

Third Report of the  
**Independent International  
Commission of Investigation  
Into Human Rights Violations  
in the Philippines**

13 September 2021



**Third Report of the  
Independent International Commission of Investigation  
Into Human Rights Violations in the Philippines (INVESTIGATE PH)**

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**Table of Contents**

<b>Foreword</b>	<b>3</b>
<b>Chapter 1: Introduction</b>	<b>6</b>
<b>Chapter 2: Overview of INVESTIGATE PH's <i>Initial</i> and <i>Second Reports</i></b>	<b>9</b>
<b>Chapter 3: Violations of Economic and Social Rights under Duterte</b>	<b>16</b>
3.1 Rights of Workers and Peasants	16
Joblessness and economic insecurity	16
Landlessness, Rice Tariffication Act	17
Repression of labor organizing: killings and JIPCO	19
3.2 Rights of Overseas Filipino Workers (OFWs)	22
Neglect of OFWs during COVID-19 pandemic	22
Repression of migrant rights defenders	23
3.3 Rights of Women and LGBTQ People	24
Pandemic heightens long-term neglect	26
3.4 Rights of Urban Poor People	28
COVID-19 pandemic impact on income, nutrition	28
War on the poor in the guise of “drug war”	29
Displacement of communities and demolition of housing	29
Pandemic lockdown horrors	30
<b>Chapter 4: Violations of Social and Cultural Rights under Duterte</b>	<b>33</b>
4.1 Rights of Children	33
Police and state violence against children	34
Sexual abuse of children	36
4.2 Right to Education	37
Pandemic impact on enrollment, education budget	37
Red-tagging schools, teachers, universities	38

4.3 Religious Freedom	39
Red-tagging prelates, nuns, pastors, lay church workers	40
Duterte’s personal abuse of religion	41
Disregard for Islamic faith	42
4.4 Rights of Indigenous Peoples	43
Plunder and exploitation of ancestral domain	44
Attacks on IPs defending ancestral domains	46
Red-tagging by National Commission on Indigenous Peoples (NCIP)	47
Aerial bombing, white phosphorus	49
<b>Chapter 5: Rights to Development, Peace, and National Self-Determination</b>	<b>50</b>
Neocolonialism and lack of equitable development	50
Duterte’s destructive pandemic response	52
Failure on land reform	53
Military subordination to U.S. interests, internal military repression	54
Right to self-determination and peace	55
Violent assault on peace process with NDFP	58
<b>Chapter 6: Summary</b>	<b>60</b>
<b>Chapter 7: Recommendations</b>	<b>66</b>
<b>Chapter 8: Conclusion</b>	<b>70</b>
<b>Annex</b>	<b>72</b>

## Foreword

The Independent International Commission of Investigation into Human Rights Violations in the Philippines (INVESTIGATE PH)<sup>1</sup> was established in response to the October 7, 2020, decision of the UN Human Rights Council 45<sup>th</sup> Session (Resolution No. 45/33),<sup>2</sup> which was very disappointing to civil society.

The International Coalition for Human Rights in the Philippines (ICHRP)<sup>3</sup> initiated this independent investigation into the human rights situation in the Philippines in response to the June 2020 Report on the Philippines by the UN Office of the High Commissioner for Human Rights (OHCHR)<sup>4</sup>, and UN Special Procedure mandate holders' communications. It aims to update and deepen the OHCHR June 2020 Report on the Philippine human rights situation to persuade the United Nations Human Rights Council (UNHRC) that there is an urgent need to take more concerted action.

In developing this *Third Report*, we had the continuing commitment of eighteen (18) eminent individuals with impeccable credentials for their independence and their commitment to human rights to be the Commissioners and Sub-Commissioners of INVESTIGATE PH.

The Commissioners announced the project to the Philippine media on December 17, 2020, and launched it to the international community on January 26-27, 2021. They launched the *Initial Report*<sup>5</sup> of INVESTIGATE PH on March 16, 2021, and the *Second Report*<sup>6</sup> on July 6, 2021. They are:

### High Level Commissioners

Dr. Agnes Abuom, Moderator of the Central Committee, World Council of Churches

Atty. Suzanne Adely, President, National Lawyers Guild, USA

Senator Janet Rice, Australian Greens

Rev. Michael Blair, General Secretary, United Church of Canada

Dr. David Edwards, General Secretary, Education International

Rev. Dr. Chris Ferguson, General Secretary, World Communion of Reformed Churches

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<sup>1</sup> <https://www.investigate.ph/>.

<sup>2</sup> <https://undocs.org/en/A/HRC/RES/45/33>.

<sup>3</sup> <https://ichrp.net/>.

<sup>4</sup> <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>.

<sup>5</sup> <https://www.investigate.ph/media/first-report>.

<sup>6</sup> <https://www.investigate.ph/media/second-report>.

Rev. Dr. Susan Henry-Crowe, General Secretary, General Board of Church and Society, The United Methodist Church

Atty. Jan De Lien, Justis Lawyers Group, Belgium

Atty. Jeanne Mirer, President, International Association of Democratic Lawyers

Ms. Lee Rhiannon, former Senator, Greens Party, Australia

### **Sub-Commissioners**

Derek Duncan, East Asia Area Executive, Global Ministries of the Christian Church (Disciples of Christ) and the United Church of Christ, USA

Atty. Raf Jespers, Justis Lawyers Group, Belgium

Rev. Marie-Claude Manga, KAIROS: Canadian Ecumenical Justice Initiatives

Rev. Kim Minji, Human Rights Center, National Council of Churches in Korea

Ms. Claire Moore, former Senator, Labor Party, Australia

Dr. Mark Zirnsak, Senior Social Justice Advocate, Synod of Victoria and Tasmania, Uniting Church in Australia

Ms. Marianne Hladun, Regional Executive Vice-President, Public Services Alliance, Canada

Senator Rebecca Saldaña, Washington State Legislature, USA

This *Third Report*, to the 48<sup>th</sup> Regular Session of the UN Human Rights Council, consolidates the findings of the first two reports, with their focus on civil and political rights and lack of domestic remedies, and then considers the violations of collective people's rights as set out in the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child, the Declaration on the Rights of Indigenous Peoples (UNDRIP), and the declarations on the right to development and peace.

A picture emerges of the Philippine state, using its different instruments and agencies, aggressively attacking these collective rights during the Duterte presidency.

These violations of human rights were not examined in the OHCHR June 2020 Report.

The clamor for accountability and justice from the Filipino people and from international civil society has already led to the June 14, 2021, recommendation

of the outgoing Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for an investigation of the crime against humanity of murder in the Philippine government's "war on drugs" between 1 July 2016 and 16 March 2019, and cases of torture and other inhumane acts going back to 1 November 2011.<sup>7</sup>

We urge the international community – both civil society and governments – to read all our reports and to draw their own conclusions about the credibility of the claims by the Philippine government that existing domestic mechanisms uphold the human rights of the Filipino people. We urge the international community to engage with the dire situation we have found and to take appropriate action to support the Filipino people in their quest to uphold their fundamental rights.

Peter Murphy  
Chairperson  
INVESTIGATE PH Core Working Group

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<sup>7</sup> <https://www.icc-cpi.int/Pages/item.aspx?name=210614-prosecutor-statement-philippines>.

## Chapter 1: Introduction

This report largely examines violations of economic, social, cultural, and other collective rights in the Philippines, perpetrated by the State. It traces how the Duterte administration's policies have resulted in systemic human rights violations, focusing on the period from 2020 to the present. The report also documents worsening violations of civil and political rights, due to intensified repression.

The Duterte administration has overwhelmingly directed public resources towards heightened militarization, while continuing neoliberal economic policies. These economic policies include privatization, social service cuts, deregulation of labor, trade liberalization, and courting foreign investment. Simultaneously, armed security<sup>8</sup> forces, backed by Duterte, are using new institutional mechanisms to expand political repression throughout Philippine society. The Duterte administration's combined priorities have resulted in entrenched poverty alongside growing inequality, and continued neocolonial relations, imposed with increased state terror. Its policies are violating peoples' rights to equitable development, peace with justice, and self-determination.

This final report follows two earlier reports produced by INVESTIGATE PH on human rights in the Philippines, released in March<sup>9</sup> and July<sup>10</sup> 2021, respectively. These preceding reports highlighted violations of civil and political rights by state forces, escalating repression, and the lack of domestic remedies for victims. After overviewing INVESTIGATE PH's previous findings, this *Third Report* delves into violations of the rights to livelihood, religion, education, self-determination, development and peace. These violations of collective rights take place against a backdrop of civil and political rights violations affecting a broad array of social sectors: workers and peasants, overseas Filipino workers, women and LGBTQ<sup>11</sup> people, urban poor people, children, educators, religious institutions serving the poor, as well as indigenous and Moro peoples.

This *Third Report* focuses on economic, social and cultural rights:

- **The right to livelihoods of peasants, workers, migrant workers and women has been violated by the neoliberal economic policies of the Duterte government.** Land reform has stalled, real wages have fallen, labor export continues due to lack of jobs in the domestic economy, demolitions of urban poor communities are accelerating, tax policies transfer income to the wealthy,

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<sup>8</sup> These are the military, police, as well as state-sponsored paramilitaries and paid mercenaries.

<sup>9</sup> <https://www.investigate.ph/media/first-report>.

<sup>10</sup> <https://www.investigate.ph/media/second-report>.

<sup>11</sup> Lesbian, gay, bisexual, transgender, queer.

inequality is deepening, and livelihood activities have halted during the extended COVID-19 lockdowns, even as relief is lacking. At least 50 per cent of the population lives in absolute poverty.

- **The Duterte government’s military rather than public health response to the COVID-19 pandemic only exacerbated these severe economic hardships. Hunger became widespread and continues.** Millions of people could not access water, food or their informal jobs because of the lockdown, over 100,000 were arrested and detained for allegedly breaching the lockdowns. The government made only a token cash transfer to households for three months early in the lockdown. When people created their own “community pantries” and “community kitchens”, these were red-tagged and harassed by security forces.
- **The rights of children, the right to education, and freedom of religion have all been attacked by the Duterte government as his budget priorities continue to favor the security forces and cut spending on welfare, housing, education and health.** Duterte has red-tagged advocates for children, the Lumad<sup>12</sup> schools, teachers, universities, Christians working for poor and marginalized communities, and Islamic leaders and communities in Mindanao.
- **Duterte’s new machinery for repression orchestrates more systematic attacks on critics.** Peasants, indigenous people (IP), urban poor, students, trade unions in export processing zones, children, human rights defenders, and peace advocates are the targets of the 2020 Anti-Terrorism Act (ATA) and its Anti-Terrorism Council, the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) of 2018, and the Joint Industrial Peace Concerns Office (JIPCO) of 2018.
- **The Philippines remains subservient to U.S. interests in economic, military and geo-political policy, which continually undermines the people’s right to self-determination, development and peace.**
- **When Filipino people utilize their civil and political rights to protest and to assert reforms which would fulfill their rights, they are met with deadly force from the *Philippine National Police (PNP)* and *Armed Forces of the Philippines (AFP)*.**
- **By terminating peace talks with the *National Democratic Front of the Philippines (NDFP)*, the Duterte government blocked agreement on genuine**

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<sup>12</sup> “LUMAD” is a Bisayan term meaning “native” or “indigenous”. It was adopted by a group of 15 from more than 18 Mindanao ethnic groups in their Cotabato Congress in June 1986 to distinguish themselves from the other Mindanaons, Moro or Christian. <https://ncca.gov.ph/about-ncca-3/subcommissions/subcommission-on-cultural-heritagesch/historical-research/lumad-in-mindanao/>.

**land reform and national industrial development in the draft**

**Comprehensive Agreement on Social and Economic Reforms.** In doing so, the government has extrajudicially killed seven unarmed civilian NDFP peace consultants, in violation of International Humanitarian Law (IHL). These peace talks, with the Royal Norwegian Government as Third Party Facilitator, provide a pathway to address the root causes of this armed conflict in the Philippines.

INVESTIGATE PH's three *Reports* cover more than 50 emblematic cases of human rights violations that occurred largely in 2020 and 2021; trends in such violations since the OHCHR report of June 2020; violations of civil and political rights and IHL carried out by the Duterte administration since 2016; and violations of economic, social, cultural and other collective rights. The *Reports* draw on the testimonies of survivors and witnesses, relatives of victims, human rights advocates with direct knowledge of state violence, and expert witnesses or resource persons working with peasants, trade unions, women, churches, community organizing, economics, political advocacy and peace negotiations. A team of legal collators verified relevant documents and interviews.

## Chapter 2: Overview of INVESTIGATE PH's *Initial* and *Second Reports*

On October 7, 2020, the UN Human Rights Council 45th Session passed a resolution to engage in “technical cooperation and capacity-building” with the Philippine government (Resolution No. 45/33) in response to the June 4, 2020, report (A/HRC/44/22) on human rights in the Philippines from the OHCHR.<sup>13</sup> The first two reports of INVESTIGATE PH, released in March and July 2021, highlight why the UNHRC decision was disappointing to civil society. The *Reports* emphasize the continuing and worsening violations of the International Covenant on Civil and Political Rights (ICCPR) since the OHCHR report and the inadequacy, if not ineffectiveness, of domestic mechanisms of redress and accountability. These give evidence of how human rights violations in the Philippines worsened and illuminate the Duterte administration’s executive role and responsibility in perpetrating these violations.

The *Initial Report* demonstrates that not only are human rights violations perpetrated by security forces under the Duterte administration, but there is also a systemic lack of effective domestic remedies through which victims of violations can seek and achieve justice. The *Second Report* highlights three “wars” that the Duterte administration is carrying out against the Filipino people and perpetrating human rights violations through: (1) a War on Poor People in the guise of a war on drugs; (2) a War on Dissent; and (3) the War on the Moro People in the guise of a war on terror. These wars deliberately corrupted the PNP and the judiciary and degraded the integrity of judicial processes. NTF-ELCAC extended this damage to all agencies, including the Departments of Social Welfare, Education, and Labor and Employment - the malevolent “whole-of-nation” approach.

The following gives a more detailed overview of the findings of INVESTIGATE PH’s first two reports.

### *1. Human rights violations in the Philippines continue, and the Duterte administration has increased its political repression since the June 2020 OHCHR report*

Political repression has worsened since the OHCHR report. Particularly egregious cases include: (1) the December 30, 2020 “Tumandok Massacre”, in which Philippine military and police tortured and killed nine unarmed Tumandok indigenous civilians who opposed militarization and a mega-construction project on their ancestral land, and (2) the March 7, 2021 “Bloody Sunday” raids, in which Philippine military and police killed nine unarmed activists in their homes.<sup>14</sup> There has also been a marked increase in the

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<sup>13</sup> <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>.

<sup>14</sup> <https://www.rappler.com/voices/ispeak/opinion-no-one-talking-about-tumandok-massacre>;  
<https://www.rappler.com/nation/dead-arrested-calabarzon-crackdown-progressives-march-7-2021>. The

extrajudicial killings of *National Democratic Front of the Philippines* (NDFP) peace consultants. Since Duterte ended peace talks with the NDFP in November 2017, seven peace consultants have been killed by state security forces or unidentified assailants, with five of the seven being murdered after the June 2020 OHCHR report.<sup>15</sup>

Human rights violations have worsened during the COVID-19 pandemic. Police killings of civilians during anti-drug operations have spiked during COVID-19: as of August 2020, such killings rose 50 to 76 per cent per month on average, compared to the months preceding lockdown.<sup>16</sup> COVID-19 has also been used as an excuse or a pretext to enable further political repression – including violations of media freedom, expression, and freedom of assembly. COVID-19 health concerns were exploited to cover up the crackdown on protests against the widely opposed Anti-Terrorism Act (ATA), which was fast-tracked and enacted in July 2020.<sup>17</sup> Rather than ensuring adequate health services and economic relief to marginalized sectors, instead the government’s militarized response to the pandemic criminalizes the survival activities of the poor and further overcrowds already dangerously congested prisons.

*2. Philippine security forces are extrajudicially killing the urban poor, human rights defenders, and rural and urban activists in gross violations of human rights and are obstructing legal recourse by the victims.*

From the “war on drugs” to the targeting of human rights defenders, the police and military perpetrate summary executions. Other perpetrators are state-sponsored paramilitaries, and “vigilantes” hired by or working with government security forces.<sup>18</sup> PNP policy incentivizes extrajudicial killings. President Duterte himself encourages

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whistleblower for the Tumandok Massacre, Julie Catamin, was also shot and killed on February 28, 2021 (<https://newsinfo.inquirer.net/1401672/key-witness-in-tumandok-killings-in-capiz-shot-dead>); while the lawyer for the victims of the massacre, Atty. Angelo Karlo Guillen, was attacked, stabbed and left for dead just a few days later on March 3, 2021 (<https://newsinfo.inquirer.net/1403604/rights-lawyer-survives-attack-by-playing-dead-loses-all-case-files>).

<sup>15</sup> <https://www.karapatan.org/karapatan-monitor1-2021>, p.23.

<sup>16</sup> <https://www.hrw.org/news/2020/09/08/killings-philippines-50-percent-during-pandemic>;  
<https://www.hrw.org/news/2020/09/28/another-spike-philippines-drug-war-deaths>.

<sup>17</sup> See Documents 1-10 in Annex: Fact Sheet for Cases No. 31, 32, 33, 36, 38 and 39; Summary Cue Cards for Cases No. 34, 35, 37 and 40 from INVESTIGATE PH Initial Report.

<sup>18</sup> Arnold P. Alamon, *Wars of Extinction: Discrimination and the Lumad Struggle in Mindanao* (Iligan City: Rural Missionaries of the Philippines Northern Mindanao Sub-Region, Inc.), 2017;  
<https://www.reuters.com/article/us-philippines-duterte-police-specialrep/special-report-police-describe-kill-rewards-staged-crime-scenes-in-dutertes-drug-war-idUSKBN17K1F4>;  
[https://www.amnesty.org.uk/files/2017-04/ASA3555172017ENGLISH.PDF?9\\_73DdFTpveG\\_iJgeK0U13KUVFHKSL\\_X](https://www.amnesty.org.uk/files/2017-04/ASA3555172017ENGLISH.PDF?9_73DdFTpveG_iJgeK0U13KUVFHKSL_X).

these crimes, repeatedly calling for the murder of “drug personalities” and exhorting the police and military to kill all communist rebels and to “forget about human rights.”<sup>19</sup>

The urban poor civilians who are the main targets in the “war on drugs” have no opportunity to defend themselves against police operations known as “*tokhang*” -- a shortened phrase for “knock and persuade,” but which in reality is “kick in the door and shoot.”

The police claim the “*nanlaban*” (fought back) narrative, saying that all those killed in anti-drug operations were resisting. Yet forensic photographic and witness evidence all point to a pattern where most if not all victims were unarmed and even handcuffed or restrained before being executed. These police tactics of *tokhang* and *nanlaban* are now also being used by state security forces in the War on Dissent. In the case of the Tumandok Massacre of December 30, 2020, and the Bloody Sunday raids of March 7, 2021, police and soldiers conducted door-to-door political killings of community leaders, trade unionists, urban poor organizers, and indigenous leaders, and then claimed that those killed had resisted arrest. This directly mirrors the pattern of killings in anti-drug operations. In the Cordillera Region, there is a police resolution to employ “*tokhang*” on “left-leaning personalities.”<sup>20</sup> Security forces also claim that NDFP peace consultants - most of whom were elderly and in poor health - were killed because they fought back.<sup>21</sup>

When state security forces commit these extrajudicial killings, they also obstruct investigations. Witness testimonies state that police plant guns on those they have extrajudicially killed, intimidate family members to dissuade them from filing cases against the police, and block them from accessing the bodies of victims or conducting independent autopsies. Forensic evidence further shows that police examinations of bodies violate proper procedure and fail to record evidence accurately. The PNP also refuses to comply with the Supreme Court order to turn over the great majority of evidence relating to these killings.<sup>22</sup>

### *3. The NTF-ELCAC, the ATA, and Duterte’s Executive Orders facilitate and institutionalize more brazen repression and killings of political dissenters*

At a national level, the delegitimization, isolation and criminalization of dissent takes place through mechanisms such as Memorandum Order No. 32 issued on November

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<sup>19</sup> <https://thedi diplomat.com/2021/07/philippine-president-duterte-unabashedly-threatens-to-kill-drug-dealers/>; <https://www.aljazeera.com/news/2021/3/6/kill-them-all-duterte-wants-communist-rebels-finished>.

