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## **Preface**

Halfway through the Duterte regime, the human rights situation in the Philippines continued its descent to violence, fear, and impunity.

In 2019, three years into President Rodrigo Duterte's rule, the strongman's impulse for violence manifested itself through even more harmful and lethal means. The continuation of the so-called war on drugs, the escalation of attacks against human rights defenders, activists, and the media, and the disregard for social and economic justice has festered into a full-blown human rights crisis.

This report, a product of a yearlong effort to monitor and analyze developments impacting the human rights and dignity of Filipinos, is an opportunity to confront our country's worsening reality—one where an autocratic regime so boldly circumvents the State's obligations to the dignity and well-being of its people.

Beyond chronicling the contours and dimensions of this crisis, we aspire for action. We believe that our people, guided by the ideals and principles of human rights and democratic rule, can seize this country from the clutches of authoritarianism and work towards a society where their innate dignity as human beings is valued.

**Prof. Nymia Pimentel-Simbulan, Dr. PH**Executive Director

## KILL POLICIES: TESTING THE EXTREMES OF VIOLENCE AND MPUNITY



A gunshot to the head ended the life of three-year-old Myka Ulpina.

On July 29, a buy-bust operation by Rodriguez, Rizal police targeting the child's father Renato Ulpina and a cohort resulted in the death of both targets, a police officer, and Myca. Police claimed that Renato used his child as a "human shield" during the crossfire; Myca died a day later in the hospital.

"She would've turned four by the end of July, but Myca Ulpina's life was cut short in the hands of those who swore to protect it," **said** Commission on Human Rights Spokesperson Jacqueline de Guia.

The violence of the operation and the resulting death of a young child were a cruel jolt to a public seemingly inured to news of drug-related killings. Even the Philippine National Police (PNP) appeared reticent and was not its usual combative self when questions emerged about what went wrong in the operation.



On the truth of the local police claim that Myka's father used her as a human shield, PNP spokesperson Colonel Bernard Banac was careful: "We are not accepting it yet. That is the initial report submitted by the operatives and we are looking also into the other statements of witnesses and the family."

Meanwhile, former police chief and neophyte senator Ronald "Bato" dela Rosa **could not be bothered**: "Sabi ko nga (As I said) imperfect world...Shit happens."

That a three-year-old's death can be reduced to these words by the same man who was the lead enforcer of the so-called war on drugs is not any less upsetting given its predictability. Equally upsetting is that the same man was elected by 19 million Filipinos in May 2019 and then assumed leadership of the Senate committee on public order and dangerous drugs, the very committee that could hold investigations on irregularities of the so-called drug war. Walking back on his words, the senator later **clarified** that the comment was not intended for the general public, but only for the police community.

What is clear is that Sen. dela Rosa remains unwilling to admit State accountability for

how the campaign he led has triggered large-scale human rights violations. Indeed, Myka's death is but one among thousands since the start of the campaign on July 1, 2016. Three years on, **government numbers** have pegged the killings at 5,552 "drug personalities" as of November 30, 2019. The latest numbers also report total arrests at 220,728, including 8,185 so-called high-value targets.

These numbers tell one story, one that is markedly different from those reported by human rights organizations documenting and monitoring the so-called drug war. But as Carlos Conde, Philippines researcher for Human Rights Watch, **pointed out**, this isn't solely a debate about numbers, it is about demanding accountability.

That these official numbers have gone up and down depending on PNP's arbitrary categorization is a further reminder that transparency and honesty is not a government priority. What this amounts to is a direct evasion of accountability and a deliberate demonstration of impunity by State forces.

These numbers also create a chilling effect as a culture of fear and silence envelops communities in the country.

## This isn't solely a debate about numbers, it is about demanding accountability.

## Multidimensional Impacts of the So-called War on Drugs

Our September 2019 report concluded that alleged extrajudicial killings and other human rights violations in the context of the so-called war on drugs have multi-dimensional impacts not only on the victims, but also on their families and communities left behind. The State's violations of the basic rights of Filipinos are interrelated in their impacts, like dominoes falling one after another.

Crucially, the violations emanating from the first violation—an extrajudicial killing, for instance—are sequential in nature. As we determined in our documentation, an extrajudicial killing of a family member exposes the family left behind to other violations of their civil and political rights (CPR) and economic, social, and cultural rights (ESCR).

During and after the deaths of the victims, various forms of assaults on the rights of the families left behind are still experienced. PhilRights documented four cases of alleged illegal arrest and arbitrary





detention of family members after the victim was killed and 11 cases of alleged harassment of families during and after the killing. Many families have reported cases of missing or destroyed properties after the incidents.

In Navotas and other urban poor communities, the police are still conducting rounds of arrests, house-to-house profiling, and area patrols, instilling fear among residents.

Hindi na namin nararamdaman na may seguridad pa kami. Hanggang ngayon, kapag may pumasok na pulis sa lugar namin, inaatake ng nerbiyos ang mga magulang ko kasi natatakot sila na baka may patayin na naman

(We no longer feel secure. Until now, whenever there are police officers entering our community, my parents get so nervous, fearing that someone else will get killed), says Elsa\*, a resident of Navotas.



