

Philippines: Respect Fundamental Rights amidst Community Quarantines

(Bangkok, 16 March 2020) – The Asian Forum for Human Rights and Development (FORUM-ASIA) urges the Government of the Philippines to respect the fundamental rights of its people in the ‘community quarantine’ enforced in Metro Manila, and in other cities and provinces in the country. FORUM-ASIA expresses alarm at the disproportionate response to Coronavirus disease 2019 (COVID-19), particularly the increased police and military presence in these areas, and urges the Government to prevent the abuse and violation of human rights by the police, military or other state authorities.

Following a recorded increase in cases of COVID-19, President Duterte declared a month-long community quarantine for Metro Manila, or the National Capital Region as a whole, on 12 March 2020. From 15 March 2020 to 14 April 2020, travel to and from Metro Manila will be restricted, along with air, land and sea travel. The police and the military have set up entry checkpoints to Metro Manila. Exceptions on entry are provided to employees working in the region, and those travelling for medical or humanitarian reasons.

Community quarantines were subsequently announced for the Provinces of Iloilo and Ilocos Norte, Davao City, Cebu City, and Iligan City. Local Governments within the quarantined areas have started imposing a 5:00 pm to 8:00 am curfew.

While the President’s Office has claimed that these measures are not a cover for ‘martial law’, and that police and military presence are needed to enforce travel restrictions, civil society organisations are wary about the potential use of force and abuse of power in implementing these measures. The country’s police-led ‘war on drugs’, has led to tens of thousands of deaths and the gross abuse of power by the police. Human rights organisations seeking accountability for extrajudicial killings and other violations related to the ‘war on drugs’, continue to face reprisals, including judicial harassment and violence.

The Secretary of Justice’s assurances that individuals cannot be arrested for violating curfews, unless they ‘assault, slander or bribe’ law enforcement agents¹, fails to provide any real form of reassurance. Since 2016, the police have killed suspected drug users, who supposedly ‘fought back’, despite overwhelming evidence to the contrary. Independent investigations into these deaths have not been conducted, while the vast majority of the police officers involved have not faced criminal nor administrative sanctions.

With this lack of accountability in the police sector, there are no checks or balances to prevent abuse of power. The military has, likewise, been implicated in allegations of torture of suspected terrorists, and of violations against indigenous communities. On the first day of the quarantine, several individuals have already raised reports of corruption and intimidation by the police.²

¹ <https://www.rappler.com/nation/254501-doj-no-arrest-lockdown-violators-coronavirus>

² <https://twitter.com/KabataanPL/status/1239048263786876928>

As the country grapples with COVID-19, the Government must promote a response necessary and proportional to the threat faced, while ensuring respect for human rights. An increased military and police presence, and a lack of transparency in their operations, will only lead to the further abrogation of people's fundamental rights. FORUM-ASIA reiterates the message of the UN High Commissioner for Human Rights, Michelle Bachelet that human rights and dignity must be front and centre to any response to the pandemic.³

FORUM-ASIA urges the Government of the Philippines to:

- Prioritise a public health approach and evidence-based response over a police and military-enforced community quarantine, through investing in public health services, and ensuring access to medical services, particularly to the most vulnerable groups;
- Provide clear and concrete guidelines on the community quarantine, including on engagement between the security sector and the public, and ensure clear lines of accountability for any abuse of power;
- Ensure a comprehensive and regular flow of updates, including on government actions; and
- Guarantee open and safe spaces for sharing grievances and complaints against the security sector or other state actors, and provide transparent investigations for these complaints.

About FORUM-ASIA:

FORUM-ASIA is a regional human rights group with 81 member organisations in 21 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratisation.

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³ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25668&LangID=E>