<sup>20</sup> See Document 11 in Annex: Regional Law Enforcement Coordinating Committee - Cordillera Region Resolution, February 24, 2021; <https://newsinfo.inquirer.net/1400268/45-cordillera-officials-ok-tokhang>

<sup>21</sup> <https://thedi diplomat.com/2020/08/killing-of-philippines-peace-consultant-sparks-scrutiny-of-government-investigations/>

<https://news.abs-cbn.com/news/12/08/20/brutal-murder-of-elderly-peace-consultants-condemned>

<sup>22</sup> <https://www.investigate.ph/media/second-report>, p. 13-18.

22, 2018;<sup>23</sup> Executive Order No. 70 (which authorized the creation of the NTF-ELCAC)<sup>24</sup> and the Anti-Terrorism Act (ATA),<sup>25</sup> among others. These mechanisms have expanded the powers of security forces, nationalized the counterinsurgency program, broadened invasive scrutiny across all sectors of society, and institutionalized the label of “terrorist” as a catch-all to criminalize any political opposition.

These legal frameworks also institutionalize, legitimize and make more widespread the practice of “red-tagging”, which is the act of labelling unarmed civilian individuals and groups as members, supporters or affiliates of the *Communist Party of the Philippines* (CPP) and the *New People’s Army* (NPA) in the context of the ongoing armed conflict in the country. This practice is a form of state terror, perpetrated by state agents and their proxies as part of the government’s strategy to repress dissent. Disregarding evidence or due process, the simple act of “red-tagging” someone - even on social media - can lead to and institutionally legitimize government surveillance, threats, harassment, intimidation, trumped up arrests, and even the killing of those red-tagged. Human rights defender Zara Alvarez<sup>26</sup> was murdered on August 17, 2020, after being red-tagged in a pattern similar to the large majority of human rights defenders and political dissenters who have been extrajudicially killed.

*4. Domestic remedies for addressing these and other human rights violations are failing because the Duterte administration, security forces, prosecutors and judges weaponize or are complicit and violate the law and due process, and because the legal system has institutional and operational flaws and biases.*

The Duterte administration has weaponized the law to suppress dissent by introducing the purposely broad legal definition of terrorism under the ATA. Specific judges are issuing search warrants that offer the security forces legal cover in raiding homes, and arresting and killing dissenters. The PNP uses fabricated legal charges to silence those who are red-tagged by arresting them on trumped up charges of illegal possession of firearms and explosives - a non-bailable offense. Security forces routinely ignore due process when they conduct arrests, carry out summary executions, undertake investigations and examine evidence, file or prosecute cases. For example, those being charged often do not even know they have been charged; police plant evidence, do not inform those who are arrested of their rights, and block them from accessing legal

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<sup>23</sup> <https://www.officialgazette.gov.ph/downloads/2018/11nov/20181122-MO-32-RRD.pdf>.

<sup>24</sup> <https://www.officialgazette.gov.ph/downloads/2018/12dec/20181204-EO-70-RRD.pdf>.

<sup>25</sup> <https://www.officialgazette.gov.ph/downloads/2020/06jun/20200703-RA-11479-RRD.pdf>.

<sup>26</sup> <https://www.karapatan.org/karapatan+condemns+killing+of+human+rights+and+health+worker+zara+alvarez>; <https://www.latimes.com/world-nation/story/2020-08-27/philippines-zara-alvarez-human-rights>.

counsel.<sup>27</sup> The 2020 Department of Justice (DOJ) report corroborates that police examinations of bodies killed in anti-drug operations do not follow proper procedure. Impunity is strengthened because investigations into security forces' violation of due process are most often conducted internally by the police and military themselves.<sup>28</sup>

In many cases, victims of these abuses are not able to seek justice. When they do, they face a biased, slow, complicated and discriminatory legal system. The Office of the Ombudsman -- a key legal channel for people to file complaints against police, military, and government agents -- almost always rules in favor of the police and military. Only one drug campaign-related killing among thousands has resulted in police being convicted of murder.<sup>29</sup> The majority of extrajudicial killings, torture, disappearances, and unjust detentions do not result in prosecution, much less conviction.<sup>30</sup> Human rights defenders facing threats to their lives have applied for court protection orders ("writ of *amparo*"), but these requests are often denied or remain pending due to court backlogs and slow procedures. In numerous cases, applicants were killed after being denied protection, or while their applications were still pending.<sup>31</sup> Victims of political repression who seek to challenge their unjust detention through *habeas corpus* have had lower courts uphold their imprisonment based on technicalities, and thus remain in jail as pre-trial and post-trial detainees, often for years.<sup>32</sup> Furthermore, those who seek to challenge unjust laws, such as the ATA, are pressured to drop their cases and have trumped-up charges laid against them.<sup>33</sup>

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<sup>27</sup> <https://www.philstar.com/nation/2021/03/09/2083143/davao-court-recalls-arrest-warrant-vs-cordillera-ipLeader-group-says-threats-remain>; <https://news.abs-cbn.com/news/multimedia/photo/12/16/20/a-factory-for-search-warrants>.

<sup>28</sup> <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6; <https://www.amnesty.org.ph/wp-content/uploads/2019/07/They-Just-Kill-FullReportLoRes-1.pdf>.

<sup>29</sup> <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6.

<sup>30</sup> See Documents 12 - 24 in Annex: Fact Sheet for Cases No. 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13 14 and 19 from INVESTIGATE PH Initial Report; <https://www.amnesty.org.ph/wp-content/uploads/2019/07/They-Just-Kill-FullReportLoRes-1.pdf>; <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6; <https://www.amnesty.org/en/latest/news/2014/12/above-law-police-torture-philippines/>.

<sup>31</sup> See Documents 13, 25 and 26 in Annex: Fact Sheet for Case No. 2, 42 and Summary Cue Card for Case No. 27 from INVESTIGATE PH Initial Report; Also based on the testimony of Cristina Palabay during the February 16, 2021 INVESTIGATE PH Hearing. See also: <https://www.rappler.com/nation/zara-alvarez-petition-writ-amparo-habeas-data-court>;

<https://www.gmanetwork.com/news/specials/content/170/zara-alvarez-tagged-you-re-dead/>.

<sup>32</sup> See Document 27 in Annex: Fact Sheet for Case No. 49 from INVESTIGATE PH Initial Report; see also: <https://www.philstar.com/headlines/2020/12/18/2064737/two-human-rights-day-7-seek-releaseorder-Supreme-court>; Also based on the testimony of Fides Lim during the February 19, 2021 INVESTIGATE PH Hearing in which she mentioned cases where prisoners have been in prison for over 10 years awaiting a trial. See Document 22 in Annex: Fact Sheet for Case No. 13, in which Esparago and Salem had the charges against them dismissed, but were still held in prison. See also: <https://www.rappler.com/voices/thought-leaders/analysis-lengthy-pretrial-detention-philippines-little-dark-secret>.

<sup>33</sup> See Document 18 and 24 in Annex: Fact Sheet for Case No. 9 and 19 from INVESTIGATE PH Initial Report.

Those who would provide checks and balances within the Philippine legal system are also targeted and their power eviscerated. The *National Union of Peoples' Lawyers* (NUPL) - which provides free counsel and representation to victims of state violence and on public interest issues - has been red-tagged, while its lawyers are threatened, harassed, and extrajudicially killed.<sup>34</sup> *Pro bono* representation is already severely lacking, and repression has a chilling effect on lawyers' willingness to help victims of state violence.<sup>35</sup> Opposition political voices, which provide a check on police, military and executive power have been effectively silenced through removal or imprisonment.<sup>36</sup> Even the *Commission on Human Rights* (CHR) has been red-tagged by the NTF-ELCAC and has suffered major threats to its budget under the Duterte administration, undermining its ability to ensure the protection of human rights in the Philippines.<sup>37</sup>

##### *5. Philippine security forces, abetted by U.S. military aid, are killing civilians during conflict and violate other aspects of IHL*

In a situation of internal armed conflict all sides are bound by the principles of IHL. Regardless of the particular nature of the conflict, the principles of IHL must be upheld, especially in the protection of civilians. The Philippine government's counterinsurgency and counterterrorism programs fail in this duty. Both of these programs are supported by U.S. military aid, joint training and intelligence, making the U.S. complicit in the violations of IHL that have been committed by the Philippine armed forces. The U.S. has committed over USD \$300 million in military aid to support Duterte's counter-insurgency operations in Mindanao since 2017 and has donated over USD \$765 million in planes, ships, and other military equipment to the Philippine government since 2015.<sup>38</sup>

The Philippine government explicitly targets non-combatants under its counter-insurgency strategy, identifying a broad range of civil society dissident groups as terrorists and employing "tokhang" to eliminate red-tagged opponents. Specific violations include: the killing of civilians, including the family members of those alleged to be in the NPA; the mistreatment or desecration of the bodies of combatants in

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<sup>34</sup> <https://www.rappler.com/nation/new-data-attacks-vs-lawyers-surge-duterte-administration>

<sup>35</sup> On difficulties securing legal representation, <https://worldjusticeproject.org/sites/default/files/documents/WJP-A2J-2019.pdf>, p. 85, indicates only 20% of people with a legal problem in the Philippines are able to access help (as of 2018); <https://www.philstar.com/headlines/2021/03/05/2082198/attack-redtagged-rights-lawyer-have-chilling-effect-members-legal-profession>.

<sup>36</sup> For instance, Chief Justice Maria Lourdes Sereno and Senator Leila De Lima, both vocal critics of Duterte's drug war, were removed from the Supreme Court and imprisoned, respectively.

<sup>37</sup> <https://cnnphilippines.com/news/2017/09/12/Commission-on-Human-Rights-CHR-House-budget.html>; <https://www.rappler.com/nation/gascon-reaction-chr-budget-2018-restoration-house>.

<sup>38</sup> [https://media.defense.gov/2018/Feb/02/2001872555/-1/-1/1/FY2018\\_LIG\\_OCO\\_OIR\\_Q1\\_12222017\\_2.PDF](https://media.defense.gov/2018/Feb/02/2001872555/-1/-1/1/FY2018_LIG_OCO_OIR_Q1_12222017_2.PDF); <https://ph.usembassy.gov/us-military-turns-over-c-130-hercules-aircraft-to-philippine-air-force/>.

clashes with the NPA as in the case of Jevilyn Cullamat<sup>39</sup>; and the killing of unarmed NDFP peace consultants, who are a protected category of persons under the Joint Agreement on Safety and Immunity Guarantees (JASIG), an agreement between the Philippine government and the NDFP.<sup>40</sup> Further, military operations in Mindanao in the name of the “war on terror” have not distinguished between civilians and combatants. The types of warfare employed in Moro communities - mortar fire, artillery fire and aerial bombing - are by their very nature, indiscriminate. As a result, civilians are killed and their homes and sources of livelihood are destroyed. This has happened both in the Marawi City siege in 2017, and in the continuing warfare throughout Mindanao.<sup>41</sup> Bombings in rural areas such as Zambales have also displaced civilians, making way for foreign mining and agribusinesses.<sup>42</sup>

*6. The harmful impacts of state perpetrated violations of human rights are felt across society -- limiting freedom of speech and freedom of assembly, undermining genuine political participation, destroying communities, and violating the peoples’ rights to peace and self-determination*

The effects of Duterte’s anti-drug operations are felt across urban poor communities. Family breadwinners are killed, fees are extorted by police to return the bodies of those killed, and families are forced to pay high funeral costs and are stigmatized by the community who are themselves terrorized. Thus this war brings increased economic suffering to those who are already economically marginalized - particularly during the pandemic. The war on dissent -- carried out by the NTF-ELCAC through acts of red-tagging and other institutional mechanisms -- restricts the space for civic participation across swathes of Philippine society: national and local governments, human rights groups, the media, the academe and the education sector -- including indigenous Lumad schools. The Marawi siege and other cases where the AFP have displaced Moro and other Philippine indigenous communities have entirely destroyed quality-of-life for many national minorities. In removing these people from their homes, land, and livelihood, the state severely curtails their ability to assert communal political will and continue religious and cultural practices. Furthermore, these internal refugees face the continual failure of the government to respond to their basic human rights as displaced people.

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<sup>39</sup> See Document 28 in Annex: Fact Sheet for Case No. 23 from INVESTIGATE PH Initial Report.

<sup>40</sup> INVESTIGATE PH Second Report, p. 36-38 <https://www.investigate.ph/media/second-report>.

<sup>41</sup> INVESTIGATE PH Second Report pp. 45-49 <https://www.investigate.ph/media/second-report>.

<sup>42</sup> On August 21, 2020, 659 families in the indigenous Aeta community in San Marcelino, Zambales were forced to evacuate their homes after the 7th Infantry Division of the Philippine Army conducted raids and bombings in the area; See Document 29 in Annex: Fact Sheet for Case No 20 from INVESTIGATE PH Initial Report.

## Chapter 3: Violations of Economic and Social Rights under Duterte

All human beings are born free and equal in dignity and rights.<sup>43</sup> The ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy their economic, social and cultural rights, as well as their civil and political rights.<sup>44</sup>

The economic and social rights protected under the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>45</sup> include the rights to employment, social security, protection of the family, an adequate standard of living, including freedom from hunger, access to clean water, adequate housing, and protection of property, and physical and mental health – all of which are currently lacking from the Duterte administration. The ICESCR was adopted by the United Nations General Assembly on 16 December 1966, and the Philippines is a State Party. With the continuous red-tagging and prioritization of the military and police, the social rights of the Filipinos are on the back burner.

### 3.1 Rights of Workers and Peasants

#### Joblessness and economic insecurity

The COVID-19 pandemic has magnified the deplorable situation of the Filipino workforce. Basic essentials like food and water have been scarce in the last year-and-a-half of continuous lockdown, the longest and most stringent in the world.<sup>46</sup>

In June 2021, the Philippine Statistic Authority (PSA) saw 3.76 million or 7.7 per cent of Filipinos jobless, while underemployment went up to 14.2 per cent in the same month from an estimate of 12.3 per cent in May 2021.<sup>47</sup>

In 2020, the PSA reported a 10.4 per cent unemployment rate or 4.5 million jobless Filipinos, the highest in 15 years.<sup>48</sup>

This declined to 7.7 per cent in May 2021 as the strictest quarantine rule was lifted<sup>49</sup> but it is expected to increase into the third quarter as the National Capital Region (NCR)

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<sup>43</sup> Article 1, Universal Declaration of Human Rights, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

<sup>44</sup> <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

<sup>45</sup> <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

<sup>46</sup> <https://www.aljazeera.com/news/2021/8/21/philippines-eases-lockdown-amid-record-covid-19-infections>.

<sup>47</sup> <https://newsinfo.inquirer.net/1468198/phs-unemployment-rate-stays-at-7-7-in-june>;  
<https://psa.gov.ph/content/unemployment-rate-june-2021-estimated-7-7-percent>.

<sup>48</sup> <https://www.straitstimes.com/asia/se-asia/philippines-suffers-worst-job-losses-in-15-years-due-to-covid-19-and-lockdown>.

<sup>49</sup> <https://www.pna.gov.ph/articles/1145581>.

and other major cities in the country were put under enhanced community quarantine anew due to the spread of the Delta variant.<sup>50</sup>

During an INVESTIGATE PH hearing, Joan May Salvador, the Secretary General of *GABRIELA, the Alliance of Filipino Women*, shared that “even before the pandemic, the Philippines already had the worst unemployment situation in the whole of Asia, leaving about 16 million Filipino women economically insecure.” Even the labor force participation rate continues to be lower for women compared to men, with only half of the population of working age women able to join the labor force, added Salvador.<sup>51</sup>

Daily minimum wages remain low at Php 537 (US\$10.71) in the NCR and down to Php 290 (US\$5.78) in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM),<sup>52</sup> even if the daily decent living wage is pegged at Php 1,065 (US\$21.25).<sup>53</sup>

### **Landlessness, Rice Tariffication Act**

The situation is much worse for agricultural workers who have a nominal wage rate of Php 331.10 (US\$6.60) per day.<sup>54</sup>

The peasant sector - which includes small farmers, fisherfolks, farm workers from sugarlands, banana and pineapple plantations, and coconut farms - have suffered incessantly since the lockdown. The Philippines is a predominantly agricultural country but its food producers, who are 70 per cent of the population, suffer from hunger and food insecurity. A Social Weather Station (SWS) survey from April 28 to May 2, 2021, revealed that 16.8 per cent or 4.2 million families experienced “involuntary hunger” or hunger due to lack of food at least once in the past three months.<sup>55</sup>

The food and job insecurities of the Filipino work force fuel a long-drawn struggle for land ownership and decent wages. In his testimony for INVESTIGATE PH, *Kilusang Magbubukid ng Pilipinas* (National Peasant Movement of the Philippines - KMP) chairperson and former Department of Agrarian Reform Secretary Rafael Mariano said, “The Filipino peasants have long been demanding and fighting for the implementation of genuine land reform and free land distribution. We view that only a truly redistributive land reform will solve the fundamental problem of landlessness, and rural poverty.”<sup>56</sup>

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<sup>50</sup> Coronavirus: Millions return to lockdown in Philippines <https://www.bbc.com/news/world-asia-53646149>.

<sup>51</sup> See Document 30 in Annex: Testimony of Joan May Salvador INVESTIGATE PH Hearing, August 3, 2021.

<sup>52</sup> <https://nwpc.dole.gov.ph/regionandwages/autonomous-region-in-muslim-mindanao/>.

<sup>53</sup> <https://www.ibon.org/the-family-living-wage-as-of-july-2021/>.

<sup>54</sup> <https://psa.gov.ph/content/farm-workers-are-paid-average-daily-wage-php-33110-2019-calabarzon-farm-workers-are-highest>.

<sup>55</sup> <https://www.rappler.com/nation/millions-philipino-families-stay-hungry-sws-survey-may-2021>; See Document 31 in Annex: Testimony of Rafael Mariano, INVESTIGATE PH Hearing, July 29, 2021.

<sup>56</sup> See Document 31 in Annex: Testimony of Rafael Mariano, INVESTIGATE PH Hearing, July 29, 2021.

He linked the absence of genuine land reform and rural development in the Philippines to the failure of food security programs and worsening poverty and indebtedness of farmers and farmworkers. "Without control of resources and lacking government support, the economic status of farmers remains depressed," he said.<sup>57</sup>

However, Mariano added that "what farmers experience daily are land grabbing, land-use conversion, forced eviction, and demolition of their farms. At the onset, Duterte had no agenda or program for genuine agrarian reform, rural development, and national industrialization and economic development. His administration is pursuing market-assisted land reform instead of compulsory acquisition of private agricultural land for free land distribution to at least 9.7 million farmers and their families relying mainly on farming for livelihood."<sup>58</sup>

The sufferings of rice farmers, for example, worsened during the Duterte administration, specifically due to the signing of Republic Act 11203, an Act Liberalizing the Importation, Exportation and Trading of Rice, or the Rice Tariffication Law, on March 5, 2019. This law removed government limits (called quantitative restrictions) on rice importation and replaced these with tariffs.<sup>59</sup> This has flooded the market with nearly three million tons of imported rice, making the Philippines the world's biggest rice importer.

This liberalization of the rice market contributed to 300,000 agricultural jobs lost in 2019. The *Federation of Free Farmers* (FFF) and other farmers' groups estimate that rice producers lost around Php 80 billion (\$1.59 billion) when rice prices dipped from Php 23.14 (US\$0.46) per kilo in 2018 to Php 15.36 (US\$0.30) in 2019.<sup>60</sup> By September 2019, the average farmgate price of rice slid precipitously to Php 16.05 (US\$0.32) per kilogram – 30 per cent lower than in the same period in 2018 and its lowest in eight years.<sup>61</sup>

Meanwhile, minimum wage earners were disappointed when President Duterte vetoed the Security of Tenure Bill in July 2019 after making it a popular campaign promise during the 2016 presidential elections.<sup>62</sup> The bill was meant to eliminate subcontracting of labor and limit job contracting to licensed and specialized services.<sup>63</sup>

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<sup>57</sup> See Document 31 in Annex: Testimony of Rafael Mariano, INVESTIGATE PH Hearing, July 29, 2021.

<sup>58</sup> See Document 31 in Annex: Testimony of Rafael Mariano, INVESTIGATE PH Hearing, July 29, 2021.

<sup>59</sup> <https://www.officialgazette.gov.ph/downloads/2019/02feb/20190214-RA-11203-RRD.pdf>.