## Assaults on Human Rights Defenders

These patterns of violence and abuse of State power are also present in the intensifying crackdown against human rights defenders, activists, and journalists in the country. The justification of the police on the brutality and violence in their operations and the attacks and threats of the State to progressive individuals and organizations who condemn their anti-poor policies often fall under the tired nanlaban narrative. And this justification, brutal in its finality, has sown fear among civil society organizations, progressive groups, media workers, and citizens who wish to claim their rights and raise questions against State policies.

In **November**, 57 individuals including 15 minors were arrested in simultaneous operations in Bacolod City and Escalante City in the island of Negros. Among those arrested, 44 were charged with illegal possession of firearms, explosives, and were accused of being members of the New People's Army.

State forces also **raided** the offices of progressive groups including

Gabriela, Bayan, and the National Federation of Sugar Workers. Even the homes of some progressive individuals were not spared; the residences of Gabriela–Manila Spokesperson Cora Agovida and Bayan Muna Regional Coordinator Romulo Bito–on were also raided.

These incidents have been attributed by progressive groups as the direct consequences of Memorandum Order No. 32, which was then followed by Executive Order No. 70, both signed by Pres. Duterte, resulting in the deployment of more military and police forces to intimidate, control, and curtail the movements of progressive individuals and groups in the country.

Attacks on the media have continued. The **State of Media Freedom in the Philippines**, drafted by the Freedom for Media, Freedom for All Network reported in December that there have been 154 cases of threats and attacks against the press since 2016. In 69 of these cases, State agents were the known or alleged perpetrators. The report also highlighted the escalating attacks on the media in the last six months of 2019, which included the red-tagging of journalists and media organizations and "public broadsides and attacks" by Pres. Duterte and Foreign Affairs Secretary Teodoro Locsin Jr. against the media.

## **Anti-Human Rights Policies**

On his fourth State of the Nation Address (SONA) in July, Pres. Duterte yet again **urged** Congress to reimpose the death penalty. Premised both as deterrent and hardline punishment for heinous crimes, the insistence to bring back the death penalty not only goes against a worldwide shift away from capital punishment, but also deliberately ignores the country's obligations to international human rights law as a State party to the Second Optional Protocol of the International Covenant on Civil and Political Rights (ICCPR).

In early 2019, legislators aggressively pushed for the lowering of the minimum age of criminal responsibility from 15 to 12 years old through House Bill 8858. Under the bill, any child who commits serious crimes such as parricide, murder, kidnapping, among others, will be sent to the Intensive Juvenile Intervention and Support Center. Children offenders may also be jailed if they violate the Comprehensive Dangerous Drugs Act of 2002.

What the government again failed to consider is that laws that should be protecting and providing rehabilitation and care for children in conflict with the law are instead failing them. Facilities which are supposedly child-friendly and conducive for the development of children are immensely lacking. These facilities are badly mismanaged, unhygienic, and often lacking in basic necessities.

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In his **2019 CONTRA SONA**, Albay Representative Edcel Lagman pointed out the anti-human rights character of these two proposed measures. "Empirical studies show that both initiatives will not deter the commission of crimes. The right to life is supreme among all human rights. The death penalty has become a penal aberration. No child of tender age must be considered a criminal or be treated as one."

## **Impulse of Violence**

The campaign against drugs, the crackdown against progressive individuals and groups, the reinstatement of the death penalty, and the lowering of MACR are all expressions of a single impulse, that of violence.

After three years under Duterte's rule, the Philippines has become the second least peaceful country in Asia-Pacific, next only to North Korea, according to the **2019 Global Peace Index**. Global Witness **tagged** the Philippines as the most dangerous country in the world for environment and land defenders in 2019, reporting that at least 30 were killed in 2018, and **113 killed** since Pres. Duterte took office.

The demonization of human rights, coupled with weaponization of laws and the constant incitement of violence by the president himself has created a hostile environment for ordinary Filipinos.



Living in Navotas in 2019, Elsa says, "Parang nasakal 'yong dating kalayaan namin dahil sa takot." (It's like the freedoms we used to enjoy were smothered because of fear.)





## "I can promise you a comfortable life under me. Nakakakain, walang masyadong krimen (not a lot of crime), and drugs—I will suppress it."

Two days before the presidential elections in 2016, candidate Rodrigo Duterte issued **one last campaign promise** before his supporters: A comfortable life for Filipinos.

A quick review of the Philippine economic numbers hints that he may be on the way to fulfilling that promise. The administration **reported** a 6.4 percent year–on–year growth in the country's gross domestic product (GDP) during the fourth quarter of 2019. Inflation **eased** to 0.8 percent in October 2019 compared to the 6.7 all–time high rate recorded in 2018. Year–on–year, Philippine inflation in 2019 **settled** at 2.5 percent from 5.1 percent in 2018.

In December, the Philippine Statistics Authority (PSA) also **released** the government's official poverty figures for 2018. It estimated poverty incidence among the population at 16.6 percent or 17.6 million Filipinos for 2018. PSA defines poverty incidence as the proportion of poor Filipinos whose per capita income is not sufficient to meet their basic food and non-food needs. The poverty threshold in 2018 is estimated at ₱10,727 on average, for a family of five per month.

Meanwhile, subsistence incidence—the proportion of Filipinos whose income is not enough to meet basic food needs—was rated at 5.2 percent in 2018. The monthly food threshold in 2018 is estimated at ₱7,528 on average, for a family of five per month. PSA compared these results to 2015 numbers, where poverty incidence was at 23.3 percent and subsidence incidence was at 9.1 percent.

