrain from prosecuting and imprisoning journalists, media workers and other civil society actors as a means of deterring or discouraging them from freely expressing their opinions;**

**(b) Effectively prevent acts of harassment, intimidation and attacks against journalists, media workers, human rights defenders and other civil society actors to ensure that they are free to carry out their work without fear of violence or reprisals;**

**(c) Conduct prompt, effective and impartial investigations into allegations of threats or violence against journalists, media workers, and other civil society actors and of cyberattacks against media outlets, bring the perpetrators to justice and provide victims with effective remedies, including adequate compensation;**

**(d) Review and bring the Anti-False Content Bill of 2019 and other bills concerning false information into line with article 19 of the Covenant;**

**(e) Decriminalize defamation, bearing in mind that imprisonment is never an appropriate penalty for defamation.**

#### **Human rights defenders**

45. The Committee is concerned at reports of increased crackdowns, including in the context of the government’s counter-terrorism and anti-illegal drug operations, on human rights defenders, activists and other civil society actors to discourage them from carrying out their legitimate activities. It is further concerned about reports of “red-tagging” of human rights defenders, activists and other civil society actors, further exposing them to death threats, intimidation, attacks, arbitrary arrest and detention, enforced disappearances and extrajudicial killings (arts. 2, 6, 9, 19 and 21–22).

**46. The State party should:**

**(a) Take immediate steps to ensure the protection of human rights defenders, activists and other civil society actors to enable them to exercise and promote human rights in a safe environment;**

**(b) Consider adopting the Human Rights Defenders Protection Bill without delay;**

**(c) End “red-tagging” of human rights defenders, activists and other civil society actors;**

**(d) Promptly, independently and effectively investigate all human rights violations committed against human rights defenders, activists and other civil society**

<sup>10</sup> CCPR/C/PHL/CO/4, para. 21.

**actors, bringing the perpetrators to justice and providing victims with redress, including adequate compensation.**

#### **Right of peaceful assembly and freedom of association**

47. The Committee is concerned by reports that the Securities and Exchange Commission (SEC) Memorandum Circular No. 15 of 2018, as amended by SEC No. 25, 2019, restricts freedom of association by imposing onerous reporting requirements on non-profit organizations and permitting surveillance of human rights defenders. It is particularly concerned about reports that a government-run news agency falsely accused human rights organizations of failing to comply with the requirements of the SEC, which appears to be an attempt to discredit human rights organizations. It is concerned by allegations of threats, harassment, profiling and killings of trade unionists, and intervention of security forces in union meetings. It is also concerned about excessive use of force in dispersing strikes, including against workers of Sumitomo Fruit Corporation and NutriAsia, resulting in their injuries, death and arbitrary arrests and detention. It regrets the lack of effective investigations and prosecutions in these cases (arts. 21 and 22).

48. **The State party should:**

(a) **Review and revise the SEC Memorandum Circular No. 15 of 2018, with a view to ensuring the respect of freedom of association, in line with article 22 of the Covenant;**

(b) **Refrain from repression, harassment, intimidation and attacks against trade unionists, strengthen their effective protection and ensure investigations of such acts and prosecution and punishment of those responsible;**

(c) **Prevent and eliminate excessive use of force by law enforcement officers, including by providing appropriate training, in line with the Committee's general comment No. 37 (2020) on the right of peaceful assembly, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement;**

(d) **Ensure that allegations of excessive use of force during peaceful assemblies, including strikes by workers, are investigated promptly, thoroughly and impartially, that those allegedly responsible are prosecuted and, if found guilty, punished and that the victims obtain redress.**

#### **Participation in public affairs**

49. The Committee is concerned about reports of the extremely lengthy pretrial detention of former Senator Leila de Lima since 2017 and of politically motivated charges, such as rebellion and sedition, brought against opposition members, such as former Senator Antonio Trillanes and former Vice President Leni Roberdo (arts. 9, 10 and 25).

50. **The State party should refrain from using criminal laws as a tool to harass, intimidate and exclude members of the opposition from meaningful participation in public life and electoral processes. It should take necessary steps to end the prolonged pretrial detention of former Senator Leila de Lima, including through granting her bail, and to ensure that her trial and trials of other opposition members are conducted without delay and with the respect of due process rights.**

#### **Indigenous peoples**

51. While noting the State party's efforts to recognize and promote the rights of the indigenous peoples, including through the Indigenous Peoples Rights Act of 1997, the Committee remains concerned about the shortcomings in implementing the existing legal framework and safeguards. In particular, it is concerned about reports of: substantially low rates of legal recognition of lands as indigenous domains; redistribution by the Department of Agrarian Reform of indigenous lands to non-indigenous settlers without consent; the undue influence of economic and political forces on national development policies; and deception, threats, force and fatal violence involved in the processes for obtaining the free, prior and informed consent for development projects. It is further concerned about attacks against and killings of indigenous peoples who live in conflict-affected areas on the basis of

their perceived affiliation with the army or the New People's Army. It notes with concern reports of militarization of indigenous schools, harassment and attacks against teachers, and the closure of 54 indigenous schools in Mindanao for allegedly teaching violent extremism. It is further concerned about numerous reports of killings of land and environment rights defenders, including the killings of nine Tumandok indigenous peoples' rights activists in a joint police and military operation in December 2020, of tribal leader Datu Victor Danyan in December 2017 and of land reform advocate Nora Apique by unidentified assailants in March 2020 (arts. 2, 6, 14 and 27).

52. **The State party should redouble its efforts to:**

(a) **Fully implement the Indigenous Peoples' Rights Act of 1997, particularly its provisions on the principle of free, prior and informed consent;**

(b) **Facilitate the legal process of granting title to ancestral lands, including by developing and implementing a simplified procedure;**

(c) **Ensure that full and meaningful consultations are held with indigenous peoples with a view to obtaining their free, prior and informed consent before the adoption or application of any measure that may affect their rights, including when granting permission for development projects, and that indigenous peoples are consulted prior to the adoption of any regulatory instrument relating to such consultations;**

(d) **Ensure, in law and in practice, that indigenous peoples who are affected by development projects have adequate access to fair and equitable sharing of benefits;**

(e) **Ensure that harassment, intimidation and violence against and killings of indigenous peoples and indigenous rights defenders are promptly, thoroughly, independently and impartially investigated, that the perpetrators are brought to justice and that victims have access to full reparation.**

#### **D. Dissemination and follow-up**

**The State party should widely disseminate the Covenant, its two Optional Protocols, its fifth periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the periodic report and the present concluding observations are translated into the official language of the State party.**

**In accordance with rule 75, paragraph 1, of the Committee's rules of procedure, the State party is requested to provide, by 4 November 2025, information on the implementation of the recommendations made by the Committee in paragraphs 28 (extrajudicial killings), 32 (conditions of detention) and 44 (freedom of expression) above.**

**In line with the Committee's predictable review cycle, the State party will receive in 2028 the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies, which will constitute its sixth periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in 2030 in Geneva.**