<sup>60</sup> <https://newsinfo.inquirer.net/1332019/winners-and-losers-from-the-rice-tariffication-law>.

<sup>61</sup> See Document 32 in Annex: Testimony of Sonny Africa, INVESTIGATE PH Hearing, August 10, 2021.

<sup>62</sup> <https://www.gmanetwork.com/news/news/nation/702450/duterte-vetoes-anti-endo-bill/story/>.

<sup>63</sup> <https://www.gmanetwork.com/news/news/nation/796178/sotto-to-roque-congress-passed-anti-endo-bill-duterte-vetoed-it/story/>.

Worse, the Department of Labor and Employment (DOLE) amended implementing rules of the Labor Code and issued Department Order No. 174 Series of 2017 which still allows and, in fact, legalizes contractualization.<sup>64</sup>

In his testimony at an INVESTIGATE PH hearing, *Kilusang Mayo Uno Labor Center (May First Movement - KMU)* Chairperson Elmer Labog said that in order to address the peasants and workers' worsening conditions, the government should increase their purchasing capacity and invest in improving agriculture. Labog insists that backward conditions in agriculture dampen growth in other industries.<sup>65</sup>

The Duterte administration has given the least frequent and lowest amount of minimum wage hikes of all post-Marcos administrations. It only raised wages twice in the NCR compared to previous governments that did so by as much as 6-7 times.<sup>66</sup> That the conditions of workers and peasants have worsened at a time when social services are urgently needed is a clear violation of the ICESCR.<sup>67</sup>

Workers and peasants continue to assert their rights for decent living and livelihood and genuine land reform, but the government counters this with violations of their human rights.

### **Repression of labor organizing: killings and JIPCO**

Elmer Labog testified that Duterte's EO 70, creating the NTF-ELCAC, does not focus on the NPA but instead discourages or forbids the exercise of legitimate dissent.<sup>68</sup>

The Duterte government has branded the exercise of the legitimate rights of workers to form unions, and to assert higher wages, to oppose contractualization, and ask for better working conditions and support for those who have been infected by COVID-19 as an exercise to overthrow the government.<sup>69</sup>

As discussed in the *Initial* and *Second Reports*, the red-tagging activities of the NTF-ECLAC have been perilous to peasants and workers. The KMP has documented 340

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<sup>64</sup> [https://www.dole.gov.ph/php\\_assets/uploads/2017/07/DO-174-17-Rules-Implementing-Articles-106-to-109-of-the-Labor-Code-As-Amended1.pdf](https://www.dole.gov.ph/php_assets/uploads/2017/07/DO-174-17-Rules-Implementing-Articles-106-to-109-of-the-Labor-Code-As-Amended1.pdf).

<sup>65</sup> See Document 33 in Annex: Testimony of Elmer Labog (KMU), INVESTIGATE PH Hearing, July 29, 2021.

<sup>66</sup> See Document 32 in Annex: Testimony of Sonny Africa, INVESTIGATE PH Hearing, August 10, 2021.

<sup>67</sup> Article 3, 6, 7, 8, 11, 12 <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

<sup>68</sup> See Document 33 in Annex: Testimony of Elmer Labog (KMU), INVESTIGATE PH Hearing, July 29, 2021.

<sup>69</sup> See Document 33 in Annex: Testimony of Elmer Labog (KMU), INVESTIGATE PH Hearing, July 29, 2021. <https://www.rappler.com/nation/red-october-ouster-plot-vs-duterte-year-end-2018>; [https://m.facebook.com/kilusangmayouno/photos/a.1604864896454435/2243303635943888/?type=3&source=57&\\_tn\\_ =EH-R](https://m.facebook.com/kilusangmayouno/photos/a.1604864896454435/2243303635943888/?type=3&source=57&_tn_ =EH-R).

victims of extrajudicial killings among peasants during the Duterte presidency, while KMU has documented 56 among the workers.<sup>70</sup>

The Bloody Sunday incidents on March 7, 2021, were a government crackdown in the Calabarzon Region<sup>71</sup> that saw one labor organizer killed, eight other peasant, urban poor and indigenous leaders killed; and six more leaders, including those from the labor sector, were arrested and remain unjustly detained.<sup>72</sup> Documentation from Karapatan shows state forces did not present the search warrant for trade unionist Emmanuel 'Manny' Asuncion, the slain secretary general of *Bagong Alyansang Makabayan* (New Patriotic Alliance - BAYAN) in Cavite, and blocked his companions from calling his lawyer.

In his testimony to the INVESTIGATE PH hearing on July 29, Labog showed how the *Joint Industrial Peace Concerns Office* (JIPCO) is a government weapon against workers exercising legitimate rights, especially those guaranteed in the Philippine Constitution Bill of Rights,<sup>73</sup> International Labor Organization (ILO) conventions CO87 & CO98<sup>74</sup> and the ICESCR on the right to organize and freedom of association.<sup>75</sup>

The *Philippine Export Zone Authority* (PEZA) and the PNP established JIPCO on March 26, 2018, with a formal agreement. Then PNP Commander General Ronald Dela Rosa clearly laid down JIPCO's goals: "address security issues and cater to complaints, queries and other concerns in the workplace and at the same time combat radicalism that may disturb industrial peace in and around the economic zones." Dela Rosa said the agreement was a significant step in the government's peace and security program.<sup>76</sup>

PEZA Director General Charito "Ching" Plaza and PNP Chief General Debold M. Sinas signed JIPCO's Implementing Rules and Regulations (IRR) on February 15, 2021.<sup>77</sup> In

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<sup>70</sup> See Documents 31 and 33 in Annex: Testimony of Rafael Mariano and Elmer Labog, INVESTIGATE PH Hearing, July 29, 2021.

<sup>71</sup> CALABARZON - an acronym for five industrialized provinces south of Manila: Cavite, Laguna, Batangas, Rizal and Quezon.

<sup>72</sup><https://www.karapatan.org/urgent+appeal+for+action+for+victims+in+the+bloody+sunday+incidents+and+attacks+against+southern+tagalog+activists>.

<sup>73</sup> Article III, Section 8 <https://www.officialgazette.gov.ph/constitutions/the-1987-constitution-of-the-republic-of-the-philippines/the-1987-constitution-of-the-republic-of-the-philippines-article-iii/>

<sup>74</sup>[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100\\_ILO\\_CODE:C087:NO; https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C098](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:C087:NO;https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C098)

<sup>75</sup> Article 8 of the International Covenant on Economic Social and Cultural Rights <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

<sup>76</sup> <https://www.facebook.com/pezaofficial/posts/peza-and-pnp-sign-memorandum-of-agreement-26-march-2018i-am-very-excited-that-th/1609074135807366/>.

<sup>77</sup> <http://www.peza.gov.ph/index.php/press-release/169-peza-pnp-sign-implementing-rules-and-regulations-of-joint-industrial-peace-and-concern-office-jipco-at-camp-crame-for-safe-ecozones-industrial-peace>.

its official website, PEZA said the signing of the IRR would provide a safe and globally competitive business environment in economic and freeport zones.<sup>78</sup>

However, Labog said the JIPCO was formed to deter the activities of trade unions in areas that are densely occupied by investors, like export processing zones.<sup>79</sup>

The Police Regional Office 3 - PRO3 website validates this concern. It describes JIPCO as the PNP's community relations program with the PEZA and the first line of defense against radical labor infiltration in industrial zones, making it part of the [NTF-]ELCAC support system.<sup>80</sup>

PRO3 Regional Director Brigadier General Rhodel Sermonia claims that Central Luzon remains a major flashpoint for communist insurgency and is in the "white area" (non-combat) of operation. Police say JIPCO will allow them to "prevent industries from being infiltrated by communist agitators" in different economic zones and freeports from Subic to Clark to Mariveles and in the provinces of Bulacan, Pampanga, Tarlac and Nueva Ecija where industries are prevalent and labor unions are many.<sup>81</sup>

The labor rights NGO, *Center for Trade Union and Human Rights* (CTUHR) condemned the spread of JIPCO in Central Luzon. "JIPCO is institutionalizing the massive workers' rights violations in the economic zones. It is also a re-affirmation of the state's policy of crushing militant unionism, under the pretext of its anti-terrorism campaign, to make capitalists happy. It is a clear abandonment of the state's commitment to the workers' basic rights to freedom of association and collective bargaining guaranteed in ILO Conventions and the Universal Declaration of Human Rights, in which the Philippines is a signatory."<sup>82</sup>

On June 25, 2021, the PNP launched the Global Coalition of Lingkod Bayan (Public Service) Advocacy Support Groups and Force Multipliers at Camp Crame, the National Police HQ. President Duterte called for the eleven civilian groups in this Coalition to be armed to help suppress the communist insurgency, and one of these civilian groups is JIPCO, also called Alliance for Industrial Peace Program (AIPP).<sup>83</sup> President Duterte expressed appreciation to the PNP for this significant contribution to the objectives of

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<sup>78</sup> <http://www.peza.gov.ph/index.php/press-release/169-peza-pnp-sign-implementing-rules-and-regulations-of-joint-industrial-peace-and-concern-office-jipco-at-camp-crame-for-safe-ecozones-industrial-peace>.

<sup>79</sup> See Document 33 in Annex: Testimony of Elmer Labog (KMU), INVESTIGATE PH Hearing, July 29, 2021.

<sup>80</sup> <https://pro3.pnp.gov.ph/10-press-release/439-pro3-launches-jipco-program-as-industries-armor-against-insurgency>.

<sup>81</sup> <https://www.rappler.com/nation/central-luzon-police-set-up-economic-zones-prevent-union-organizing>.

<sup>82</sup> <https://www.karapatan.org/Creation+of+JIPCO%3A+Institutionalizing+Massive+Workers%E2%80%99+Rights+Violations+%2526+Re-Affirming+State%E2%80%99s+Policy+vs+Militant+Unionism>.

<sup>83</sup> <http://www.pnp.gov.ph/index.php/news-and-information/4540-pnp-launches-the-global-coalition-of-lingkod-bayan-advocacy-support-groups-and-force-multipliers>.

the NTF-ELCAC. Prominent public figures immediately challenged the legality and wisdom of this initiative.<sup>84</sup>

### **3.2 Rights of Overseas Filipino Workers (OFWs)**

President Duterte has hastened the decline of the Philippines' already precarious economic conditions. Rising unemployment rates and continued displacement of peasants due to land grabbing even before the pandemic have cumulatively resulted in forcing an estimated 10.5 million Filipinos to work abroad.<sup>85</sup> Women make up more than 54 per cent of OFWs, both documented and undocumented. The bulk or 62.5 per cent of women OFWs work in the service industries of cleaning and domestic housework.<sup>86</sup> Every year, thousands of Filipino migrant workers also become victims of sex trafficking or labor trafficking in various industries.

#### **Neglect of OFWs during COVID-19 pandemic**

Since the outbreak of the COVID-19 pandemic, the Duterte government has failed to provide immediate, organized and safe repatriation assistance to hundreds of thousands of OFWs, leaving thousands stranded at sea<sup>87</sup> or in their host countries without enough food and water, medical assistance, financial assistance and adequate shelters.<sup>88</sup> OFWs had to wait months and even up to more than a year before they were repatriated.<sup>89</sup> An overwhelming majority of OFWs who were repatriated paid for their own tickets to go home.<sup>90</sup>

Returning OFWs are met with the slow processing and release of their COVID-19 polymerase chain reaction (PCR) swab tests. This means prolonged stays in government quarantine shelters lacking adequate services, especially for pregnant women<sup>91</sup> and distressed migrant workers in need of urgent medical attention.<sup>92</sup> The government's disorganized pandemic transport program forced thousands of already

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<sup>84</sup> <https://www.rappler.com/nation/lacson-statement-idea-arming-civilian-groups-fight-criminality>.

<sup>85</sup> See Document 32 in Annex: Testimony of Sonny Africa, INVESTIGATE PH Hearing, August 10, 2021.

<sup>86</sup> See Document 30 in Annex: Testimony of Joan May Salvador INVESTIGATE PH Hearing, August 3, 2021.

<sup>87</sup> <https://www.presbyterianmission.org/story/covid-19-impacts-overseas-filipino-workers/>.

<sup>88</sup> <https://migranteinternational.org/welfare-agency-failed-to-help-stranded-ofws-in-hk/>.

<sup>89</sup> <https://www.gmanetwork.com/news/pinoyabroad/news/788573/jeddah-ofws-who-lost-jobs-amid-the-pandemic-still-stranded-after-a-month/story/>;  
<https://globalnation.inquirer.net/188848/fwd-at-least-250-ofws-in-hong-kong-awaiting-repatriation-consul-general>; <https://www.rappler.com/newsbreak/in-depth/filipino-seafarers-stranded-uruguay-plead-come-home>.

<sup>90</sup> <https://www.scmp.com/week-asia/people/article/3134332/philippines-battles-covid-19-what-happened-vow-no-migrant-left>.

<sup>91</sup> <https://www.gmanetwork.com/news/news/nation/739675/8-repatriated-ofws-gave-birth-while-stranded-in-quarantine-facilities-owwa/story/>.

<sup>92</sup> <https://mb.com.ph/2021/08/26/cancer-stricken-ofw-dies-in-quarantine-facility/>.

traumatized workers to sleep on cardboard sheets on the streets around the national airport as they awaited flights to home provinces.<sup>93</sup>

The government's one-time financial assistance to displaced OFWs was too meager compared to the OFWs' needs, demanded too many documents, and was released late to the few deemed eligible.<sup>94</sup> It also disenfranchised many sectors of the OFW population: OFWs in jail, trafficking victims, undocumented Halaw's in Sabah, Au Pairs in Europe<sup>95</sup> and J1 visa holders in the US.<sup>96</sup> It excluded countries like Thailand, which have a significant OFW population affected by the global downturn in tourism and related industries.<sup>97</sup>

The Philippines is a top migrant labor-exporting country, but its embassies and consulates were closed in the early days of the pandemic, unable to provide support to distressed OFWs and OFWs in general.<sup>98</sup>

### **Repression of migrant rights defenders**

Already deprived of employment at home, OFWs have been dragged into Duterte's campaign of repression. The NTF-ELCAC pushed for the appointment of military attachés in Philippine embassies in countries with a significant OFW population. It held seminars that red-tagged *Migrante International* and other progressive organizations that organize for the rights of migrants and the Filipino people and are critical of the government.

NTF-ELCAC action against OFWs intensified after Duterte signed the ATA in July 2020. The first Philippine Defense Attaché office in the Gulf Cooperation Council States was created in February 2021 in Abu Dhabi, the United Arab Emirates.<sup>99</sup> In Hong Kong, the NTF-ELCAC used a local group of Duterte supporters to red-tag leaders of progressive organizations who were opposing the mandatory PhilHealth premium increase.<sup>100</sup> In Taiwan, the Labor Attaché went to the house of a Filipino domestic worker to harass and intimidate her after she posted a video criticizing the Duterte government's

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<sup>93</sup> <https://newsinfo.inquirer.net/1290857/stranded-ofws-slept-under-flyover>.

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<https://www.philstar.com/headlines/2021/08/19/2121155/negligence-and-corruption-ofw-group-demands-accountability-overpriced-owwa-purchases>.

<sup>95</sup> <https://news.abs-cbn.com/global-philipino/10/31/10/filipino-au-pairs-protection-sought>.

<sup>96</sup> <https://migranteusa.org/hundreds-of-exploited-filipino-j-1-workers-denounce-abandonment-by-philippine-government-recruiters-and-visa-sponsors/>.

<sup>97</sup> "For the Asia and the Pacific, OFWs in following COVID19-hit countries will be prioritized: Australia, Brunei, Hong Kong, Japan, Korea, Macau, Singapore, Taiwan, Malaysia, and New Zealand."  
<https://www.dole.gov.ph/news/ofws-displaced-by-covid-19-to-get-10k/>.

<sup>98</sup> <https://migranteinternational.org/migrante-to-bello-where-cash-aid-for-saudi-ofws/>.

<sup>99</sup> <https://www.rappler.com/nation/philippines-opens-first-defense-attache-office-in-gulf>.

<sup>100</sup> See Document 34 in Annex: Photos of red-tagging of Filipino migrant organizations in Hong Kong

pandemic mismanagement.<sup>101</sup> The PNP created outposts in the U.S., which ask the public to report “criminal activities” or concerns.<sup>102</sup> Progressive Filipino organizations and leaders in the U.S. were red-tagged by government-sponsored Facebook Pages and webinars.<sup>103</sup> In Australia, the NTF-ELCAC spokesperson Gen. Antonio Parlade Jr. held community forums to red-tag organizations critical of Philippine government policies.<sup>104</sup> In New Zealand, leaders of trade unions and *Migrante Aotearoa* were red-tagged by individuals connected with the Philippine government.<sup>105</sup> In Canada, there is increased surveillance by the Philippine consulate on activities of progressive and opposition groups.<sup>106</sup> OFWs have become victims of the Duterte government’s militarist and inept response to the pandemic.<sup>107</sup>

### 3.3 Rights of Women and LGBTQ People

Duterte’s neoliberal policies mean worsening economic neglect of Filipino women and the LGBTQ community, especially during the COVID-19 pandemic, increasing poverty and further curtailing access to services and protection provided by law. His violent misogyny and general intolerance combine to bludgeon women and girls who campaign for their rights to peace and development.<sup>108</sup>

No other Filipino leader has been as brutal as President Rodrigo Duterte towards women campaigners for human rights, peace, and development. While generally intolerant of dissent, Duterte displays a unique and peculiar malice towards women as he attempts to crush resistance to plunder, exploitation, corruption, and criminally neglectful governance.

Duterte’s anti-people and anti-woman character is primarily exposed through his sexism and persecution of women who oppose his macho fascist governance. Examples include Vice-President Leni Robredo,<sup>109</sup> Senator Leila De Lima,<sup>110</sup> women journalists

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<sup>101</sup> <https://www.rappler.com/nation/reports-taiwan-rejects-deportation-ofw-critical-duterte>.

<sup>102</sup> <https://news.abs-cbn.com/overseas/09/25/18/pnp-launches-global-community-relations-program-in-us>.

<sup>103</sup> <https://bayanusa.org/bayan-usa-hits-back-against-state-sanctioned-terror-tagging-we-will-not-back-down/>.

<sup>104</sup> See Document 35 in Annex: Photos of Parlade’s Australia community forum.

<sup>105</sup> See Document 36: Photos of red-tagging of Filipino Migrant Organizations in New Zealand

<sup>106</sup> <https://www.rappler.com/nation/overseas-filipinos/overseas-filipino-group-flags-little-change-red-tagging-duterte-administration>.

<sup>107</sup> <https://www.scmp.com/week-asia/people/article/3134332/philippines-battles-covid-19-what-happened-vow-no-migrant-left>.

<sup>108</sup> See Document 30 in Annex: Testimony of Joan May Salvador INVESTIGATE PH Hearing, August 3, 2021.

<sup>109</sup> <https://www.rappler.com/nation/netizens-reaction-duterte-melt-down-address-november-17-2020>.

<sup>110</sup> See Documents 37 and 38 in Annex: Message from Senator Leila M. De Lima and Attacks Against the Opposition Case Summary from INVESTIGATE PH Second Report.

such as Maria Ressa,<sup>111</sup> deposed Chief Justice Maria Lourdes Sereno,<sup>112</sup> Sister Patricia Fox,<sup>113</sup> women leaders of the movement and in the grassroots including Amihan, the National Federation of Peasant Women in the Philippines, whose bank accounts have been frozen.<sup>114</sup> This abuse demonstrates his outright violation of women's right to political participation despite the Magna Carta of Women,<sup>115</sup> adopted by the Philippine Congress in 2009, and the Philippines being a signatory to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).<sup>116</sup> Duterte and his apologists excuse his violent language as a form of joking, but this endorses his feral worldview down the hierarchies of state security forces. His February 2018 order for troops to shoot women rebels in their vaginas led to state forces' horrific treatment of captured guerrilla suspects and unarmed women activists in the last three years.<sup>117</sup>

The body of an alleged guerrilla slain on April 15, 2019, showed deliberate signs of desecration, including a vagina shattered by a bullet.<sup>118</sup> On April 16, 2021, the targets were sisters, indigenous women hemp farmers in Surigao del Sur. The attackers, believed to be soldiers, smashed the faces and shattered the sexual organs of their victims, one of whom was an LGBTQ person, and the other only 12 years old.<sup>119</sup>

The attacks on women indigenous defenders of lands and rights are meant to mask Duterte's backing for foreign patrons and local business allies who eye pristine ancestral domains for mining, logging, dam, and plantation ventures.<sup>120</sup>

The attacks only heightened from 2020 to 2021, when Filipino health workers, teachers, urban poor advocates, and farmers launched a series of protests against the draconian lockdown rules amidst government failures in the health and welfare fronts.