Poverty and hunger figures from Social Weather Stations' (SWS) quarterly Social Weather Surveys in 2019 also paint a generally positive picture. Although self-rated poverty **increased** in the fourth quarter to a five-year high at 54 percent, or 13.1 million families, 2019's average self-rated poverty is at 45 percent, still a decrease from the 48 percent recorded in 2018. Self-rated poverty represents the proportion of respondents who rated their family as poor.

The hunger rate in the fourth quarter of 2019 was **pegged** at 8.8 percent, or 2.1 million families. The annual average hunger rate is 9.3 percent against the 10.8 percent recorded in 2018. The hunger rate represents families who reported experiencing involuntary hunger at least once in the past three months.



The latest employment figures, courtesy of PSA's preliminary results of the **Annual Labor and Employment Estimates for 2019**, also suggest improvements. The unemployment rate estimate for 2019 is at 5.1 percent, a small improvement from the 5.3 percent recorded in 2018. Underemployment estimates in 2019 is at 14 percent, declining from 16.4 percent in 2018.

PSA classifies employed persons as belonging to any of these four classes: wage and salary workers; self-employed workers without any paid employee; employers in their own family-operated farm or business; and unpaid family workers. Underemployed persons are defined as those who express the desire to have additional work hours in their present job, or to have an additional job, or to have a new job with longer working hours.

## The (Un)Truth in Numbers

Taken at face value, these numbers offer hope that progress is happening. However, there are serious questions about whether these postive numbers translate to better opportunities and better lives for Filipinos.

The economic boom, as it were, only worsens inequality in the country as it benefits mostly corporations and oligarchs. As research group IBON **pointed out**, wages of workers continue to fall in 2019 despite improved labor productivity.

The **daily minimum wage rates** in the country remain disappointing, going as low as ₱282 in Region I to a high of ₱537 in the National Capital Region. Research by Portugal-based e-commerce site Picodi **described** the Philippines as one of the worst





countries in the world to live in for minimum wage earners. Picodi's report compared the prices of basic food needs of an adult against the minimum net wages of 54 countries and found that basic food costs amount to 62.3 percent of the minimum net wage in the Philippines. This places the Philippines at 51 among 54 countries reviewed for the report.

A booming economy is also expected to create more and better jobs for Filipinos. However, the country's economic growth appears to be a jobless one. This idea was echoed in economist JC Punongbayan's analysis of the country's economic growth under Pres. Duterte. Punongbayan revealed that only 81,000 jobs were created each year between 2016–2018—way below the annual average jobs created in previous administrations, which are around 500,000 to 800,000.

The government's declining unemployment figures also

remain in question, as it continues to use a **2005 redefinition of unemployment** which excludes persons who are "actively seeking work or not seeking work within the last six months upon survey." This redefinition essentially "stops counting millions of discouraged jobless Filipino workers," according to IBON.

Indeed, IBON's own **estimate** of unemployed Filipinos in October 2019 is at four million, double the government's two million figure. The group also adds that the few new jobs created were "temporary and poor-quality."

### **Anti-Poor Dutertenomics**

The Duterte administration's economic policies and reforms supposedly aimed to improve the lives of Filipinos also appeared to have caused the opposite effect.

For instance, the passage of the Rice Tariffication Law, signed in February 2019, has allowed for the **almost unlimited importation of rice.** As a consequence, farmgate prices of palay have drastically dropped, hurting the livelihood of local rice farmers. Rice farmers **reportedly** now sell their produce for as low as ₱17 per kilo, as compared to 2018's ₱22 per kilo. In provinces like Nueva Ecija, farmgate prices are as low as ₱7 to ₱8 per kilo despite production costs being around ₱12 per kilo. Moreover, the drastic drop in farmgate prices does not

translate to lower market prices of rice, meaning that consumers are still affected by high rice prices.

Just like rice farmers, coconut farmers are also hurting from the very low farmgate price of coconut. A **Mindanao Times report** depicted the downtrend in the buying price of coconut where an already low ₱8 to ₱9 per kilo price level in 2018 plummeted to ₱3.50 in 2019.

The president's vetoing of the Coconut Farmers and Industry Development Bill and the Philippine Coconut Authority Bill did not make the situation any better for local coconut farmers. These bills were intended to commence the long-delayed distribution of coco levy funds and could have helped ease the burden for the country's coconut farmers.





Moreover, the deadly anti-drug policy of the government also pushed thousands of families into deeper poverty. Beyond the thousands of deaths, Duterte's so-called war on drugs has led to multidimensional impacts on the lives of the families of the victims.

PhilRights' 2019 monitoring and documentation report on extrajudicial killings (EJK) **showed** that the administration's so-called drug war does not only violate the civil and political rights (CPR) of the families, but also their economic, social, and cultural rights (ESCR).

The Duterte administration's approach to ensuring a safe and comfortable life for Filipinos, predicated on a peace and order agenda, instead surfaced a lot of negative consequences for victims of human rights violations: families experienced deteriorating physical and psychological health conditions; children were forced to quit school; and livelihoods were affected, aggravating the food insecurity the families were already experiencing.