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<sup>111</sup> <https://edition.cnn.com/2019/07/09/media/maria-ressa-media-press-freedom-conference-intl/index.html>.

<sup>112</sup> <https://www.wsj.com/articles/philippines-top-court-ousts-chief-justice-critic-of-dutertes-drug-war-1526027374>.

<sup>113</sup> <https://www.ucanews.com/news/the-australian-nun-who-makes-dutertes-blood-boil/82106>.

<sup>114</sup> <https://www.bulatlat.com/2021/06/10/peasant-womens-group-decry-amlcs-freezing-of-its-bank-accounts/>

<sup>115</sup> <https://www.officialgazette.gov.ph/2009/08/14/republic-act-no-9710/>.

<sup>116</sup> <https://www.ohchr.org/documents/professionalinterest/cedaw.pdf>.

<sup>117</sup> <https://www.rappler.com/nation/hrw-duterte-order-shoot-women-vagina-violates-international-humanitarian-law>.

<sup>118</sup> [https://www.gmanetwork.com/news/news/nation/691974/gabriela-links-brutal-killing-of-alleged-npa-leader-to-duterte-s-remark-vs-female-rebels/story/?utm\\_source=GMANews&utm\\_medium=Facebook&fbclid=IwAR2dygKCvj7Wolnto9WMxe7WIDoV1RIy-BiM2kknPtMvaxgEUNW\\_iWimbRU%20last%20accessed%20on%2023%20July%202021](https://www.gmanetwork.com/news/news/nation/691974/gabriela-links-brutal-killing-of-alleged-npa-leader-to-duterte-s-remark-vs-female-rebels/story/?utm_source=GMANews&utm_medium=Facebook&fbclid=IwAR2dygKCvj7Wolnto9WMxe7WIDoV1RIy-BiM2kknPtMvaxgEUNW_iWimbRU%20last%20accessed%20on%2023%20July%202021).

<sup>119</sup> <https://www.philstar.com/headlines/2021/06/21/2107046/house-urged-condemn-investigate-killings-3-lumads-surigao-del-sur>.

<sup>120</sup> <https://www.rappler.com/moveph/news-campaigns-updates-human-rights-situation-philippines>.

## **Pandemic heightens long-term neglect**

In the Philippines and across other cultures and societies, women and LGBTQ people are especially susceptible to violence -- because of discrimination against their class, their gender, and their beliefs.

Even before the pandemic, the Philippines already had the worst unemployment situation in Asia, with 16 million Filipino women economically insecure. Capitalist profit motives, neoliberal policies, and gendered inequities like unpaid work and absence of due social protection forced three of five women of working age into economic inactivity.<sup>121</sup> LGBTQ people face job discrimination, and the pandemic exacerbated their precarity. During the pandemic police arrest of a properly distanced and masked Pride March was a more open display of hostility.<sup>122</sup>

An overwhelming number of desperate Filipino women have accepted jobs as modern-day slaves in foreign countries.<sup>123</sup> They are bereft of any legal protection from their own government and are left to contend with layers of discrimination, violence, and abuse in their host countries.

The Philippine pandemic management program, crafted and supervised largely by retired and active-service military and police generals, has intensified exposure to gender-based harassment and discrimination, and other forms of abuse.<sup>124</sup>

Women comprise 72 per cent of the country's health care sector. The Duterte government failed to protect them when they were ostracized by communities fearful of infection, prompting churches, the private sector, and women's rights advocacy groups to intervene to provide them with emergency accommodation. Draconian cuts to public transport services stranded tens of thousands of health workers. Women also suffered sexual harassment in police checkpoints.<sup>125</sup>

Faced with widespread hunger during the pandemic, women initiated and managed "community pantries" to help the many in need. The Duterte government responded with mass arrests<sup>126</sup> and threats to withhold aid. Community kitchens were torn down and organizers of community pantries found themselves tagged as terrorist supporters.<sup>127</sup>

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<sup>121</sup> <https://pidswebs.pids.gov.ph/CDN/PUBLICATIONS/pidsdps2022.pdf>.

<sup>122</sup> <https://www.hrw.org/news/2020/06/29/philippines-police-crack-down-lgbt-protest>.

<sup>123</sup> See Document 30 in Annex: Testimony of Joan May Salvador INVESTIGATE PH Hearing, August 3, 2021.

<sup>124</sup> <https://www.rappler.com/newsbreak/in-depth/duterte-shock-and-awe-coronavirus-pandemic-response-generals>.

<sup>125</sup> <https://asiapacific.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2020/04/phil-covid%20gender%20snapshot%20april%202020.pdf?la=en&vs=3508>.

<sup>126</sup> <https://www.rappler.com/nation/feeding-program-volunteers-arrested-marikina-may-2020>.

<sup>127</sup> <https://www.rappler.com/nation/community-pantries-face-red-tagging-april-2021>

Duterte's overt misogyny, backed up by a well-funded state propaganda network, has normalized gender-based abuse in and out of government.<sup>128</sup>

Joan May Salvador testified to an INVESTIGATE PH hearing that year-on-year reported cases of violence against women are at their highest levels in a decade. In 2016, the first year of Duterte's presidency, the number of reported cases of rape was 9,943, which is 53 per cent more than the annual average for the past decade. In 2019, reported incidents of violence against women peaked at 19,743 or 74 cases per day.<sup>129</sup> Duterte provoked outrage on September 7, 2020, when he unconditionally pardoned U.S. Marine Scott Pemberton who had served just over half of a 10-year sentence for killing Jennifer Laude, a transgender woman, in Olongapo City in 2014.<sup>130</sup>

Economic stress in families, the offshoot of lopsided state priorities, opened poor women to domestic abuse. According to the PSA, spousal or partner violence committed against women in lower decile incomes is at 31.6 per cent, compared to 18.3 per cent of women from highest income households. It comes as no surprise that 25 per cent of Filipino adults cite violence against women as among the most pressing problems during the current health crisis.<sup>131</sup>

Duterte's war against the poor and his militaristic response to the pandemic have provided added fertile ground for rampant abuses by state security forces<sup>132</sup> who are quick to follow their Commander-in-Chief's misogynist and sexist orders.

Since the start of the PNP's anti-illegal drugs campaign, 13 policemen have been named in eight rape cases, 13 cases of acts of lasciviousness, and a case of sexual harassment and physical assault against women. "It is indeed contemptible that while the police try to justify the war on drugs as a way to curb the prevalence of rape in the country, members of the PNP themselves are raping women and committing other forms of sexual abuse under a regime that blatantly disregards women's rights and promotes a culture of impunity and abuse of authority," Salvador said.

GABRIELA itself has been maliciously red-tagged and its leaders and members branded as terrorists.<sup>133</sup> They face surveillance and harassment. Several members were arrested and charged with trumped-up charges and some were killed.<sup>134</sup> Gabriela Women's Partylist, the sole women's sectoral party in the Philippine Congress for 17 years now, faces disqualification by an administration desperate to prevent it from running and winning seats again in the 2022 congressional elections.<sup>135</sup>

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<sup>128</sup> <https://mb.com.ph/2020/06/30/hontiveros-criticizes-duterte-for-normalizing-and-trivializing-rape/>

<sup>129</sup> Responsible Parenthood and Reproductive Health Annual Report (2020).

<sup>130</sup> <https://www.bbc.com/news/world-asia-54063247>.

<sup>131</sup> Philippine Population Commission (06 March 2021).

<sup>132</sup> <https://www.rappler.com/nation/women-say-were-tortured-secret-room-cebu-city-police-station>

<sup>133</sup> <https://newsinfo.inquirer.net/1351573/parlade-claims-gabriela-part-of-terrorist-organization>.

<sup>134</sup> <https://www.rappler.com/nation/gabriela-official-beatrice-belen-arrested-cordillera-october-2020>.

<sup>135</sup> <https://www.manilatimes.net/2021/08/19/news/national/esperon-sees-ouster-of-gabriela/1811534>;  
<https://www.rappler.com/nation/elections/gabriela-files-manifestation-intent-participate-2022-elections>.

### 3.4 Rights of Urban Poor People

President Rodrigo Duterte's government has used the COVID-19 pandemic as a catch-all excuse for neglecting the needs of poor Filipinos. But even before one of the world's longest and most draconian lockdowns wrought economic havoc,<sup>136</sup> Duterte had left economically vulnerable citizens at the tail-end of his priorities.<sup>137</sup>

#### COVID-19 pandemic impact on income, nutrition

A study of the effects of the pandemic conducted by a coalition of groups working with the United Nations Development Program Philippines (UNDP PH) found 69 per cent of urban poor respondents to a survey earned below Php 10,000 (US\$200) per month in 2019, roughly at the country's poverty level, while 28 per cent were in the near poor category earning from Php 10,000 (US\$200) to 30,000 (US\$600) a month.<sup>138</sup>

A report by the economic think tank IBON Foundation, published just at the start of the Philippines' COVID-19 lockdown, said 16.6 per cent of the population or 17.6 million people lived in extreme poverty in 2018.<sup>139</sup> Food insecurity among Filipino households was at 64.1 per cent in 2019.<sup>140</sup>

During the INVESTIGATE PH hearing, Salvador pointed out the growing phenomenon of unpaid family work and informal self-employment among Filipinos. According to her, one in every two women who are considered employed actually belongs to the informal sector with very low wages and no job security, pushing them to seek multiple jobs. The total lockdown in 2020 due to the pandemic left 2.6 million from the informal sector without livelihood, the majority of whom are women.<sup>141</sup>

The capital's 70,000 jeepney drivers are protesting "reforms" that would force them to replace their public utility vehicles with unaffordable new models. Duterte told them that he did not care if they went hungry.<sup>142</sup>

Duterte signed in 2019 the Magna Carta for the Poor (Republic Act No. 11291),<sup>143</sup> promising to harness the entire bureaucracy to ensure that poor Filipinos receive

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<sup>136</sup> <https://www.sws.org.ph/swsmain/artclisppage/?artcsyscode=ART-20210725144428>.

<sup>137</sup> <https://www.rappler.com/voices/thought-leaders/record-rise-hunger-pandemic-duterte-aids-rich-big-businesses>.

<sup>138</sup> <https://www.ph.undp.org/content/philippines/en/home/library/poverty/covid-pulse-ph---urban-poverty-in-the-time-of-the-pandemic0.html>.

<sup>139</sup> <https://www.ibon.org/the-pre-covid-19-plight-of-the-poor-and-governments-old-ways/>.

<sup>140</sup> <https://www.dost.gov.ph/knowledge-resources/news/72-2021-news/2207-more-food-insecure-families-during-covid-19-pandemic-dost-fnri-survey-reveals.html>.

<sup>141</sup> See Document 30 in Annex: Testimony of Joan May Salvador INVESTIGATE PH Hearing, August 3, 2021.

<sup>142</sup> <https://www.philstar.com/headlines/2017/10/17/1749971/duterte-threatens-drivers-operators-modernize-jeepneys-or-get-towed>.

<sup>143</sup> <https://www.officialgazette.gov.ph/downloads/2019/04apr/20190412-RA-11291-RRD.pdf>.

adequate food, especially during times of calamities and disasters, decent work, relevant and quality education, adequate housing and the highest attainable standard of health.<sup>144</sup>

Yet the Duterte government's track record is a long series of deliberate attacks on the urban poor, said Mimi Doringo, the Secretary-General of *Kadamay*, the National Alliance of Filipino Urban Poor, to an INVESTIGATE PH hearing.

### **War on the poor in the guise of “drug war”**

Doringo testified to the widespread fear among the urban poor because of Duterte's anti-illegal drug operations, a fear extensively reported on in the INVESTIGATE PH *Initial* and *Second Reports*. She pointed out that Duterte ignored surveys showing that 94 per cent of Filipinos wanted drug suspects captured alive, with almost 80 percent saying they feared being killed in his drug war.<sup>145</sup>

“Even before the harsh community quarantines established in March last year, Duterte's oppressive regime already had poor Filipinos living in fear behind its crosshairs,” Doringo said.<sup>146</sup>

### **Displacement of communities and demolition of housing**

Duterte's notion of public service revolves around patronage. He has been extremely hostile to organized campaigns for change.

Duterte has denied the urban poor their right to adequate housing as enshrined in the UDHR.<sup>147</sup> One of every four people in Metro Manila lives in informal settlements,<sup>148</sup> bereft of shelter security. Profit-driven infrastructure projects under Duterte's flagship “Build Build Build” program have spawned demolitions even during the pandemic. All these violate RA 7279, the Urban Development and Housing Act of 1992.<sup>149</sup>

During her testimony Doringo, citing data from the Presidential Commission on Urban Poor, said more than half a million families will lose their homes by 2022. The number, she added, reflects the fallout from only 15 urban developments.<sup>150</sup> The Duterte government has a nationwide list of 75 flagship projects affecting the urban poor. It has already started the relocation of more than 200,000 families in the capital to make way for the restoration of Manila Bay, with 50,000 homes to be torn down by year end.<sup>151</sup>

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<sup>144</sup> <https://news.abs-cbn.com/news/05/24/19/duterte-signs-law-that-aims-to-help-uplift-poor>.

<sup>145</sup> <https://www.rappler.com/nation/sws-capture-drug-suspects-alive-sept-2017>.

<sup>146</sup> See Document 39 in Annex: Testimony of Mimi Doringo, INVESTIGATE PH Hearing, August 3, 2021.

<sup>147</sup> [https://www.ohchr.org/documents/publications/fs21\\_rev\\_1\\_housing\\_en.pdf](https://www.ohchr.org/documents/publications/fs21_rev_1_housing_en.pdf).

<sup>148</sup> <https://www.worldbank.org/en/news/speech/2015/09/07/making-in-city-resettlement-work-for-the-poor>.

<sup>149</sup> <https://www.officialgazette.gov.ph/1992/03/24/republic-act-no-7279/>.

<sup>150</sup> See Document 39 in Annex: Testimony of Mimi Doringo, INVESTIGATE PH Hearing, August 3, 2021.

<sup>151</sup> <https://news.mongabay.com/2019/10/manilas-informal-settlers-face-relocation-in-exchange-for-clean-bay/>.

Resettlement to the edge of urban areas increases poverty levels among the urban poor by forcing them into long, expensive commutes to workplaces.<sup>152</sup> Government agencies acknowledge that more than half of the new home sites lack potable water supplies, forcing new expenses that poor families cannot afford. Buildings are substandard and too expensive, with “low-cost socialized” housing selling for Php 450,000 (US\$9,022), with monthly amortization of Php 300 (US\$6) to Php 1,000 (US\$20) imposed on families earning subsistence incomes.<sup>153</sup> Doringo testified that because of this many choose to leave the housing sites and return to the cities even just to live on the streets where they can make a small income. So the cycle of displacement will begin all over again.<sup>154</sup>

When 6,000 families, many affiliated with Kadamay, occupied substandard housing in Bulacan that police beneficiaries have ignored for years, an irate Duterte ordered police to shoot other homeless families planning to take over similar abandoned housing.<sup>155</sup>

The swift pace of urban displacement contrasts with budgetary slowdowns, with Duterte slashing the Housing and Resettlement budget by 76 per cent since he assumed office. Doringo testified that this has led the overall housing backlog in the country to balloon to 6.7 million from 5.5 million.<sup>156</sup>

### **Pandemic lockdown horrors**

The Philippines’ management of the COVID-19 pandemic demonstrates Duterte’s governance style: fear over needs. Preparations for the lockdown that started in March 2020 left the urban poor out in the cold.

The sudden economic shutdown left 5.6 million low-income earners and small-scale entrepreneurs stranded in the capital with no income.<sup>157</sup>

Generals assigned to implement the lockdown ordered people indoors and police started arresting residents who ventured out to alleys, disregarding the fact that many urban poor families depend on outdoor community water sources.<sup>158</sup> Around 400,000 Metro Manila families or 14.1 per cent live in shanties of less than 10 square meters, where people do all their living activities in one room.<sup>159</sup>

Between March and September 2020, the government arrested more than 100,000 persons. Many, unable to produce bail, were thrown into congested detention centers

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<sup>152</sup> <https://www.rappler.com/voices/thought-leaders/build-build-build-program-evicting-urban-poor-families>.

<sup>153</sup> <https://www.ibon.org/private-sector-led-housing-program-undermines-meager-housing-budget-ibon-facts-figures-excerpt/>.

<sup>154</sup> See Document 39 in Annex: Testimony of Mimi Doringo, INVESTIGATE PH Hearing, August 3, 2021.

<sup>155</sup> <https://www.rappler.com/nation/kadamay-housing-issue-briefer>.

<sup>156</sup> See Document 39 in Annex: Testimony of Mimi Doringo, INVESTIGATE PH Hearing, August 3, 2021.

<sup>157</sup> <https://spotlight.licas.news/poor-left-out-in-the-cold-in-philippines--race-to-stem-coronavirus-spread/index.html>.

<sup>158</sup> <https://thediplomat.com/2020/04/the-philippines-coronavirus-lockdown-is-becoming-a-crackdown/>.

<sup>159</sup> <https://opinion.inquirer.net/87655/solving-the-slum-problem>.

where they languished in conditions conducive to the spread of COVID-19, waiting to be cleared by courts working at half capacity.<sup>160</sup>

The government again showed lopsided fiscal priorities that favored state security forces but reduced aid to economically vulnerable sectors, driving working-class families to homelessness and utter destitution.<sup>161</sup> Even the so-called middle class has seen purchasing power diminished and small entrepreneurs face bankruptcy.<sup>162</sup>

Duterte boasted of aid in the early days of the pandemic but quickly whittled down what locked-down citizens could receive to Php 4,000 (US\$80), less than one-half of a month's salary on minimum wage stretched out for three months. The daily minimum wage in the capital is Php 537 (US\$10.76). IBON's computation of the living wage - what a family of five needs - is Php 1,065 (US\$21.34) per day or Php 25,091 (US\$502.95) per month.<sup>163</sup>

Congress gave Duterte emergency powers, including over the national budget. But in August 2021, the Commission on Audit said the Department of Social Welfare and Development (DSWD) failed to utilize Php 780.712 million (US\$15.64 million) in funds for the social amelioration program (SAP), which means 195,000 families were deprived of aid.<sup>164</sup>

Official government statistics show that six out of 10 households experienced moderate to severe food insecurity, a situation that peaked between April and May 2020 during the Enhanced Community Quarantine. Unemployment forced families to purchase food on credit, borrow food from neighbors, and barter personal items for food.<sup>165</sup>

Abusive enforcement of pandemic rules led to more than 900 complaints alleging torture, inhumane treatment, arrests, or detention lodged with the Philippines' Commission on Human Rights.<sup>166</sup>

People protested and Duterte then red-tagged them. "Despite the change in tags, from 'drug addict' to 'communist rebels', urban poor communities remain as targets of Duterte's attacks. Progressive urban poor community leaders have become prime subjects for stalking, harassment, and summary execution by state forces," Doringo said.

Kadamay's Secretary General Carlito 'Karletz' Badion was gunned down by police and military agents in his home in Leyte amid the strict community quarantines last year,

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<sup>160</sup> <https://www.rappler.com/nation/arrested-quarantine-violators-philippines-2020>.

<sup>161</sup> <https://www.rappler.com/newsbreak/in-depth/duterte-2021-budget-priorities-infrastructure-coronavirus-pension>.

<sup>162</sup> <https://www.rappler.com/business/adb-study-philippines-closures-layoffs-peers-coronavirus-pandemic>.

<sup>163</sup> <https://www.ibon.org/the-family-living-wage-as-of-july-2021/>.

<sup>164</sup> <https://newsinfo.inquirer.net/1473458/dswd-deprived-poor-of-p780m-in-cash-aid#ixzz743aLVLj5>.

<sup>165</sup> <https://www.dost.gov.ph/knowledge-resources/news/72-2021-news/2207-more-food-insecure-families-during-covid-19-pandemic-dost-fnri-survey-reveals.html>.

<sup>166</sup> <https://www.businessinsider.co.za/philippines-police-arrested-people-for-breaching-lockdown-2020-7>.

with his body later found in a shallow grave by a riverbank.<sup>167</sup> He was a hard-working, steadfast advocate of urban poor housing rights, who led the barricades at Sitio San Roque in 2010 and 2014,<sup>168</sup> and the Occupy Bulacan movement in 2017, where 12,000 homeless people took over 6,000 vacant or abandoned homes set aside for police and military.<sup>169</sup>

Inhabitants of urban poor communities, have also been subjected to harassment, trumped-up charges, illegal arrests, illegal raids, kidnapping, torture, and summary executions.<sup>170</sup> John Griefen Arlegui, and Reynaldo Remias Jr., two urban poor residents from Pandi, Bulacan, were kidnapped in broad daylight in April 2019 by armed men believed to be police agents in civilian clothes.<sup>171</sup>

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<sup>167</sup> <https://newsinfo.inquirer.net/1283656/police-find-body-of-slain-kadamay-leader-in-leyte>.

<sup>168</sup> <https://www.gmanetwork.com/news/news/metro/345793/29-hurt-9-arrested-in-clashes-at-quezon-city-demolition/story/>.

<sup>169</sup> <https://www.rappler.com/nation/kadamay-housing-issue-briefer>.

<sup>170</sup> See Document 39 in Annex: Testimony of Mimi Doringo, INVESTIGATE PH Hearing, August 3, 2021.

<sup>171</sup> <https://www.bulatlat.com/2019/04/16/2-abducted-urban-poor-activists-surfaced-in-bulacan-police-detention/>.

## Chapter 4: Violations of Social and Cultural Rights under Duterte

In addition to the violations of economic and social rights outlined above, the Duterte administration's violations of social and cultural rights have had a devastating impact on the Filipino people. Social and cultural rights are those collective rights that allow for people to determine their actions in line with their convictions and culture<sup>172</sup>, as well as those that apply to specific types of people or to specific sectors because of their unique social and cultural positions, such as indigenous peoples (IPs). These social and cultural rights also include access to education, all forms of cultural and artistic expression, freedom of expression and the benefits of scientific advances.

### 4.1 Rights of Children

The social and cultural rights of children are violated when the economic conditions of their families prevent their healthy development and education and when their uniqueness as children is disregarded in security forces' violent attacks against them in the course of anti-drug and counter-insurgency operations.

The ICESCR calls for "the protection of the family, especially when caring for dependent children" (Article 10), the UDHR requires "special care and assistance" be given during motherhood and childhood (Article 24), and the UN Convention on the Rights of the Child<sup>173</sup> requires that "Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age" (Article 37: C). Furthermore, the Philippine Constitution asserts that the State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development.<sup>174</sup> Republic Act 7610 says that the best interests of children shall be the paramount consideration in all actions concerning them.<sup>175</sup> Philippine law requires that the right of every child, accused of any crime, shall be treated in a manner consistent with the promotion of the child's sense of dignity and worth.<sup>176</sup> All such necessary considerations of children are violated when these children are killed, sexually abused, and forcibly removed from their parents at the cost of their health and life, and also when their basic needs of shelter, food, clothing and medical care are not met because of their economic marginalization.<sup>177</sup>

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<sup>172</sup> <https://www.ohchr.org/EN/Issues/ESCR/Pages/ESCRIndex.aspx>.

<sup>173</sup> <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

<sup>174</sup> Article XV Section 3, <https://www.officialgazette.gov.ph/constitutions/the-1987-constitution-of-the-republic-of-the-philippines/the-1987-constitution-of-the-republic-of-the-philippines-article-xv/>.

<sup>175</sup> <https://pcw.gov.ph/republic-act-7610-special-protection-of-children-against-abuse-exploitation-and-discrimination-act/>.

<sup>176</sup> [https://www.lawphil.net/statutes/repacts/ra2006/ra\\_9344\\_2006.html](https://www.lawphil.net/statutes/repacts/ra2006/ra_9344_2006.html).

<sup>177</sup> <https://www.childrenscolorado.org/conditions-and-advice/parenting/parenting-articles/what-children-need/>.

## Police and state violence against children

Duterte launched his all-out “war on drugs” on June 30, 2016, promising to save Filipino children. Yet scores of children have died in this war against the poor, and not only incidentally.<sup>178</sup>

With hardly any credible evidence submitted to courts or agencies mandated to care for children in conflict with the law, police have targeted children in the brutal “tokhang” campaign during anti-drug operations.<sup>179</sup> Eule Rico Bonganay, Secretary General of *Salinlahi Alliance for Children’s Concerns*, stated in his testimony to an INVESTIGATE PH hearing that contrary to what the police have been persistently claiming, children are direct targets of these police operations and not just mere collateral damage.<sup>180</sup>

In 2019, Duterte turned Negros Island into a killing field and the youngest victim was Marjun Ocampo, a 1-year-old child.<sup>181</sup> Jhun Mark Acto, a 15-year-old child, who was maliciously branded as NPA, was killed in Davao del Sur on April 21, 2018.<sup>182</sup> On August 16, 2017, Kian Delos Santos, a 17-year-old boy, was killed by police in an alleged anti-drug operation. Had it not been for the CCTV camera footage, the three policemen involved in the killing would most probably not have been convicted – the first and only ever conviction of officers in the Philippines in relation to the “drug war”.<sup>183</sup> But most of the cases involving children slain by the police and state agents have not only been ignored in government investigations. Authorities actually try to block efforts to seek justice for these killings. Furthermore, as part of his anti-drug campaign, Duterte started moves to rollback gains made for Filipino children, including the Juvenile Justice and Welfare Act. He called for the lowering of the age of minimum criminal responsibility from 15 to 12,<sup>184</sup> modifying his initial plan of 15 to 9 only after pushback from politicians and campaigners.<sup>185</sup> This proposed legislation could also result in children being arrested and detained in the already overcrowded and dangerous adult detention centers.<sup>186</sup>

The rights of children are violated, not only in anti-drug operations, but also in the police’s militarized response to the COVID-19 pandemic. In July 2020, Fabel Pineda, a 15-year-old girl, who violated quarantine curfew, was molested by the policemen who

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<sup>178</sup> <https://www.hrw.org/report/2020/05/27/our-happy-family-gone/impact-war-drugs-children-philippines>.

<sup>179</sup> See Document 40 in Annex: Testimony of Eule Rico Bonganay, INVESTIGATE PH Hearing August 5, 2021.

<sup>180</sup> See Document 40 in Annex: Testimony of Eule Rico Bonganay, INVESTIGATE PH Hearing August 5, 2021.

<sup>181</sup> See Document 40 in Annex: Testimony of Eule Rico Bonganay, INVESTIGATE PH Hearing August 5, 2021.

<sup>182</sup> <http://davaotoday.com/main/human-rights/mother-laments-soldiers-killing-of-her-son-belies-he-was-an-mpa/>.

<sup>183</sup> <https://www.hrw.org/news/2018/11/29/first-conviction-officers-philippines-drug-war>.

<sup>184</sup> <https://www.amnesty.org/en/latest/news/2019/02/philippines-lowering-criminal-age-to-12-will-endanger-childrens-lives/>.

<sup>185</sup> <https://www.rappler.com/nation/house-2nd-reading-lowering-minimum-age-criminal-responsibility>.

<sup>186</sup> <https://www.theguardian.com/world/2019/jan/24/rodrigo-duterte-seeks-to-cut-age-of-criminal-responsibility-to-12-as-part-of-drug-war>.

<https://www.nytimes.com/2019/01/22/world/asia/philippines-juvenile-justice-law.html>.

held her in custody. After filing rape charges against the cops, Fabel was gunned down.<sup>187</sup> On March 26, 2020, two children were locked in a coffin in Cavite and on March 20, five young people were locked inside a dog cage, in both instances for allegedly violating quarantine protocols.<sup>188</sup> Article 37 of the UN Convention on the Rights of the Child requires States to ensure that “no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment” - a right which is grossly violated in these cases.<sup>189</sup>

The state’s counterinsurgency operations also lead to the deaths of children and the violations of their rights. The November 2019 arrest of human rights worker and Kadamay political activist, Reina Mae Nasino, led to the death of her baby, from whom she was forcibly separated only a month after her birth in prison.<sup>190</sup> This separation was mandated by prison authorities, even after health experts recommended exclusive breastfeeding. In less than two months, Baby River died due to respiratory disease, a condition which could have been prevented had she been properly nourished by her mother’s breast milk.<sup>191</sup> Similarly, in September 20, 2020, a peasant rights advocate in Negros Oriental, Nona Espinosa was arrested.<sup>192</sup> Three days after giving birth in prison, Espinosa and her baby were separated. Baby Carlen died due to an infection in the lungs and blood after being hospitalized for a few days because of low hemoglobin count.<sup>193</sup>

Beyond these deaths, the Duterte administration has created such dire conditions through their war on the poor,<sup>194</sup> their war on dissent, war on the Moro people,<sup>195</sup> their militarized response to the pandemic and their economic policies that the rights of children are also being violated in daily life. In anti-drug operations, tens of thousands of breadwinners and caregivers were slain, forcing many children to drop out of school and start working and living on the streets. These children also suffer the debilitating emotional, psychological, and economic effects of the violence,<sup>196</sup> despite the assertion in the Philippine Constitution providing for protection to children against all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development. Article 19 of the UN Convention on the Rights of the Child also requires States to “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or

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<sup>187</sup> <https://www.unicef.org/philippines/press-releases/unicef-statement-killing-fabel-pineda>.

<sup>188</sup> <https://www.hrw.org/news/2020/04/03/philippine-children-face-abuse-violating-covid-19-curfew>.

<sup>189</sup> <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

<sup>190</sup> <https://www.bbc.com/news/world-asia-54519788>.

<sup>191</sup> See Document 41 in Annex: Fact Sheet for Case No. 44 from INVESTIGATE PH Initial Report.

<sup>192</sup> <https://centerforwomensresources.org/blog/2021/02/18/on-the-death-of-political-prisoner-nona-espinosas-newborn-baby-carlen/>.

<sup>193</sup> <https://www.rappler.com/nation/another-baby-dies-while-separated-from-imprisoned-mother-negros-oriental>.

<sup>194</sup> See Document 42 in Annex: Testimony of Amy Jane Lee, INVESTIGATE PH Hearing, May 18, 2021 from INVESTIGATE PH Second Report.

<sup>195</sup> InvestigatePH *Second Report War on Moro People*, p. 41.

<https://static1.squarespace.com/static/5fc77138d32fb7060d11df17/t/60e3ad520d88724a92ca8993/1625533805463/Investigate+PH+-+2nd+Report.pdf>.

<sup>196</sup> <https://www.hrw.org/news/2020/06/04/children-have-become-collateral-damage-philippines-drug-war-scarring-generation>.

abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.”<sup>197</sup>

Amid the pandemic and global economic recession, the Philippines is facing a human rights crisis of extreme and unalleviated poverty. As the Philippine government implements neoliberal policies of privatizing basic social services, children from marginalized and vulnerable communities are deprived of access to health and education.<sup>198</sup> This has a direct impact on Filipino children who face many economic challenges that hinder the full realization of their basic rights to survival, development, protection, and participation in social and cultural life. In his testimony to INVESTIGATE PH, Bonganay stated, “The country’s dire socio-economic conditions marred by the declining economic growth, rising unemployment and widespread landlessness have pushed the majority of Filipino families deeper into the quagmire of poverty.” He further noted that, “While nutrition has become more essential during the pandemic, little attention has been given to implement measures addressing child hunger.”

Contrary to his professed love for children, Duterte has shown himself to be their enemy. He has threatened to rain down bombs on Lumad indigenous schools in Mindanao,<sup>199</sup> and encouraged state forces to go after dissenting students<sup>200</sup> as well as their mentors and parents. In the name of pandemic management, security forces have violated the rights of minors through sexual and physical abuse. Since the beginning of the Duterte administration, the government has implemented programs and policies that further victimize Filipino children and their families, and in his State of the Nation Address (SONA) on July 26, 2021, he failed to push for the passage of bills pertaining to the welfare of the children,<sup>201</sup> despite it being the longest SONA since 1986, at two hours and forty-six minutes.<sup>202</sup>

### **Sexual abuse of children**

The 2021 Trafficking in Persons (TIP) report of the U.S. State Department maintained the Philippines at its Tier 1 ranking for “battling human trafficking for six consecutive years.” However, despite having systems to go after traffickers and to assist survivors, Philippine authorities were still unable to hold accountable erring officials who were complicit in the crimes.<sup>203</sup>

The Philippines has long remained a hotspot for sexual exploitation and trafficking, even being dubbed by the United Nations Children’s Fund (UNICEF) the “global epicenter of

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<sup>197</sup> [https://www.unicef-irc.org/portfolios/general\\_comments/GC8\\_en.doc.html#:~:text=Article%2037%20of%20the%20Convention,or%20degrading%20treatment%20or%20punishment](https://www.unicef-irc.org/portfolios/general_comments/GC8_en.doc.html#:~:text=Article%2037%20of%20the%20Convention,or%20degrading%20treatment%20or%20punishment)”.

<sup>198</sup> See Document 40 in Annex: Testimony of Eule Rico Bonganay, INVESTIGATE PH Hearing August 5, 2021.

<sup>199</sup> <https://cnnphilippines.com/news/2017/07/25/Duterte-threatens-to-bomb-Lumad-schools.html?fbclid>.

<sup>200</sup> <https://www.nytimes.com/2021/02/14/world/asia/philippines-university-protests.html>.

<sup>201</sup> <https://www.rappler.com/nation/push-bills-women-welfare-missing-duterte-sona-2021>.

<sup>202</sup> <https://www.rappler.com/nation/duterte-delivers-longest-post-edsa-state-nation-address>.

<sup>203</sup> <https://www.rappler.com/nation/philippines-human-trafficking-us-state-department-report-2021/>.

the live-stream sexual abuse trade.”<sup>204</sup> The pandemic has motivated higher rates of sexual exploitation of children.<sup>205</sup>

## 4.2 Right to Education

The ICESCR specifies that education should be accessible, noting that “primary education will be compulsory and free to all, secondary and higher education shall be generally accessible to all and progressively be made free.” (Article 13). Thus, the lack of access to education because of economic marginalization constitutes a violation of social and cultural rights. The ICESCR also specifies the nature of education in that people have a right “to education directed to the full development of the human personality and the sense of its dignity [which] shall strengthen the respect for human rights and fundamental freedoms, promoting understanding, tolerance, and friendship among all peoples and religions, advancing United Nations’ actions for peace.”

Furthermore, it specifies that education is a foundation on which to build peace and drive sustainable development,<sup>206</sup> and the Philippine Constitution further guarantees that quality education at all levels and accessible education to all shall be promoted and protected<sup>207</sup> and that the education sector shall be assigned with the highest budgetary priority by the State.<sup>208</sup> The Duterte administration has ignored the mandates of these international and national laws -- in terms of both access to and quality of education -- trampling on one of the most basic development rights of children.

### Pandemic impact on enrollment, education budget

With respect to educational access, Professor Judy Taguiwalo, the former Secretary of Social Welfare and Development, said in her testimony to INVESTIGATE PH: “The pandemic has led to a drop in enrolment figures for basic education in SY 2020-21 compared to SY 2019-2020. Private school enrollment went down from 4.3 million to 2.2 million, a decline of 2.08 million students. While public schools enrolment increased from 22.6 million to 22.7 million - an increase of 192,000 - a 1.9 million net decrease in enrolment in basic education was recorded.”<sup>209</sup> The lack of concern and the cut in the education budget by the Duterte administration as its response to the COVID-19 pandemic has exacerbated the long-standing economic, social and educational inequalities which have contributed further to the violation of the right to education of Filipino children and youth.<sup>210</sup>

In her testimony, Professor Judy Taguiwalo shared the findings of the National Union of Students in the Philippines (NUSP), an alliance of student councils/governments in the

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<sup>204</sup> <https://www.rappler.com/nation/online-sexual-exploitation-children-philippines-tripled-3-years>.

<sup>205</sup> <https://www.rappler.com/nation/luzon/mother-arrested-livestreaming-sexual-abuse-daughters-october-31-2020>.

<sup>206</sup> <https://unesdoc.unesco.org/ark:/48223/pf0000366556>.

<sup>207</sup> <https://www.officialgazette.gov.ph/constitutions/1987-constitution/>, Article XIV Section 1.

<sup>208</sup> <https://www.officialgazette.gov.ph/constitutions/1987-constitution/>, Article XIV Section 5. (5).

<sup>209</sup> See Document 43 in Annex: Testimony of Professor Judy Taguiwalo, INVESTIGATE PH Hearing August 5, 2021

<sup>210</sup> <https://www.rappler.com/voices/thought-leaders/analysis-why-you-should-be-alarmed-duterte-2021-budget>.

Philippines. According to NUSP's findings, prior to the pandemic, out of every 100 Grade 1 enrollees, 64 will finish elementary, 56 will enroll in junior high school, 24 will finish junior high school, 18 will finish senior high school, 12 will enroll in college/technical education but only 7 will get a college degree/diploma/certificate.<sup>211</sup>

### **Red-tagging schools, teachers, universities**

On the other hand, the red-tagging of schools and educators as well as the restriction of civic space on university campuses violates rather than protects educational spaces in which respect for human rights and dignity is strengthened.<sup>212</sup>

In January 2021, the Department of National Defense (DND), with the support of Duterte, ended its decades-long accord with the University of the Philippines (UP) which prohibits state forces from entering its campuses without prior notification to UP officials. The government justified this action with unproven claims that UP is recruiting members to the communist movement.<sup>213</sup> Barely more than a week after the DND unilaterally ended this accord, the "red-tagging" of universities started up again.<sup>214</sup> Brigadier General Antonio Parlade Jr., Assistant Deputy Chief of Staff for Operations of the Armed Forces of the Philippines (AFP) and Spokesperson for NTF-ELCAC, claimed that the CPP is recruiting members in more than 10 universities in Manila through screenings of martial law films.<sup>215</sup> This is not the first time the Duterte administration has red-tagged universities. In October 2018, after students' massive protest against authoritarianism and dictatorship, the AFP issued a statement naming 18 universities as infiltrated by communists and being part of the so-called Red October plot to oust the President, without presenting any credible proof.<sup>216</sup>

Following Duterte's declaration of Martial Law in Mindanao in May 2017, an increased military presence in indigenous Lumad communities caused fear among students and prevented them from going to school. At a press conference, Duterte warned Lumads to steer clear of community schools without permits from the Department of Education, claiming they taught subversion and communism to their students and that he would not hesitate to drop explosives on the schools if they continued to operate.<sup>217</sup>

Unions in the public sector like the Alliance of Concerned Teachers (ACT) and the Alliance of Health Workers (AHW) were branded as communist fronts. In the last days

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<sup>211</sup> Testimony of Professor Judy Taguiwalo, INVESTIGATE PH Hearing, August 5, 2021; <https://www.facebook.com/NUSPhilippines/videos/400697670888832>, The Philippine Education Ladder, Raoul Manuel, National Union of Students of the Philippines, June 1, 2020, cited at 53 minutes into the zoom video.

<sup>212</sup> Testimony of Professor Sarah Raymundo INVESTIGATE PH Hearings May 27, 2021.

<sup>213</sup> <https://www.philstar.com/headlines/2021/01/18/2071363/dnd-ends-accord-prohibiting-state-forces-campus-report>.

<sup>214</sup> <https://cnnphilippines.com/news/2021/1/24/Four-Manila-universities-slam-military-official-s--red-tagging--.html>.

<sup>215</sup> <https://cnnphilippines.com/news/2018/10/03/Red-October-AFP-schools.html>.

<sup>216</sup> See Document 43 in Annex: Testimony of Professor Judy Taguiwalo, INVESTIGATE PH Hearing August 5, 2021; <https://news.abs-cbn.com/news/10/03/18/afp-bares-metro-manila-schools-linked-to-red-october>

<sup>217</sup> <https://cnnphilippines.com/news/2017/07/25/Duterte-threatens-to-bomb-Lumad-schools.html?fbclid>.

of 2018, the police requested an “inventory of all public and private teachers who are members or aligned with ACT.” As a result, three educators were jailed while ACT members from all over the country have suffered from anxiety over profiling and continuous harassment.<sup>218</sup>

These attacks on organizations of teachers and the red tagging of academic institutions, personnel and students, the military occupation of rural schools and the closure of Lumad schools are evidence of the violations of ICESCR by the Duterte regime. Professor Taguiwalo noted in her testimony that, “The enjoyment of the right to education in the country and its related rights such as freedom of assembly and academic freedom have clearly been violated by the Duterte government.” This is a clear violation of Article 26 of the UDHR which states that everyone has the right to education and that “Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.”<sup>219</sup> The Philippine Constitution states that education should be directed to the development of the child's personality, talents and abilities, the respect for human rights and fundamental freedoms, responsible life in a free society, understanding, tolerance and equality, and the development of respect for the natural environment.<sup>220</sup>

### 4.3 Religious Freedom

Article 18 of the UDHR specifies that “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”<sup>221</sup>

Further, the Philippine Constitution guarantees that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed.<sup>222</sup> Yet both Christians and Muslims in the Philippines have had this freedom violated.