Infrastructure development, a priority area for the Duterte administration through its centerpiece program dubbed 'Build! Build! Build!', remains beset in controversy.

The New Centennial Water Supply-Kaliwa Dam Project (NCWS-KPD), meant to address the water supply problem in Metro Manila, has been marked with The irregularities. project received <u>flak</u> from indigenous communities, environmental groups, and concerned civil society organizations because it will displace thousands of indigenous peoples from their ancestral domains—causing the loss of livelihood sources and other basic needs such as food and medicine. Even with the promise of safeguards, indigenous communities also fear the destruction of their sacred lands.

# It has become increasingly clear that this administration's approach to economic development has a blinkered view of the relationship between socioeconomic progress and human rights.

The project also has yet to secure **Free**, **Prior**, and **Informed Consent (FPIC)** from the indigenous communities in the area. This has not stopped the project to commence, which is a clear violation under the Indigenous Peoples Rights Act (IPRA). Reports **show** that half of the access roads to the dam were already built and military were deployed in the area.

Another point against the project is the irreversible damage it will bring to the rich biodiversity of the Sierra Madre mountains. This sparked questions on how the project was granted an **Environmental Clearance Certificate (ECC)** given the destruction it poses to the environment.

In the president's **mid-term report**, he vowed to "ensure that [the tribes'] cultural heritage, rights, and norms are respected and carefully considered." With the way the project has been railroaded towards implementation, there are serious doubts about the sincerity of these words.

The midpoint of a president's term is an opportune time to take stock of what has or hasn't been accomplished. In 2019, the Duterte administration's socioeconomic policies and programs have achieved very little in terms of genuine improvement in the lives of Filipinos. Despite early promises and a boisterous anti–elite persona, Pres. Duterte has shown himself just as beholden, if not more so, than his predecessors to the interests of the already powerful.

Indeed, it has become increasingly clear that this administration's approach to economic development has a blinkered view of the relationship between socioeconomic progress and human rights—one that disregards the rights of many for the benefit of a few.





"Haven't we pondered if our situation today is not normal? The fact that we have to hide...isn't that unusual?"

This two-part question, posed by PhilRights Executive Director Prof. Nymia Pimentel-Simbulan before an audience of journalists in September 2019, has become a common refrain among human rights defenders (HRDs) in Pres. Duterte's Philippines. And it isn't merely rhetorical—HRDs across the country report growing unease and disbelief with the degree with which the Duterte government has encroached upon civic spaces in the country.

At work is a wide-ranging application of Pres. Duterte's core principle of governance: violence. In 2019, as in the past three years, the government's playbook remains simple and chillingly effective—normalize violence, frame civic participation as a destabilizing force which must be quelled, and weaponize the legal apparatus against key civic society and media figures in order to demoralize resistance.

This year is one of heightened violence, sown in cities and in the countryside and intended to instill terror among those who refuse to toe the line. In Metro Manila and many urban areas, the scourge of the government's so-called war on drugs continues to turn communities into killing fields. In the countryside, intensifying militarization is followed by a rising death toll among civilians, State forces, and non-State armed groups.

The brazen January killing of Randy Malayao, consultant for the National Democratic Front of the Philippines and its spokesperson in the negotiating panel with the Philippine government, was a harbinger for the bloody year to come. Malayao was shot dead in the morning of January 30 while asleep inside a bus bound for Cagayan province.

Amnesty International's Senior Director for Global Operations, Minar Pimple, **described** 

the killing as "yet another addition to the growing list of political activists who have been attacked and killed in the country," adding that "[a]larmingly, ties to leftist or communist groups, perceived or otherwise, have given some an apparent license to kill."

Two weeks before, in Negros Oriental, a joint military and police operation concluded with seven persons dead and 40 others arrested. This was followed in March by another round of killings, this time from a series of operations in Sta. Catalina and Majuyod towns and in Canlaon City, all in Negros Oriental, with 14 farmers killed.

The bloodiest spate of killings was still to come. Over a **10-day period**, from July 18 until July 28, 21 people were killed, mostly at home by armed men. The killings reached a crescendo on July 25, when seven people were killed over 24 hours.



## Tracing the cause of this culture of violence and impunity that has targeted activists and human rights defenders leads us to the Duterte government's own national security policy.

Human rights defenders in the area report that most of these deaths are linked to counterinsurgency operations, land conflict, local politics, and illegal drugs. Judy Taguiwalo, former Department of Social Welfare and Development secretary **has called** the Negros killings "a war against unarmed civilians."

A group of Eastern Visayas farmers, meanwhile, **reported** at least 34 extrajudicial killings across Samar and Leyte provinces, among many other human rights violations, in a span of 12 months. At least 10 of the victims are barangay or municipal officials who resisted against intensified militarization in their communities.

## **Violence as State Policy**

Tracing the cause of this culture of violence and impunity that has targeted activists and human rights defenders leads us to the Duterte government's own national security policy, manifested in executive issuances intended to demonstrate the government's might against "lawless violence" in the country.

Among them, <u>Proclamation No. 55</u> issued in September 2016, which placed the Philippines in a state of national emergency, and has remained in place for the past three years. This was followed days later by <u>Memorandum Order No. 3</u>, which identified the guidelines for military and police forces in carrying out the orders of the earlier proclamation, including increased presence in public areas and intensified intelligence operations on individuals and groups "suspected of, or responsible for, committing or conspiring to commit acts of lawless violence."