In his testimony to INVESTIGATE PH Most Rev. Gerardo Alminaza, Bishop of the Catholic Diocese of San Carlos, Negros Occidental, gave evidence for why serving the poor and oppressed constitutes a manifestation of one's religion in “practice” and “observance.”<sup>223</sup> He stated that many Christians, whether Roman Catholic, Protestant, Evangelical, or Non-Roman Catholic, consider social justice, peace, and valuing the fullness of life to be central to their religious beliefs and practice. For the Roman

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<sup>218</sup> See Document 44 in Annex: Testimony of Raymond Basilio, INVESTIGATE PH Hearing, May 25, 2021 from INVESTIGATE PH Second Report.

<sup>219</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23977&LangID=E>.

<sup>220</sup> Article 29 of the UN Convention on the Rights of the Child, <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

<sup>221</sup> <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

<sup>222</sup> Article III, Section 5 <https://www.officialgazette.gov.ph/constitutions/1987-constitution/>.

<sup>223</sup> See Document 45 in Annex: Testimony of Bishop Gerardo Alminaza, INVESTIGATE PH Hearing, August 5, 2021.

Catholic Church, Bishop Alminaza cited the *Compendium of the Social Doctrine* to demonstrate that their mission and ministries must include work to protect human rights and freedoms and to recognize the need for political reforms when the government does not protect these rights and freedoms. Other denominations, as expressions of their belief in defending the dignity of every person, have their own witness and service to people that mirror that of the Roman Catholic's. The attacks against churches and church leaders, who are working to protect the rights and freedoms of the marginalized sectors including the IPs and the urban poor, are not only violations of civil and political rights, but also violations of the religious freedom to exercise ministries oriented towards social justice.<sup>224</sup>

### **Red-tagging prelates, nuns, pastors, lay church workers**

In several instances, Duterte himself and military and police officials have directly attacked prelates,<sup>225</sup> nuns,<sup>226</sup> pastors and lay church workers<sup>227</sup> as members of terrorist groups or protectors of terrorists and drug lords, because of their work serving the poor and marginalized. Beyond this, various human rights violations have been committed against churches and church people who are pursuing their ministry based on their faith.<sup>228</sup> "Church people, ministries, and faith-based organizations experience threat, harassment, and intimidation for providing support and relief to communities and individuals whose rights have been violated by the different anti-people, anti-poor campaigns of the Duterte administration," said Bishop Alminaza. In his own Diocese of San Carlos, Zara Alvarez, a lay church activist and the former education director of Karapatan, died on the spot after being shot six times last August 17, 2020.<sup>229</sup>

A warrant of arrest was issued in December 2019 against Sr. Elenita "Ellen" Belardo, a Religious of the Good Shepherd (RGS) nun and the former National Coordinator of the Rural Missionaries of the Philippines (RMP) as "retaliation", evidently in reprisal for the petitions for writs of amparo and habeas data filed against ranking military officials involved in red-tagging.<sup>230</sup> The General Secretary of the *National Council of Churches in the Philippines* (NCCP), Bishop Reuel Norman Marigza, spoke out against the ATA. His photos were posted twice without his knowledge and consent by a Facebook troll page "Timek ti Cagayan" (Voice of Cagayan), maliciously implicating him as a "communist".<sup>231</sup>

United Church of Christ in the Philippines (UCCP) Bishop Hamuel Tequis, Rev. Daniel Palicte, Ephraim Malazarte, Jong Monzon, Secretary-General of Pasaka Confederation of Lumad Organizations in Southern Mindanao (Pasaka-SMR), Lindy Trenilla, and

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<sup>224</sup> See Document 45 in Annex: Testimony of Bishop Gerardo Alminaza, INVESTIGATE PH Hearing, August 5, 2021.

<sup>225</sup> <https://www.rappler.com/newsbreak/in-depth/duterte-word-became-flesh-kill-bishops>

<sup>226</sup> <https://news.abs-cbn.com/focus/11/28/17/church-workers-programs-under-fire-as-duterte-govt-steps-up-attacks-on-reds>.

<sup>227</sup> <https://www.pcp.ph/blog/mission-in-peril-red-tagging-the-religious-sector-in-the-philippines>.

<sup>228</sup> Testimony of Bishop Gerardo Alminaza, INVESTIGATE PH Hearing, August 5, 2021.

<sup>229</sup> <https://www.aljazeera.com/news/2020/8/19/human-rights-leader-killed-in-philippine-war-against-dissent>.

<sup>230</sup> <https://www.bulatlat.com/2019/12/06/fiscal-urged-to-drop-perjury-charges-against-80-year-old-nun/>.

<sup>231</sup> <https://nccphilippines.org/2020/08/06/stop-the-red-tagging-concentrate-on-the-healing/>.

Grace Avila have been slapped with criminal charges in the exercise of their missions.<sup>232</sup> They were indicted for alleged child abuse under Republic Act No. 7610. The case against UCCP-Haran's administrators is pending before the Davao Regional Trial Court, which ordered their arrest in April 2021. Authorities have accused the UCCP-Haran of harboring communist NPA rebels and of allegedly serving as a training and recruitment ground for the communist rebel movement.<sup>233</sup>

Amid the pandemic and its economic fallout, a community-initiated food bank, popularly known as "community pantry", was initiated to contribute food and other necessities to be taken free by anyone who needs them. Various religious groups joined the effort by putting up their own community pantries. On April 20, 2021, however, the Quezon City Police District and the NTF-ELCAC linked the initiative to the communist movement.<sup>234</sup> Security forces visited and inappropriately questioned Roman Catholic priest and former Executive Secretary of Caritas Philippines, Fr. Edwin Gariguez, and Rev. Glofie Baluntong, District Superintendent of the United Methodists Church in Mindoro, while both religious leaders were leading relief and development ministries with the Mangyan communities in Mindoro. Several other humanitarian missions of faith-based organizations have also been vilified and red-tagged.<sup>235</sup>

### **Duterte's personal abuse of religion**

Duterte himself dismisses the faith-based practices of Christian missionaries and leaders and attacks them verbally and legally when their missions run contrary to his agenda. In 2019, Duterte denounced bishops as "sons of bitches," "gay," and "mga babaero"/womanizers.<sup>236</sup> Duterte even blasted the Bible's Creation Story by cursing God and remarking "Who is this stupid God?"<sup>237</sup> Sister Patricia Fox, an Australian missionary who spent almost three decades in the Philippines, was forced to leave the country after she denounced Duterte's violent drug war and worked for poor peasants' and workers' rights.<sup>238</sup>

As the national government cracked down on critics by alleging they support communist rebellion, in March 2021 the Anti-Money Laundering Council (AMLAC) froze the bank account of the United Church of Christ in the Philippines Haran Center in Davao City. This account held just Php 72,275.91 (US\$1,447.37), an amount way below the threshold set in the anti-money laundering law.<sup>239</sup> The AMLAC also ordered a 20-

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<sup>232</sup> <http://davaotoday.com/main/human-rights/uccp-bishop-to-ntf-elcac-no-abuse-and-child-trafficking-at-haran-shelter/>.

<sup>233</sup> <https://www.pna.gov.ph/articles/1138318>.

<sup>234</sup> <https://cbcnews.net/cbcnews/help-instead-of-red-tagging-community-pantries-bishop/>.

<sup>235</sup> <https://businessmirror.com.ph/2021/04/25/church-groups-hit-red-tagging-of-humanitarian-missions/>.

<sup>236</sup> <https://www.reuters.com/article/us-philippines-duterte-church-idUSKCN1P41JH>.

<sup>237</sup> <https://www.rappler.com/nation/duterte-stupid-god-bible-story>.

<sup>238</sup> See Document 45 in Annex: Testimony of Bishop Gerardo Alminaza, INVESTIGATE PH Hearing, August 5, 2021.

<sup>239</sup> See Document 46 in Annex: Testimony of UCCP Bishop Hamuel Tequis, INVESTIGATE PH Hearing, May 28, 2021 from INVESTIGATE PH Second Report; <https://www.rappler.com/nation/church-group-condemn-freeze-order-uccp-haran-bank-accounts>.

day freeze on RMP's bank accounts allegedly for financing the NPA.<sup>240</sup> As the RMP sought legal remedy, a forgery case was also leveled against them.<sup>241</sup>

UCCP-Haran has provided sanctuary to the Ata-Manobo people since 2015, when a paramilitary group organized by the Philippine armed forces threatened the Ata-Manobos for resisting logging and plantation projects on their ancestral lands. Duterte made false promises to bring back the Ata-Manobos to safe communities, but later led efforts to curtail their rights, branding them as NPA supporters.<sup>242</sup> The UCCP-Haran Center itself was also falsely accused of child abuse, trafficking, harboring rebels and financing terrorism.<sup>243</sup>

Security forces also red-tagged and attacked the *Iglesia Filipina Independiente* (IFI), declaring some of its prelates as enemies of the state.<sup>244</sup> Many of its leaders, including Obispo Maximo Rhee Timbang, Bishops Felixberto Calang and Antonio Ablon, as well as their priests and lay leaders including Fr. Marco Sulayao of Panay, are frequent targets of red-tagging. Two lay ministers, Erning Aykid in Oriental Mindoro and Briccio Nuevo, Jr. in Negros Oriental were killed for their advocacy on behalf of IPs and farmers.<sup>245</sup>

### **Disregard for Islamic faith**

The testimony to INVESTIGATE PH by the Sultan of Marawi, Abdul Hamidullah T. Atar, highlights how the Marawi siege violated the religious freedoms of the Maranao people. The siege of Marawi City, the only Islamic City in the Philippines, destroyed the city's infrastructure and led to the displacement of over 400,000 Marawi residents, with 127,000 individuals still unable to return.<sup>246</sup> In addition to the loss of an estimated 1,000 civilian lives, and the destruction of homes and schools, religious and cultural sites were also destroyed, including an estimated 25 mosques.<sup>247</sup> Those people displaced from Marawi long to return to their city, but as Sultan Atar noted, the government's "comprehensive plan for Marawi rehabilitation [has] never become inclusive: [it is] culturally insensitive and disrespectful of the rights and dignity of the Internally Displaced Person (IDP) victims." This can be seen in the looting carried out by the AFP during the siege, the government's lack of transparency with respect to the use of foreign and domestic funds for rehabilitation, and the government's plan to build a

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<sup>240</sup> <https://www.bulatlat.com/2021/03/30/group-hits-govt-order-freezing-the-assets-of-lumad-sanctuary/>.

<sup>241</sup> See Document 45 in Annex: Testimony of Bishop Gerardo Alminaza, INVESTIGATE PH Hearing, August 5, 2021.

<sup>242</sup> See Document 46 in Annex: Testimony of UCCP Bishop Hamuel Tequis, INVESTIGATE PH Hearing, May 28, 2021, from INVESTIGATE PH Second Report.

<sup>243</sup> <https://newsinfo.inquirer.net/1413681/group-questions-freeze-order-on-uccp-harans-bank-accounts>.

<sup>244</sup> <https://www.rappler.com/nation/aglipayan-bishop-antonio-ablon-duterte-destroying-church-image>.

<sup>245</sup> See Document 45 in Annex: Testimony of Bishop Gerardo Alminaza, INVESTIGATE PH Hearing, August 5, 2021; <https://newsinfo.inquirer.net/1431586>; <https://newsinfo.inquirer.net/930905/2-village-councilors-found-dead-in-oriental-mindoro>.

<sup>246</sup> <https://www.npr.org/2020/10/23/925316298/over-120-000-people-remain-displaced-3-years-after-philippines-marawi-battle>.

<sup>247</sup> <https://www.npr.org/2019/06/12/731218264/the-philippines-marawi-city-remains-wrecked-nearly-2-years-after-isis-war>.

military camp in ground zero - despite its continued failures to rebuild homes, schools, cultural and religious sites that are meaningful to the Maranao.

As Duterte himself admitted in his final SONA in July 2021, the rehabilitation of the war-torn Marawi City is still “not completed.”<sup>248</sup> Furthermore, City Health Officers refuse to sign death certificates and the authorities’ refuse to allow IDPs to return to the city to continue searching for those missing family members, thus preventing these families from carrying out burials for those lost in a culturally and religiously meaningful way that would allow them some closure in the midst of these gross violations of their rights.<sup>249</sup>

#### **4.4 Rights of Indigenous Peoples**

The marginalization of IPs is situated within broader violations of the social and cultural rights of IPs. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) states that IPs have the right to self-determination (Article 3), the right to the protection of indigenous identities and cultures (Article 8), the right to live on, own and control their lands, territories and resources (Article 10 and Article 26), and to establish and control their educational systems in a culturally appropriate manner (Article 14). UNDRIP also establishes that effective mechanisms for the protection of these rights shall be provided for by the State.<sup>250</sup> Beyond this, in the Philippine Constitution, the State also recognizes and promotes the rights of IP cultural communities within the framework of national unity and development.<sup>251</sup>

These rights are being violated first and foremost through the destruction of ancestral lands and the displacement of IPs from their land -- all of which marginalizes IPs economically, deprives them of their distinct identities, disallows them from continuing cultural practices, disrupts traditional practices of ownership and land management, and prevents indigenous children from receiving culturally appropriate education, or any education whatsoever. In her testimony to INVESTIGATE PH, *BAYAN MUNA* (People First) House Representative and Manobo tribeswoman Eufemia C. Cullamat gave the following comments on the importance of land to the protection of IP rights:<sup>252</sup>

“For indigenous peoples, land is life. Indigenous communities give primary importance to ancestral lands which provide communities with food, medicine, shelter, and many other resources. Rights to land are acquired primarily through the investment of labor and improvements on the land and access and control to it regulated by customary laws

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<sup>248</sup> <https://newsinfo.inquirer.net/1464791/duterte-admits-marawi-rehabilitation-still-not-complete>.

<sup>249</sup> See Document 47 in Annex: Testimony of Sultan Abdul Hamidullah T. Atar INVESTIGATE PH HEARING May 20, 2021, from INVESTIGATE PH Second Report.

<sup>250</sup> [https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf).

<sup>251</sup> <https://www.officialgazette.gov.ph/constitutions/1987-constitution/>, Article II, Section 22.

<sup>252</sup> See Document 48 in Annex: Testimony of Representative Eufemia Cullamat, INVESTIGATE PH Hearing, August 5, 2021.

which have evolved in the communities through time. This is in contrast to state policy that sees most of the ancestral lands, especially the timberland and mineral part of the ancestral domains, as property of the state by virtue of the Regalian doctrine and therefore at the government's disposal, with the view that land is a commodity that can be sold or leased.”

The State's view of land as a commodity can be seen in its approval of development projects and extractive industries including mining, dams, logging and plantations. Such plunder and exploitation has caused IPs to lose their ancestral lands and to be displaced, and contributes to environmental degradation through the destruction of forests, pollution of waters and loss of biodiversity as a result of impacts of extractive industries and agricultural modernization.<sup>253</sup> The effects are social, economic and cultural, and these industries create the conditions through which IPs, who compose of an estimated 10 to 20 per cent of the country's population,<sup>254</sup> have become one of the poorest and most marginalized sectors of Philippine society.

As stated by House Representative Eufemia C. Cullamat, the situation has only worsened under the Duterte administration, and continues to worsen. Despite the promise of change, there is an ongoing plunder of resources in ancestral lands along with intensified violation of IP rights.<sup>255</sup>

### **Plunder and exploitation of ancestral domain**

In 2018, under the Duterte government, the Philippines signed numerous loan agreements with China. These agreements paved the way for the development of the Chico River Pump Irrigation Project, to irrigate 8,700 hectares of agricultural farms in Tuao, Cagayan and Pinukpuk, Kalinga,<sup>256</sup> and the Kaliwa Dam Project, which is set to submerge the villages of Daraitan in Rizal province and Queborosa in Quezon province.<sup>257</sup> Despite the threats to IP communities and the massive damages to the environment and biodiversity,<sup>258</sup> President Duterte declared that he would use “extraordinary powers” to ensure that these projects are pushed through.<sup>259</sup>

After more than six years of delay due to the opposition from environmental and IP groups, the construction of the Jalaur Mega Dam began on April 10, 2019. Opponents cited the dislocation of IP communities, whose villages, farms and ancestral land will be either submerged or indirectly affected by the construction and operation of the dam.<sup>260</sup>

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<sup>253</sup> <https://www.unep.org/news-and-stories/story/indigenous-peoples-and-nature-they-protect>.

<sup>254</sup> <https://www.iwgia.org/en/philippines.html>.

<sup>255</sup> See Document 48 in Annex: Testimony of Representative Eufemia Cullamat, INVESTIGATE PH Hearing, August 5, 2021.

<sup>256</sup> <https://www.philstar.com/nation/2019/05/16/1918333/chico-river-irrigation-project-lacks-ncip-nod-commissioner-says>.

<sup>257</sup> <https://news.mongabay.com/2019/11/a-philippine-tribe-that-defeated-a-dam-prepares-to-fight-its-reincarnation/>.

<sup>258</sup> <https://www.philstar.com/business/science-and-environment/2018/11/29/1872521/kaliwa-dam-will-destroy-sierra-madre-biodiversity>.

<sup>259</sup> [https://iwgia.org/images/yearbook/2020/IWGIA\\_The\\_Indigenous\\_World\\_2020.pdf](https://iwgia.org/images/yearbook/2020/IWGIA_The_Indigenous_World_2020.pdf).

<sup>260</sup> <https://newsinfo.inquirer.net/1431972/jalaur-megadam-ready-by-2024>.

In August 2020, Duterte fast-tracked the Jalaur Mega Dam project.<sup>261</sup> In November 2020, a community leader reported army and police harassment of local residents to the Commission on Human Rights,<sup>262</sup> and on December 30, 2020, security forces killed nine IP leaders in the Tumandok massacre.<sup>263</sup>

Construction of a China-funded hydropower dam, the South Pulangi Hydroelectric Power Plant (PHPP) project, located about three hours north of Davao City, threatens 20 indigenous communities in Southern Mindanao. This project will flood about 7,000 acres of indigenous land in four villages and will affect approximately 30,000 people who live in the area.<sup>264</sup> For many years IP opposition to the PHPP has been met with militarization, harassment, indiscriminate firing and extrajudicial killing.<sup>265</sup>

The Tampakan Project, which has one of the largest copper deposits in the world, has been granted the right to mine around 10,000 hectares within the lands of IPs located at Tampakan, South Cotabato, and Kiblawan in Davao del Sur<sup>266</sup> despite opposition from members of the B'laan tribe who have warned of the potential destruction of watersheds and farms.<sup>267</sup>

To make things worse, on April 14, 2021, Duterte signed Executive Order 130,<sup>268</sup> overturning the one signed by his predecessor, Benigno Aquino III, that had barred new mineral agreements until Congress passed a law on rationalizing existing revenue sharing schemes. Duterte's new measure opened up new environmental areas to mining, further prioritizing profit over a healthy ecology and IP rights.<sup>269</sup>

Mindanao, the home of more than half of the natural and mineral resources of the Philippines, now hosts the largest rubber, banana and pineapple plantations and huge mining projects. These agri-plantations and mining corporations encroach on peasant and IP communities in Bukidnon, South Cotabato, Sarangani, Davao de Oro, Davao del Norte, Davao del Sur, Davao Oriental, and Davao Occidental with around 500,000 hectares of land planted primarily with export crops.<sup>270</sup>

Such ongoing plunder and exploitation across indigenous lands in the Philippines deprives IPs of their ability to make a living, to manage their land in line with traditional values and practices and displaces whole communities. One of the effects of this

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<sup>261</sup> <https://www.panaynews.net/no-more-hitches/>

<sup>262</sup> See Document 16 in Annex: Fact Sheet for Case No. 7 from INVESTIGATE PH Initial Report.