And then there is **Proclamation No. 216** issued in May 2017, which placed the entire region of Mindanao under Martial Law and suspended the writ of habeas corpus, following the Siege of Marawi. The proclamation, which requires Congress approval, has been extended twice, once in 2017 and again in 2018. It remained in place until December 2019.

Memorandum Order No. 32, issued in November 2018, further sharpened the government's national security priorities toward counterinsurgency and upon traditional hotbeds of communist armed rebellion—the provinces of Samar, Negros Oriental, Negros Occidental, and the Bicol region. This was followed a month later by Executive Order No. 70 which institutionalized a "whole-of-nation" approach



to attaining "inclusive and sustainable peace." The executive order also facilitated the creation of a National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), which is empowered to "[e]nlist the assistance of any department, bureau, office, agency, or instrumentality of the government, including LGUs, government-owned or -controlled corporations (GOCCs), and state universities and colleges (SUCs), in accordance with their respective mandates, in the implementation of the Framework," among other wide-ranging functions.

## Attacks on the Ground

In implementation, these issuances have done little to achieve peace. As the Philippine Alliance of Human Rights Advocates (PAHRA) **noted** in November, Memorandum Order No. 32 has "intensified operations by the [Philippine National Police], [Armed Forces of the Philippines], and the Department of Justice against so-called "individuals or groups conspiring to commit acts of lawless violence in the country.""

For the farmers of Eastern Visayas, the implementation of MO No. 32 has "mired us into a deeper crisis," with them reporting that military encampments in their communities have imposed strict curfew hours. "We are restricted to stay in our farmlands beyond 4 p.m. or we will be tagged as members and supporters of the New People's Army (NPA) if we do otherwise," said the **group's statement** in November, one year since the issuance of MO No. 32. The result is massive losses in livelihood, further exacerbated by falling palay and copra prices, the onslaught

of plant viruses, and the still ongoing economic crisis brought about by Typhoon Haiyan in 2013.

The whole-of-nation approach, a warmed-over framework borrowed from the United States' armed interventions in foreign countries, has, according to PAHRA, mostly "[targeted] opposition groups especially those working at the grassroots level." The alliance has received reports of intensified monitoring and profiling efforts on members of people's organizations, including having police and military sit in on activities of NGOs and their communities and stopping discussions they deem not favorable to the government.

At least **two issuances** from the Department of Interior and Local Government (DILG) in 2019 have spelled out how EO No. 70 will be implemented on the ground. Key to the framework is the formation of task forces from the national to the barangay level, and based on recent developments, the task forces have been hard at work at utilizing the bureaucracy to apply pressure on vulnerable civic actors.

In Eastern Visayas (Region VIII), for example, a November briefing on EO No. 70 for journalists by the region's task force involved having the media workers in attendance sign a Manifesto of Commitment.

Bagong Alyansang Makabayan (BAYAN) Eastern Visayas, **described** the manifesto as essentially "declaring [the signatories'] intent to devote themselves to the cause" of EO No. 70 and wonders if it isn't a "blatant attempt to downgrade the role of the media." The concerns are legitimate, especially given a marked change in the willingness of the local media to cover the activities of BAYAN and other progressive groups in the region at a time when many human rights violations arising from increased militarization need reporting.





That some media workers in Eastern Visayas feel compelled to publicly express their "commitment" to the aims of EO No. 70 is perhaps unsurprising, especially in light of the outright red-tagging of journalists elsewhere in the country.

In September, a forum at a state university in Pampanga had Rolando Asuncion, regional director of the National Intelligence Coordinating Agency (NICA), identifying journalist Sonia Soto as being a member of the Communist Party of the Philippines.

Speaking before students, faculty, and administration employees of Don Honorio

Ventura State University, Asuncion claimed that Soto was among 31 persons in their list of journalists with communist ties. In a bulletin, NUJP **pointed** to a memorandum from the school's executive vice president which described the event as "pursuant to the mandate of NICA in implementing Executive Order 70."

Soto is the president and general manager of Central Luzon TV (CLTV 36), based in the city of San Fernando, Pampanga. As the Center for Media Freedom and Responsibility (CMFR) **noted**, Soto is an "accredited broadcaster of the Kapisanan ng

mga Brodkaster ng Pilipinas (KBP)" and has headed CLTV 36 for 12 years. She has denied the accusation and has sought the assistance of the Commission on Human Rights.

In its 2019 South East Asia Media Freedom Report, the International Federation of Journalists (IFJ) **described** these incidents as means to "intimidate media from reporting on alleged abuses—especially human rights abuses—committed by State security forces."

## **Attacks Online**

And then there are the cyberattacks. Since December 2018, a slew of independent media and human rights websites have experienced distributed denial of service attacks (DDoS), where targeted websites are overwhelmed with visits resulting in the websites being taken down by their hosting providers. Among those targeted are the websites of Altermidya, Bulatlat, KARAPATAN, the National Union of Journalists of the Philippines, and Human Rights Online Philippines.

A March report by Qurium, an organization monitoring and protecting human rights and independent media organizations, outlined how these attacks were carried out. Their investigation identified an attacker based in the Philippines who was found to possess a spreadsheet file containing a list of targeted websites, most of which belong to organizations critical to the government.