<sup>263</sup> <https://newsinfo.inquirer.net/1378106/justice-sought-for-9-slain-in-panay-raids>.

<sup>264</sup> <https://theowp.org/china-funded-hydropower-dam-in-south-pulangi-hold-duterte-administration-accountable-for-indigenous-rights-abuses/>.

<sup>265</sup> <https://www.iwgia.org/en/philippines/3608-iw-2020-philippines.html>.

<sup>266</sup> <https://newsinfo.inquirer.net/1353286/ncip-allows-tampakan-mining-project-in-ancestral-domain#:~:text=KORONADAL%20CITY—>

[The%20controversial%20%245.9,peoples%20group%20in%20the%20area.](https://newsinfo.inquirer.net/1353286/ncip-allows-tampakan-mining-project-in-ancestral-domain#:~:text=KORONADAL%20CITY—)

<sup>267</sup> See Document 48 in Annex: Testimony of Representative Eufemia Cullamat, INVESTIGATE PH Hearing, August 5, 2021.

<sup>268</sup> <https://www.officialgazette.gov.ph/2021/04/14/executive-order-no-130-s-2021/>.

<sup>269</sup> <https://www.rappler.com/business/duterte-lifts-ban-new-mining-agreements>.

<sup>270</sup> <https://journals.sagepub.com/doi/abs/10.1177/1177180120967724>.

displacement is the disruption of indigenous education.<sup>271</sup> The Lumad *bakwit* (evacuee) schools are educational spaces in which displaced IPs attempt to pass on culturally relevant, traditional education to their children -- even while outside of their ancestral homelands.<sup>272</sup> However, even in these attempts to assert their rights to indigenous education, educators and students face the Duterte administration's continued attacks. President Duterte has specifically ordered attacks on Lumad communities and has forced 215 Lumad community schools to close, affecting the education of 10,000 students.<sup>273</sup> On February 15, 2021, the "Bakwit 7," comprising three Lumad students, two Lumad Datus, and two volunteer teachers, all displaced by conflict in Mindanao, were wrongly arrested during a police operation on their temporary school in the University of San Carlos, Cebu.<sup>274</sup> The Bakwit 7 were accused of training Lumad students to be child rebels.<sup>275</sup> Police and government agencies claimed it was a "rescue operation" when in fact the students were already making the transition back to their communities.<sup>276</sup> The false charges were eventually dismissed even at the prosecutors' level.<sup>277</sup>

### **Attacks on IPs defending ancestral domains**

IP leaders continuously work to assert their rights to land in the face of such violations. However, rather than responding to their protests, the Duterte administration and state security forces have responded by attacking IP organizations, leaders and schools through military bombardment and occupation, extrajudicial killings, trumped up charges and red-tagging. These attacks violate the rights of IPs to self-determination and suppress their attempts to assert these rights.<sup>278</sup>

As discussed in the INVESTIGATE PH *Initial Report*, on December 30, 2020, a month after Duterte fast-tracked the construction of the Jalaur Mega Dam, nine Tumandok leaders who opposed the dam were tortured and killed in their homes by the Criminal Investigation and Detection Group Region 6, the 12th Infantry Battalion of the Philippine Army, and police, in a "Synchronized Enhanced Management of Police Operation." Apart from the massacre, 17 individuals were illegally arrested based on trumped-up charges.<sup>279</sup>

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<sup>271</sup> See Document 48 in Annex: Testimony of Representative Eufemia Cullamat, INVESTIGATE PH Hearing, August 5, 2021.

<sup>272</sup> <https://lifestyle.inquirer.net/332464/lumad-bakwit-school-a-school-on-the-run/>.

<sup>273</sup> <https://globalnation.inquirer.net/178067/un-help-sought-in-probe-of-lumad-schools-closure>.

<sup>274</sup> <https://www.philstar.com/headlines/2021/02/15/2077906/21-taken-away-police-rescue-lumad-bakwit-school-cebu>.

<sup>275</sup> <https://www.rappler.com/nation/teachers-lumads-cebu-evacuees-school-raid-finally-released-may-14-2021>.

<sup>276</sup> <https://www.rappler.com/voices/thought-leaders/opinion-imminent-attack-lumad-bakwit-schools>.

<sup>277</sup> <https://www.cnnphilippines.com/news/2021/5/14/Dismissed-complaints-Cebu-Bakwit-school.html>.

<sup>278</sup> See Document 48 in Annex: Testimony of Representative Eufemia Cullamat, INVESTIGATE PH Hearing, August 5, 2021.

<sup>279</sup> See Document 16 in Annex: Fact Sheet for Case No. 7 from INVESTIGATE PH Initial Report; Also based on the testimony of Analyn Giganto during the INVESTIGATE PH Hearing, February 16, 2021.

Attacks against IP land defenders also reveal the cooperation between foreign investors and the Philippine government in stealing and plundering indigenous land. For instance, IPs have been attacked by state security forces and overruled by the Duterte administration in their attempts to defend their land against large-scale mining carried out by multinational company OceanaGold. In 2017, members of the anti-mining group, *Kasibu Inter-tribal Response for Ecological Development* (KIREED), were arrested, but later released due to lack of evidence, for allegedly supporting communist rebels. They were actually campaigning against the gold and copper mining operations of OceanaGold in Didipio, Nueva Vizcaya. A people's barricade which started in July 2019 contributed to the temporary suspension of OceanaGold's operations.<sup>280</sup> In 2021, however, amidst the current pandemic and despite the appeals to Duterte by provincial government and religious leaders in Nueva Vizcaya not to renew OceanaGold's expired permit to operate, he still allowed it to resume operations.<sup>281</sup>

Similarly, Del Monte Philippines, the well-known fruit producing brand and major exporter to the U.S., has been linked to allegations of fraud and charged with using coercion to remove IPs from a banana plantation in Mindanao. In 2017, Renato Anglao, the Secretary-General of *Tribal Indigenous Oppressed Group Association* (TINDOGA), was shot dead after demanding the return of their lands being used for agribusiness plantations.<sup>282</sup>

### **Red-tagging by National Commission on Indigenous Peoples (NCIP)**

The issue of red-tagging, which has already been documented in the INVESTIGATE PH *Reports* as a violation of civil and political rights, is also a violation of the social and cultural rights of IPs. This can be seen in the NTF-ELCAC's close collaboration with the NCIP -- the Philippine government agency supposedly mandated to advance the rights of IPs -- in vilifying and red-tagging indigenous leaders, militarizing indigenous communities, and forcing faked mass surrenders of supposed "rebels."<sup>283</sup> This repression facilitates land-grabbing which the NCIP is complicit in.<sup>284</sup>

The NCIP even refuses indigenous communities' self-ascription, by denouncing the use of certain terms, thereby violating IPs rights to maintain their integrity as a distinct people (UNDRIP, Article 8). For instance, the NCIP Resolution 08-009-2021 on March 2, 2021, denounced the use of the term "Lumad". The word "Lumad", meaning "indigenous" or "native" was adopted by 15 Mindanao ethnic groups in their Cotabato Congress in 1986, to distinguish themselves from Moro or Christian Mindanaoans.<sup>285</sup> But in reference to "Lumad", the NCIP, falsely claims that its "emergence and continued

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<sup>280</sup> <https://news.abs-cbn.com/news/10/16/19/mining-firm-halts-operations-in-vizcaya-as-lgu-ngos-continue-blockade>.

<sup>281</sup> <https://www.rappler.com/business/oceanagold-resume-mining-nueva-vizcaya-new-deal-government-july-2021>.

<sup>282</sup> <https://www.globalwitness.org/en/campaigns/environmental-activists/agribusiness-including-del-monte-philippines-growers-implicated-in-violent-attacks-against-indigenous-groups/>.

<sup>283</sup> <https://www.landrightsnow.org/philippines/>.

<sup>284</sup> <https://newsinfo.inquirer.net/930550/proposed-p1000-budget-for-ncip-scored-hailed>.

<sup>285</sup> <https://ncca.gov.ph/about-ncca-3/subcommissions/subcommission-on-cultural-heritagesch/historical-research/lumad-in-mindanao/>.

use are marred by its association with the CPP, NDF, and NPA whose ideologies are not consistent with the cultures, practices, and beliefs of ICCs/IPs.”<sup>286</sup> NCIP officials have made the same remarks claiming that Igorot and Tumandok are words “used only by the CPP-NPA-NDF.”<sup>287</sup>

IP organizations are similarly targeted through red-tagging. The regional director of the PNP in Cordillera, on February 9, 2021, issued a memorandum to local police departments urging them to “encourage” local government units to pass resolutions against the Cordillera People’s Alliance, an indigenous organization that has opposed mining and dams for decades. A PNP memo dated January 26, 2021, had declared these groups “persona non grata” and listed 25 organizations, including indigenous, labor, women’s, and youth groups, as well as political parties, to be repressed.<sup>288</sup>

IP leaders who advocate for the rights of indigenous people at both the national and international level are being red-tagged. Windel Bolinget, an indigenous rights defender and the Chairperson of the Cordillera Peoples Alliance (CPA) based in the Northern Luzon highlands, faced a trumped-up murder case in far-away Davao del Norte last August 2020. Then police constantly surveilled his office and movements and harassed his family and friends for information on his whereabouts. In January 2021, the Cordillera Police Chief put a bounty on his head and then issued a shoot-to-kill order. Bolinget presented himself to the National Bureau of Investigation to prove his innocence and to access protection. On July 12, 2021, the Regional Trial Court of Davao del Norte dismissed the fabricated charge of murder filed against him and his co-respondents.<sup>289</sup>

And finally, IP civilians are red-tagged, removed from their communities, tortured and falsely charged -- even amidst the ongoing destruction of their ancestral homelands. Aeta farmers Japer Gurung and Junior Ramos were accused of being NPA members and of firing at a group of soldiers in Barangay Buhawen, San Marcelino, Zambales, and charged under the ATA. Their arrests came after the military had repeatedly bombed the Aeta communities<sup>290</sup> to displace them and to pave the way for mining exploration by Dizon Copper-Silver Mines, Inc., which the Aeta residents oppose as detrimental to the environment and their ancestral lands.<sup>291</sup>

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<sup>286</sup> [https://www.pna.gov.ph/articles/1132620#:~:text=MANILA%20-%20The%20National%20Commission%20on,Indigenous%20Peoples%20\(IPs\)%20groups.&text=Lumad%20is%20a%20Cebuano%20term%20that%20means%20%20native%20](https://www.pna.gov.ph/articles/1132620#:~:text=MANILA%20-%20The%20National%20Commission%20on,Indigenous%20Peoples%20(IPs)%20groups.&text=Lumad%20is%20a%20Cebuano%20term%20that%20means%20%20native%20)

<sup>287</sup> See Document 48 in Annex: Testimony of Representative Eufemia Cullamat, INVESTIGATE PH Hearing, August 5, 2021.

<sup>288</sup> See Document 49 in Annex: Police Tokhang list in Cordillera; see also <https://www.facebook.com/ceGPCordi/posts/3665047530288616>

<sup>289</sup> <https://www.frontlinedefenders.org/en/case/court-dismisses-charge-against-indigenous-rights-defender-windel-bolinget>;

<sup>290</sup> <https://www.hrw.org/news/2020/09/04/philippines-soldiers-accused-beating-indigenous-people>.

<sup>291</sup> See Documents 18 and 29 in Annex: Fact Sheet for Case No. 9 and 20 from INVESTIGATE PH Initial Report; Also based on the testimony of Gia Clemente during the INVESTIGATE PH Hearing, February 16, 2021.

## **Aerial bombing, white phosphorus**

In her testimony, House Representative Cullamat noted that it is not only through red-tagging and plundering of indigenous lands that IPs' rights are being violated, but also through the militarization and bombings of their lands.<sup>292</sup> In 2017, the AFP and PNP conducted military combat operations in Malibcong, Abra, which is part of the ancestral domain of the Tingguians belonging to the Mabaka, Banao and Gubang tribes.<sup>293</sup> Lt. Col. Dominic Baluga told the media that the fleeing NPA rebels torched the forest "to slow down pursuing troops from catching up with them." Baluga later on admitted that the military used "white phosphorus" that "only emits smoke for the marking." Under Protocol III of the Convention on Certain Conventional Weapons, air-dropping of white phosphorus, an incendiary weapon, within a concentration of civilians, is prohibited by IHL.<sup>294</sup> These airstrikes caused a forest fire that damaged crops, community farms, and forests. Over 18,200 IPs were affected by these aerial bombings, according to Cullamat. The forest fire spread wide, razing communal forest and pasture lands.<sup>295</sup>

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<sup>292</sup> See Document 48 in Annex: Testimony of Representative Eufemia Cullamat, INVESTIGATE PH Hearing, August 5, 2021.

<sup>293</sup> <https://www.cpaphils.org/article19.html>.

<sup>294</sup> Protocol On Prohibitions Or Restrictions On The Use Of Incendiary Weapons, Article 2, [https://www.icrc.org/en/doc/assets/files/other/icrc\\_002\\_0811.pdf](https://www.icrc.org/en/doc/assets/files/other/icrc_002_0811.pdf), p. 45.

<sup>295</sup> <https://nordis.net/2017/04/16/topic/rights-and-welfare/barangay-captain-stands-firm-that-afp-bombing-caused-forest-fire-in-abra-town/>.

## Chapter 5: Rights to Development, Peace, and National Self-Determination

The Filipino people have the same rights as peoples of any other nation to self-determination, and to improving their lives in a safe environment and world. Yet despite many heroic efforts over centuries, this legal right eludes them. Although officially independent since 1946, the Filipino people do not control their nation's destiny, with the U.S. and global institutions dominated by the U.S. dictating on their governments.

When citizens organise in myriad ways to assert their legal rights, they encounter violent state power exercised in the interests of wealthy domestic classes, backed by U.S. interests.

The Duterte administration has unleashed the most violent expressions of state power since 1946, even worse than the Marcos Dictatorship.<sup>296</sup> Duterte has not just set aside the State's legal duty to enable genuine development, peace and national self-determination, he has actively worked against this mandate. Here is the crucible of the tragic and dramatic struggle for human rights in the Philippines today.

### Neocolonialism and lack of equitable development

Despite claims that the Philippine economy has experienced “outstanding” growth of six to seven per cent during the presidencies of Benigno Aquino III and Rodrigo Duterte up to the COVID-19 pandemic (2010-2019),<sup>297</sup> this growth has not been equitable and has often been jobless.<sup>298</sup> The huge inequalities and grinding poverty<sup>299</sup> of over half of the people have continued, as has the sustained large-scale export of labor because of the lack of economic and social development in the Philippines.<sup>300</sup> The government's

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<sup>296</sup> <https://thedefiant.net/why-the-duterte-regime-could-be-much-worse-than-the-marcos-era/>.

<sup>297</sup>

<https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?end=2020&locations=PH&start=1961&view=chart>

<sup>298</sup> <https://www.forbes.com/sites/panosmourdoukoutas/2019/02/10/dutertes-jobless-economic-boom/?sh=3f312ed83ed3>.

<sup>299</sup> <https://business.inquirer.net/281269/ph-poverty-rate-seen-falling-below-20-starting-2020>. The World Bank medium-term poverty projections are based on the lower middle-income poverty line of US\$3.20 per day. The Philippine government poverty line for a family of five is just P71 (US\$1.40) per person per day. With the same data set, using an alternative poverty line of Php132 per person per day (US\$2.60) 12.4 million poor families or at least 55 million poor Filipinos in 2018 would be “poor”; this is over half the population (51%): See Document 50 in Annex: Slideshow presented by Sonny Africa, INVESTIGATE PH Hearing, August 10, 2021, Slide 11, and <https://www.ibon.org/family-living-wage-for-a-family-of-five-members-in-ncr/> IBON Foundation has a more realistic poverty line for the family of five at P1,004 per day (US\$20 per day). The highest minimum wage in the Philippines is P537 per day (US\$10.74 per day) in the National Capital Region. See <https://www.ibon.org/govt-methodology-underestimates-number-of-poor-filipinos-ibon/> for a critique of the official poverty line in the Philippines.

<sup>300</sup> [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms\\_536703.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_536703.pdf). Youth unemployment is 15 per cent and vulnerable employment is 30 per cent (p. 1). <https://psa.gov.ph/statistics/survey/labor-and-employment/survey->

neoliberal development policies, reliant on privatization and courting foreign investment, have proved disastrous for most Filipinos and failed to bring equitable development. With the pandemic, real gross domestic product (GDP) fell radically to -9.6 per cent.<sup>301</sup> Yet rather than prioritizing relief and social services, the government has cut social spending, increased taxes on the poor, reduced taxes on the wealthy, and increased spending on the armed security forces.<sup>302</sup>

In December 1986, the UN General Assembly adopted a Declaration on the Right to Development<sup>303</sup> which integrated all the existing rights in the Charter, UDHR, declarations, covenants and mandates of the United Nations and its agencies into an overarching statement of the rights of people individually and collectively to a continuous improvement in their lives. It clearly spelled out that “the creation of conditions favourable to the development of peoples and individuals is the primary responsibility of their States.”

Its Article 1 states:

1. The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.
2. The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.

While the Philippines became nominally independent in 1946, its economic development has remained subservient to U.S. interests ever since. This was first achieved through unequal trade agreements with the U.S.;<sup>304</sup> then by U.S.-backed agreements with the International Monetary Fund (IMF) and the World Bank (WB) from the 1960s that compelled structural adjustment programs;<sup>305</sup> and subsequently through many “free trade” agreements, including through the World Trade Organization (WTO) since 1995.<sup>306</sup> Since 1980, both agriculture and manufacturing have shrunk and

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overseas-filipinos These official statistics show 2.2 million OFWs in a survey period in 2019. However, a broader OECD study reported 10.2 million overseas Filipino workers in 2013 - <https://www.oecd-ilibrary.org/sites/9789264272286-6-en/index.html?itemId=/content/component/9789264272286-6-en>.

<sup>301</sup> [https://unctad.org/system/files/official-document/wesp2020\\_en.pdf](https://unctad.org/system/files/official-document/wesp2020_en.pdf). P. 178 economic growth, p. 138 increasing youth unemployment.

<sup>302</sup> See Document 32 in Annex: Testimony of Sonny Africa, INVESTIGATE PH Hearing, August 10, 2021.

<sup>303</sup> <https://www.ohchr.org/en/professionalinterest/pages/righttodevelopment.aspx>

<sup>304</sup> Bell-Trade Act 1946; US-RP Treaty of General relations 1946; Laurel-Langley Agreement 1954.

<sup>305</sup> 24 IMF programs (esp. stabilization programs) since 1962-1998; 9 WB structural adjustment programs, 339 projects since 1957.

<sup>306</sup> GATT 1994, GATS, TRIPS since 1994; 9 free trade agreements (FTAs) 1992-2016 including the RCEP; 31 bilateral investment treaties.

services have expanded, producing a chronic trade deficit and labor export.<sup>307</sup> All important sectors of the economy are dominated by foreign capital.<sup>308</sup>

Of the 109 million Filipino people in 2021, at least 55 million and probably 65 million live in poverty. Yet inequality has grown, with land, wealth, and political power concentrated in the hands of a few oligarchs. This gross structural inequality<sup>309</sup> is the driver of movements for justice which confront the combined power of political elites and big corporations. Duterte's regressive tax policies have distributed income upwards to the wealthy. The 2017 Tax Reform for Acceleration and Inclusion (TRAIN) increased consumption tax to hit the poor hard, while the Corporate Recovery and Tax Incentives for Enterprises (CREATE) program in 2020 gifted the rich with the reduction of the corporate tax rate from 30 per cent to 25 per cent.<sup>310</sup>

### **Duterte's destructive pandemic response**

According to evidence from Sonny Africa, Executive Director of IBON Foundation, presented at an INVESTIGATE PH hearing, the COVID-19 pandemic lockdowns in 2020 devastated livelihoods across the country with the poorest 70 per cent of families losing on average tens of thousands of pesos in income. Yet the government avoided giving more than token emergency cash assistance even as its pandemic policies cut off livelihoods for daily wage earners that comprise the bulk of the country's labor force.

This resulted in 15.5 million families of some 25 million families – or over six out of ten Filipino families – going hungry in 2020. Today, around 17.8 million families, or over seven out of ten, do not have any savings and are living off only their daily earnings, when they are not cooped up by ever-changing, confusing and inconsistent quarantine orders.