PhilRights' own website was not spared. A forensic investigation showed that on just one day in September, Philrights.org



## High-level lobbying efforts by the Philippine government in 2019 has also led to increased pressure on foreign donors.

received over 17 million requests from over 2,000 IP addresses, which are abnormally large numbers. The investigation concluded that the attacker/s employed an "HTTP flood attack" where multiple infected computers or other devices are coordinated to send multiple requests for images, files, or some other asset from a targeted server.

## **Funding and Regulatory Pressures**

High-evel lobbying efforts by the Philippine government in 2019 has also led to increased pressure on foreign donors to scrutinize funding on Philippine NGOs critical of the government, among them KARAPATAN and the Rural Missionaries of the Philippines (RMP), both accused as funneling donor funds to communist rebels. Foreign Affairs Secretary Teodoro Locsin Jr. has also **claimed** ordering European embassies to inform their respective governments to "clear any and all donations to their NGOs in the Philippines" with the Department of Foreign Affairs.

Compounding these pressures is Securities and Exchange Commission (SEC) Memorandum Circular No. 15, issued in 2018, which compels non-stock corporations, foundations and other non-profit organizations to disclose funding sources, information on programs and activities, beneficiaries, and project areas. The information gathered will then be used to conduct risk assessments, which can lead to labeling a non-profit according to their level of risk for money laundering and terrorist financing abuse.

One urgent question, which the SEC has not been able to properly address, is how all these sensitive data will be protected from abuse or misuse by the State, especially by the Security sector.

As non-profits were left with no choice but to comply or else risk a revocation of their SEC registration, Pacifico Agabin, former dean of the University of the Philippines College of Law **fears** that the order creates a "chilling effect on political advocacies and political thought that is not in consonance to the policies of the administration."

In 2019, that chilling effect has curdled into a bruised resistance. It's there for each time Rappler's Maria Ressa was arrested on questionable charges. It's there when dozens of opposition figures—among them Vice President Leni Robredo, two sitting senators, two former senators, four Catholic bishops, and three priests—were charged with inciting to sedition, cyber libel, and obstruction of justice. It's there when Senator Leila de Lima marked in November 1,000 days in detention on trumped up charges. And it's there for each time a Filipino, fearing reprisal, is forced to stay silent in the face of State wrongdoing.



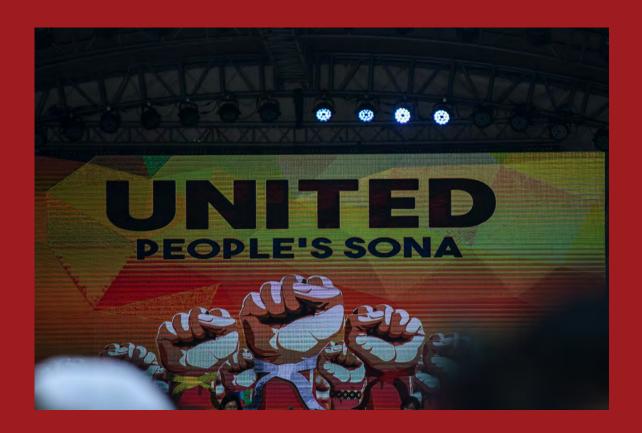
And it's there for each time a Filipino, fearing reprisal, is forced to stay silent in the face of State wrongdoing.



Pres. Duterte, in his 2019 State of the Nation Address (SONA) in July, promised to end his term fighting. For all of his bluster and exaggeration, this promise is something to take seriously.

Taking to the stage before lawmakers for his fourth SONA, the President appeared confident, no doubt still basking from the landslide victory of the administration's Senate bets during the May 2019 midterm elections, where **nine out of the 12** elected senators are Duterte allies. Also boosting the president's spirits is the **record high 68+ satisfaction rating** he received in a June 2019 Social Weather Stations (SWS) survey.

Both are favorable developments to mark the halfway point of the Duterte presidency. Curiously, the president was also forthright in acknowledging his administration's shortcomings. Closing the speech, he borrowed from Winston Churchill's The Locust Years when he said, "We are now entering a period of consequences," as he acknowledged "the consequences of what we did and did not do but should have done during my first half of my term."



But as Focus on the Global South **highlighted**, Pres. Duterte's acknowledgment of obstacles to his governance, such as endemic corruption, is supplanted with praise for "the purported achievements of his strongman leadership and of the military men he appointed to his Cabinet."

The underlying message, Focus on the Global South said, is much more sinister: "There is a need to expand the powers of the strongman so that he may effectively address corruption and all the other problems born out of it."

That, in a nutshell, is what the remaining three years of the Duterte presidency is poised to become. Here is a strongman needing to cement his legacy. Indeed, having normalized State violence and impunity in the past three years, the noose is guaranteed to further tighten.

The president's push to reinstate the death penalty, particularly for drug-related crimes and plunder, is **already underway** in the House of Representatives where at least 12 bills have been filed. This despite the fact that restoring capital punishment is in direct violation of the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), which the Philippines ratified in 2007. This commitment also prohibits the Philippines—or any other signatory State—from denouncing or withdrawing from its obligation to respect its citizens' right to life.

Also in the president's legislative agenda are **amendments to the Human Security Act**, via Senate Bill 1083 sponsored by Senators Panfilo Lacson and Ronald Dela Rosa, which include extending the detention of "terrorist" suspects without an arrest warrant to 14 days.

In his midterm progress report, the President expounded on his administration's adoption of the whole-of-nation approach "to help us decisively end insurgency at its roots." This meant the activation



of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) in April 2019, followed by the creation of regional task forces across the country as outlined in Executive Order No. 70 and the resulting issuances from the Department of the Interior and Local Government (DILG).

These bills and policy issuances are all but guaranteed, given Pres. Duterte's substantial political capital—further bolstered by the success of many administration bets in the last midterm elections. This equates to broad support from both houses of the legislative branch and pliant local government units. And with 11 out of the 15 sitting justices of the Supreme Court being Duterte appointees,

there is little confidence in the success of future efforts to mount legal challenges against these kill policies.

## **Glimmers of Hope**

Not all hope is lost. If 2019 cemented Pres. Duterte's hold on power and furthered his anti-human rights agenda, there are equivalent developments that offer glimmers of hope for human rights.

In July, the United Nations Human Rights Council adopted an **Iceland-led resolution**, which made three specific requests. The first two are directed at the Philippine government to (1) "take all necessary measures to



These bills and policy issuances are all but guaranteed, given Pres. Duterte's substantial political capital.

prevent extrajudicial killings and enforced disappearances, to carry out impartial investigations and to hold perpetrators accountable" and to (2) "cooperate with the Office of the United Nations High Commissioner for Human Rights and the mechanisms of the Human Rights Council." The third and most significant request is for the United Nations High Commissioner for Human Rights Michele Bachelet to conduct comprehensive monitoring and report on the human rights situation in the Philippines by the Council's 44th session in July 2020.

The resolution and Iceland's leadership role in it both resulted from **years of lobbying work** by a coalition of Filipino and international human rights groups in Geneva and across Europe.

Rose Trajano, secretary-general of the Philippine Alliance of Human Rights Advocates (PAHRA), underscored the importance of the resolution in boosting the momentum of human rights groups' international advocacy efforts, especially

in light of the Philippine government's 2018 decision to withdraw from the Rome Statute, thereby also withdrawing from the International Criminal Court.

"This resolution is even more critical because while we lost access to an international body, we now have another international human rights body to prepare a report," said Trajano.

Ellecer Carlos of the In Defense of Human Rights and Dignity Movement (iDEFEND), meanwhile, described the resolution as a last recourse, saying "that means that the bilateral modes of productive engagement with the Philippine government is not possible anymore."

In December, the International Criminal Court's Office of the Prosecutor released its 2019 report on its preliminary examination activities. On the subject of the Philippines and the complaints against Pres. Duterte and other officials for crimes against humanity, ICC's Chief Prosecutor Fatou Bensouda reported that "During 2020, the Office will





aim to finalize the preliminary examination" having "significantly advanced its assessment of whether there is a reasonable basis to proceed [...]." This refers to the next step in the process where Bensouda's office will seek authorization from the ICC's Pre-Trial Chamber to conduct a full-fledged investigation.

For Bensouda's Office to commit to a definite timeline is a significant step forward. That a decision will arrive on the same year that the UN Human Rights Council—and the world at large—will hear a report from the High Commissioner for Human Rights means that the international community will keep paying attention to the human rights crisis unfolding in the Philippines.

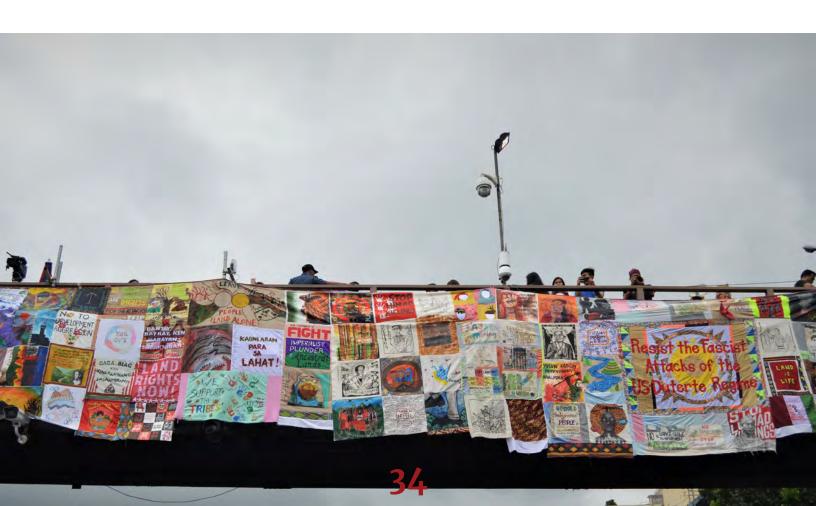
Also in December, the United States Senate foreign relations committee unanimously passed **US Senate Resolution 142** which condemned the Philippine government "for its role in state sanctioned extrajudicial killings by police and other armed individuals as part of the "War on Drugs""; for "the arrest and detention of human rights defenders and political leaders who exercise their rights to freedom of expression"; for "the harassment, arrest, and unjustified judicial proceedings against the media and journalists, in particular, the proceeding against Rappler and Maria Ressa"; and "the continued detention of Senator Leila De Lima."

Further, the US 2020 budget, approved late in December, **included a provision** that would deny entry into the United States to those involved in the detention of Sen. De Lima. While the US State Department has yet to release an official list of names of officials affected by the order, Sen. De Lima **has indicated** that she will be submitting a "recommendatory" list of her persecutors.

In a **column** for the Manila Standard, law professor and human rights advocate Antonio La Viña explained that the order is "immediately executory and officials and individuals who have been complicit in De Lima's persecution are now covered by the Global Magnitsky Act."

With the United States setting a precedent for direct action against Philippine government officials responsible for the country's human rights crisis, other States could follow suit. Calling the Global Magnitsky Act "one of the best things that has happened recently" in the field of law, La Viña noted how the law is gaining adherents in other countries with the European Union and Australia among those who are considering passing similar laws.

What these developments demonstrate is that exacting accountability against those who violate human rights have taken a more global character, and are perhaps more effective for it, given how many of these same human rights violators have personal and financial interests in foreign territories.



## **Fighting Back**

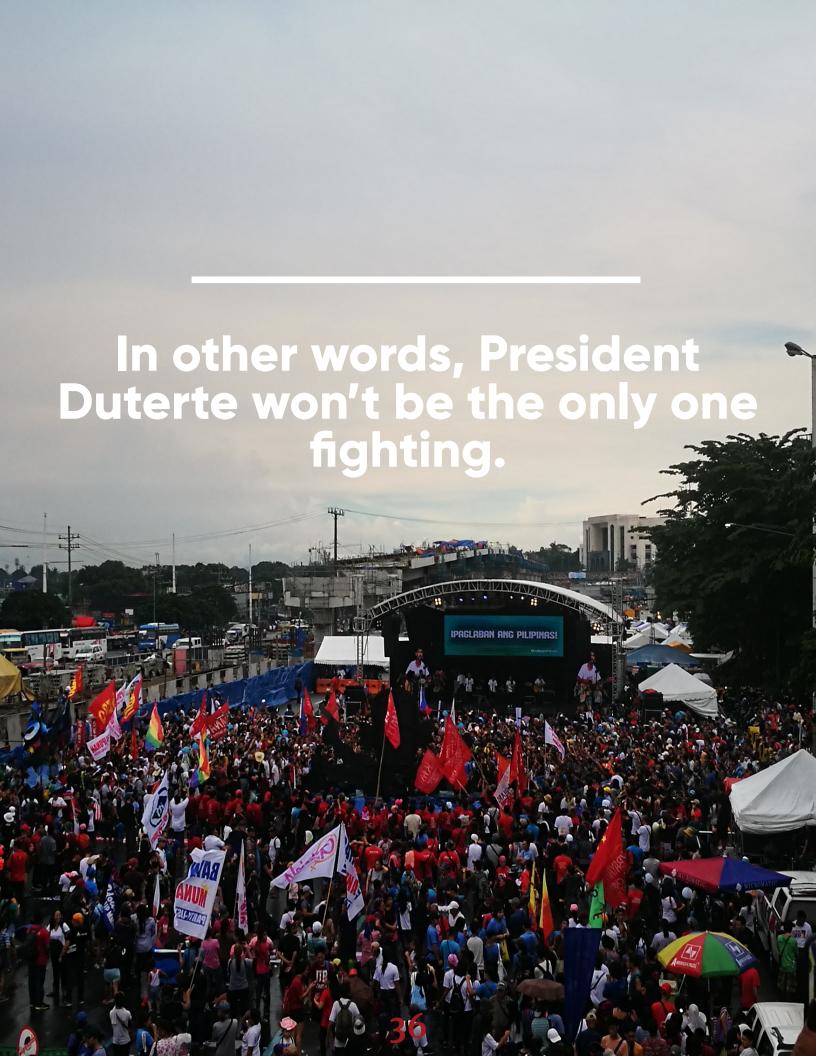
Harnessing public support for victims of human rights violations and their families, as well as for human rights defenders, journalists, and activists whose lives have been put at risk continues to be a challenge.

Public approval for the so-called war on drugs **remains strong**, even as there is increasing recognition that those responsible for the campaign have committed violations. Satisfaction ratings for the **president** and his **administration** are still high, proving that Duterte magic is still alive and well.

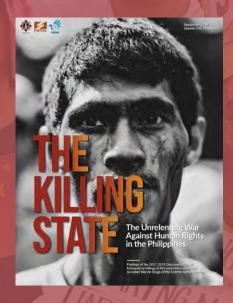
All that said, the ranks of human rights defenders continue to grow. There is an ongoing harmonization of initiatives in documenting and reporting human rights violations, in educating grassroots communities on basic human rights concepts, and in capacitating vulnerable sectors including victims of human rights violations and their families with knowledge and information on the claiming and defense of their rights. These efforts, guided by a renewed sense of grounding human rights discourse within the day-to-day realities of the people, are slowly but surely bearing fruit.

In other words, President Duterte won't be the only one fighting.



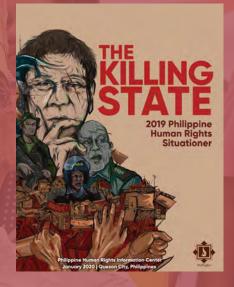


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