The lack of fiscal stimulus to offset the lockdown-driven supply and demand shocks has also caused unemployment to soar – reaching as much as 7.2 million in April 2020.

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<sup>307</sup> See Document 50 in Annex: Slideshow presented by Sonny Africa, INVESTIGATE PH Hearing, August 10, 2021, Slides 4, 5.

<sup>308</sup> See Document 50 in Annex: Slideshow presented by Sonny Africa, INVESTIGATE PH Hearing, August 10, 2021, Slides 7, 8, 9.

<sup>309</sup> The Php4.1 trillion (US\$82 billion) wealth of the richest 50 Filipinos is as much as the total assets of the poorest 60-70 million Filipinos. See Document 50 in Annex: Slideshow presented by Sonny Africa, INVESTIGATE PH Hearing, August 10, 2021, Slide 12.

<sup>310</sup> Tax policies could raise resources for eradicating poverty and realizing human rights, as well as reducing inequality. The government instead passed its TRAIN Law of tax reforms in December 2017 which increased consumption taxes including on the majority poor population while reducing direct taxes on high income and wealthy families. Personal income taxes, estate taxes and donor taxes were cut: See Document 50 in Annex: Slideshow presented by Sonny Africa, INVESTIGATE PH Hearing, August 10, 2021, Slide 15.

With quarantine restrictions eased a little, this has gone down to a still substantial 3.8 million as officially reported.<sup>311</sup>

President Duterte's 2021 Budget increased defence spending by 14.5 per cent to Php 205.8 billion (US\$4.11 billion) and cut social welfare spending by 51.7 per cent to Php 176.9 billion (US\$3.53 billion).<sup>312</sup> The government will expand its debt servicing in 2021 by over 86 per cent to Php 1.79 trillion (US\$35.8 billion), from the record Php 962.46 billion (US\$19.25 billion) it recorded in 2020. At this rate, debt servicing equates to nearly 40 per cent of the Php 4.5 trillion (US\$90 billion) budget for 2021.<sup>313</sup>

### **Failure on land reform**

The Duterte administration also brought land reform, a crucial scheme for asset redistribution, to a standstill. His administration is the poorest performer in the 32 years of government agrarian reform. It inherited a backlog of 621,085 hectares for distribution. After three years, it only distributed 154,937 hectares or an average of 3,443 hectares monthly. This is less than half the rate of 8,524 hectares monthly under the previous Aquino administration and barely one-fourth of the 13,620 hectares monthly average from when the program started in July 1987 to 2015.<sup>314</sup>

The sustained social crisis in the Philippines since the 1960s - endemic poverty and unemployment,<sup>315</sup> internal migration to Manila and a few other cities, external migration of over 10 per cent of the population, and severe political crisis as shown in the Marcos dictatorship and the armed rebellions of the Moro People and the New People's Army, and the peaceful resistance of IPs - demonstrates that Filipinos are denied their right to development due to State policies.

Sonny Africa explained that the Duterte government relies on a traditional culture of patronage to maintain its grasp on power. In this patronage culture individuals and

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<sup>311</sup> See Document 50 in Annex: Slideshow presentation by Sonny Africa, INVESTIGATE PH Hearing, August 10, 2021, Slide 19.

<sup>312</sup> See Document 50 in Annex: Slideshow presentation by Sonny Africa, INVESTIGATE PH Hearing, August 10, 2021, Slide 21.

<sup>313</sup> <https://www.philstar.com/business/2021/07/23/2114385/dof-head-allays-concerns-debt-servicing>.

<sup>314</sup> See Document 50 in Annex: Slideshow presentation by Sonny Africa, INVESTIGATE PH Hearing, August 10, 2021, Slide 15.

<sup>315</sup> The domestic labor conditions drive at least 10.4 million Filipinos to go overseas for work away from their families. More Filipinos are forced to find work abroad every year than new jobs are created in the domestic economy. The employment that is available is overwhelmingly of poor quality work. Some 27.2 million or almost two-thirds (64%) of the 42.43 million employed in pre-pandemic 2019 are in poor quality work consisting of: non-regular and agency-hired (9.0 million), government contractuales (1.1 million), and informals (17.2 million consisting of worked for private household, worked with pay in own family-operated farm or business, own account workers, and unpaid family workers). The majority of the population are in flexible labor arrangements and informal sector work which are notorious for uncertainty, low pay, little or no benefits, and poor working conditions. The labor situation indicates deep unresolved structural problems: See Document 50 in Annex: Slideshow presentation by Sonny Africa, INVESTIGATE PH Hearing, August 10, 2021, Slide 6.

families do not expect government programs to assist them, rather they seek help from a powerful individual, a landlord, or a local politician, when a crisis comes. In the Philippines there is a strong movement which does assert human rights including the right to have a non-corrupt government whose programs provide quality basic services such as health, education, housing and welfare. However, Duterte's violent attacks on this movement - his War on Dissent - have put it on the defensive and slowed its reach into the wider society.<sup>316</sup>

### **Military subordination to U.S. interests, internal military repression**

Alongside the economic domination of the Philippines by the U.S. and the U.S.-led global trade and finance institutions, the Philippines has been subordinate to the U.S. in military and strategic arrangements. The U.S.-Philippines Mutual Defense Treaty<sup>317</sup> signed in 1951 remains the framework for this relationship, now implemented through the Joint US Military Assistance Group (JUSMAG), the Visiting Forces Agreement (VFA),<sup>318</sup> the Enhanced Defense Cooperation Agreement (EDCA)<sup>319</sup> and related supply and logistics arrangements.

Renato Reyes, Secretary General of the New Patriotic Alliance (BAYAN) explained to an INVESTIGATE PH hearing that while it is illegal for any foreign troops to engage in combat on Philippine soil, U.S. forces have ongoing access to Philippine military bases and have taken part in combat in recent decades,<sup>320</sup> including directing the January 2015 Mamasapano debacle,<sup>321</sup> and undertaking drone operations during the Marawi Siege in mid-2017.<sup>322</sup> Through the JUSMAG and the U.S. provision of weapons, funding and officer training to the Philippines military, it maintains overall direction.<sup>323</sup>

Flowing from this relationship, the U.S. Counterinsurgency Strategy (COIN)<sup>324</sup> provides the overarching framework for the repression of internal armed rebellion in the Philippines. The most important contemporary expressions of this are the creation of the NTF-ELCAC<sup>325</sup> in 2018 and the ATA in 2020<sup>326</sup> which created the Anti-Terrorism Council. These two new mechanisms are features of the current Philippine counterinsurgency program, the U.S. Operation Pacific Eagle - Philippines focused on

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<sup>316</sup> See Document 32 in Annex: Testimony of Sonny Africa, INVESTIGATE PH Hearing, August 10, 2021.

<sup>317</sup> [https://avalon.law.yale.edu/20th\\_century/phil001.asp](https://avalon.law.yale.edu/20th_century/phil001.asp).

<sup>318</sup> [https://www.lawphil.net/international/treaties/vfa\\_1998.html](https://www.lawphil.net/international/treaties/vfa_1998.html).

<sup>319</sup> <https://www.rappler.com/nation/primer-enhanced-defense-cooperation-agreement>.

<sup>320</sup> <https://www.csmonitor.com/World/Global-News/2009/0929/first-two-us-soldiers-killed-in-philippines-since-2002>.

<sup>321</sup> <https://www.manilatimes.net/2017/11/10/opinion/columnists/topanalysis/mamasapano-massacre-worst-crime-ever-committed-philippine-president/361800>.

<sup>322</sup> <https://www.bbc.com/news/world-asia-40231605>.

<sup>323</sup> See Document 51 in Annex: Testimony of Renato Reyes, INVESTIGATE PH Hearing, August 10, 2021.

<sup>324</sup> <https://smallwarsjournal.com/documents/cointacticsfm.pdf>.

<sup>325</sup> <https://www.officialgazette.gov.ph/downloads/2018/12dec/20181204-EO-70-RRD.pdf>.

<sup>326</sup> <https://www.officialgazette.gov.ph/downloads/2020/06jun/20200703-RA-11479-RRD.pdf>.

Mindanao, and President Duterte's Oplan Kapatagan ("Stability")<sup>327</sup> announced in 2019.

This is the most recent in a long line of counterinsurgency programs dating from the Marcos Dictatorship's Oplan Katatagan - President Corazon Aquino's "Total War" Lambat Bitag ("Slow Trap") Campaign; President Ramos' Lambat Bitag 2 Campaign; President Estrada's all-out war on the Moro Islamic Liberation Front; President Arroyo's Oplan Bantay Laya ("Freedom Watch") and "War on Terror" known as Operation Enduring Freedom-Philippines in conjunction with that of U.S. President George W. Bush; President Benigno Aquino III's "Whole of Nation Approach" and Oplan Bayanihan ("Cooperative Endeavour"). All these plans have failed in their objective of eliminating insurgency and rebellion or addressing the fundamental socio-economic and political causes of the ongoing armed conflict.

President Duterte made important concessions to China in the Exclusive Economic Zone of the Philippines in return for significant infrastructure investments. Despite his threat to withdraw from the VFA, President Duterte maintained and strengthened military ties with the U.S., especially after the Marawi City siege in 2017, and also deepened the neoliberal economic program of privatization, trade liberalization and labor market deregulation.<sup>328</sup>

The U.S. sees the Philippines as a strategic base for its containment of China strategy.<sup>329</sup> Renato Reyes highlighted the visit of U.S. President Trump to Manila for the Association of Southeast Asian Nations (ASEAN) Summit in November 2017<sup>330</sup>, after which Duterte terminated the peace talks with the NDFP and declared the CPP and NPA as terrorist organizations.<sup>331</sup> More intense repression ensued as documented in the INVESTIGATE PH *Initial and Second Reports*.<sup>332</sup> Reyes argued that while Duterte had made concessions to China in the Philippine Exclusive Economic Zone, the U.S. remained the dominant influence on Philippine policy.

### **Right to self-determination and peace**

On December 10, 1948, the UN General Assembly adopted the UDHR, which stated in its preamble: "It is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law."<sup>333</sup> Rebellion is a continuing feature of Philippine society,

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<sup>327</sup> <https://www.pro12.pnp.gov.ph/main/?p=10181>.

<sup>328</sup> See Document 51 in Annex: Testimony of Renato Reyes, INVESTIGATE PH Hearing, August 10, 2021.

<sup>329</sup> <https://media.defense.gov/2020/Aug/31/2002488087/-1/-1/1/BURGESS.PDF>, p. 114

<sup>330</sup> <https://www.dw.com/en/donald-trump-meets-philippine-president-duterte-as-asean-summit-kicks-off-in-manila/a-41351485>.

<sup>331</sup> <https://www.officialgazette.gov.ph/downloads/2017/11nov/20171123-PROC-360-RRD.pdf>;

<https://www.officialgazette.gov.ph/downloads/2017/12dec/20171205-PROC-374-RRD.pdf>.

<sup>332</sup> <https://www.investigate.ph/media/first-report>; <https://www.investigate.ph/media/second-report>.

<sup>333</sup> <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

underlining the failure of the Philippine state to uphold human rights and ensure justice and the rule of law.

In November 1984 at the height of the nuclear arms race, the UN General Assembly adopted a Declaration on the Right to Peace, “convinced that life without war serves as the primary international prerequisite for the material well-being, development and progress of countries, and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations.”

It recognized that “the maintenance of a peaceful life for peoples is the sacred duty of each State,” and “solemnly proclaims that the peoples of our planet have a sacred right to peace.”<sup>334</sup>

Luis Jalandoni, Senior Adviser to the NDFP Negotiating Panel told an INVESTIGATE PH hearing that the persistent and profound struggles of Filipino peasants, farmworkers, and fisherfolk for genuine land reform and to regain control of the land they have cultivated for generations is a powerful expression of a desire for development and peace. The Filipino workers’ movement likewise demands genuine national industrial development. Genuine land reform and national industrial development are two key goals of the peasants and the workers in their quest for development and a just and lasting peace. The “bungkalan” movement to cultivate lands left vacant by landlords, for instance, is an expression of the land reform movement in areas controlled by the government.<sup>335</sup>

Likewise, the tenacious struggles by indigenous peoples across the Philippines to defend their ancestral domain from plunder and exploitation, and their demand that the military and the big logging, mining and plantation companies leave their communities, is a cry for peace to enable development for their communities.

These historic demands for justice, peace, development and self-determination have been met repeatedly by violent force, as seen in the Mendiola Massacre of January 1987, the Hacienda Luisita Massacre of 2004, in the many cases of deadly repression recounted in these INVESTIGATE PH *Reports*, and in the never-ending and rehashed counterinsurgency programs.

State violence can never bring lasting peace with justice. According to the UN Declaration, the government must fulfil its duty and properly solve the problems of poverty, landlessness, injustice, and lack of political self-determination that are fueling rebellion to this day.

History shows that the Filipino people have not enjoyed peace, and that the State has been at war with large parts of the people for most of the time since nominal independence in 1946.

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<sup>334</sup> <https://www.ohchr.org/EN/ProfessionalInterest/Pages/RightOfPeoplesToPeace.aspx>

<sup>335</sup> <https://pinoyweekly.org/2017/11/bungkalan-at-hustisya-sa-luisita/>.

In fact, the Filipino people have had only fleeting periods without war since the time of the Spanish colonial invasion of 1565.<sup>336</sup> The successful Katipunan uprising against Spanish colonial rule in 1896<sup>337</sup> was cut short by the U.S. invasion of 1898 and the following four decades of colonial rule. Resistance by the first Asian republic to U.S. colonialism continued to 1913.<sup>338</sup> Warfare broke out again with the Japanese invasion of 1941, which was resisted with significant impact by the communist-led *Hukbo ng Bayan Laban sa Hapon* (People's Anti-Japanese Army – Hukbalahap or Huks).<sup>339</sup> When elected Huk leaders were expelled from the newly-elected Congress in July 1946 - as part of an anti-communist purge - the People's Army launched a rebellion which lasted until 1954,<sup>340</sup> with some armed units surviving in Central Luzon until they became part of the NPA founded in 1969.<sup>341</sup> When Marcos declared Martial Law in September 1972 he banned organisations of workers, farmers, women, youth and others, which were forced underground and in 1973 these formed the NDFP.<sup>342</sup> Key member organisations are the CPP and NPA.

In the face of challenges to exploitation and oppression, the Philippine government has focused on militarist responses. As Luis Jalandoni argued, these responses have failed because just and lasting peace cannot be achieved without addressing the socio-economic causes fueling rebellion, as well as respecting peoples' legitimate rights to self-determination. But the government has neglected the problems of poverty, landlessness, injustice, and lack of political self-determination.

In Mindanao, land-grabbing from Moro communities during the U.S. colonial period, followed by extensive immigration of Christian Filipinos from Luzon in the 1950s led to armed rebellion by the *Moro National Liberation Front* (MNLF) in 1969, which was partly resolved by a peace agreement with the Ramos government in 1996. However, the *Moro Islamic Liberation Front* (MILF) took up the mantle of rebellion and reached its Comprehensive Agreement on the Bangsamoro with the Aquino government in 2014. Eruptions of armed conflict continued up to the massive devastation of Marawi City in 2017, and continue to this day, with heavy loss of life and mass evacuations of civilians.<sup>343</sup>

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<sup>336</sup> <https://alchetron.com/Philippine-revolts-against-Spain>, for a list of the many revolts against Spanish rule.

<sup>337</sup> <https://ncca.gov.ph/about-ncca-3/subcommissions/subcommission-on-cultural-heritagesch/historical-research/history-of-the-philippine-revolution/>.

<sup>338</sup> <https://nhcp.gov.ph/brief-historical-background-philippine-american-war-memorial-day/>.

<sup>339</sup> <https://newsinfo.inquirer.net/1102449/hukbalahap-monument-to-rise-in-ecija-town>.

<sup>340</sup> <https://filipinojournal.com/luis-m-taruc-huk-supremo/>.

<sup>341</sup> <https://cpp.ph/2018/12/29/on-the-pen-and-the-gun/>.

<sup>342</sup> <https://liberation.ndfp.org/our-program/>.

<sup>343</sup> See the works of Mindanao historian, Rudy "Ompong" Rodil. <https://www.mindanews.com/mindaviews/2020/11/angay-angay-lang-the-minoritization-of-the-indigenous-communities-of-mindanaw-and-sulu-1/>. The MILF entered into a peace deal with the Duterte administration in exchange for the passage of the Bangsamoro Organic Law that saw the establishment of the Bangsamoro Autonomous Region of Muslim Mindanao in 2018. The success of the deal remains to

The communist-led NPA has a strategy of Protracted Peoples War and steady build-up of its forces and a People's Democratic Government in the countryside to eventually surround the cities and comprehensively challenge the current political system. As the names imply, the CPP-NPA are carrying forward the tradition of the anti-Japanese resistance for a socialist future for the country. They have developed more than 110 guerrilla fronts in 74 of the nation's 81 provinces.

### **Violent assault on peace process with NDFP**

Peace talks between the Manila government and the NDFP have been taking place since the 1986 overthrow of the Marcos Dictatorship. This almost permanent on-and-off process shows that there is a genuine political option for resolving the fundamental problems of Philippine society as an alternative to the militaristic state terror that now prevails.

Jalandoni explained that in August 1991, the NDFP formally declared its adherence to IHL, particularly Article 3 common to the Geneva Conventions and the additional Protocol II, in its conduct of the armed conflict in the Philippines.

Since the Hague Joint Declaration<sup>344</sup> signed in September 1992 by the Ramos administration and the NDFP, there has been a continuous thread of peace negotiations, but with many interruptions, including one since the end of 2017.

The Hague Joint Declaration recognized the NDFP's status as a co-belligerent in the civil war and set out an agreed agenda for the peace process.

The series of agreements<sup>345</sup> signed in this process have established a framework and the parties came very close to the first substantial agreement on social and economic reforms that might address the root causes of the armed conflict. These are the Joint Draft on Agrarian Reform and Rural Development (ARRD) and on National Industrialization and Economic Development (NIED). These make up a large part of the Draft Comprehensive Agreement on Social and Economic Reforms<sup>346</sup> which was ready for signing in late 2017.<sup>347</sup> In the draft, the Philippine government agreed in principle to the free distribution of land to the peasants, a very significant breakthrough in addressing the roots of the conflict. This can still be revived despite Duterte's Proclamation 360 which terminated the peace talks in November 2017.<sup>348</sup>

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be seen with talks in Congress seeking the extension of the Bangsamoro Transition Authority, the transition mechanism, managed by the MILF, for three more years before local elections are held.

<sup>344</sup> <https://www.peaceagreements.org/viewmasterdocument/569>.

<sup>345</sup> Joint Agreement on Security and Immunity Guarantees (JASIG), <https://www.peaceagreements.org/viewmasterdocument/932>; Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL), [https://peacemaker.un.org/sites/peacemaker.un.org/files/PH\\_980316\\_Comprehensive%20Agreement%20on%20Respect%20for%20Human%20Rights.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/PH_980316_Comprehensive%20Agreement%20on%20Respect%20for%20Human%20Rights.pdf).

<sup>346</sup> <https://ndfp.org/about/caser/>.

<sup>347</sup> <https://www.hdcentre.org/activities/philippines-ndf/>.

<sup>348</sup> <https://www.officialgazette.gov.ph/2017/11/23/proclamation-no-360-s-2017/>.

Duterte's sharp turn away from the peace process, following the Trump visit, continued with his Proclamation 374, declaring the CPP and NPA to be terrorist organizations under Republic Act 10168, the law relating to financing of terrorism.<sup>349</sup>

Then on May 23, 2021, the Anti-Terrorism Council, an executive body composed mainly of security officials, designated many NDFP peace consultants as terrorists.<sup>350</sup> As a final nail in the coffin of the peace talks, the Anti-Terrorism Council designated the NDFP to be a terrorist organization on June 23, 2021.<sup>351</sup>

On its part, the NDFP National Council has stated its readiness to engage in peace talks with a post-Duterte government, looking to the possibility of change at the May 2022 National Elections.<sup>352</sup>

If the Filipino people are to win their right to national self-determination, development, and peace, they will have to end foreign domination in all spheres, including the ending of neo-liberal economic policies and U.S. military dominance of their country as well as the increasing impact of China in Philippine affairs.<sup>353</sup> Only then can the Filipino people truly achieve self-determination and genuine development, for which so much groundwork has been done.

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<sup>349</sup> <https://www.officialgazette.gov.ph/2017/12/05/proclamation-no-374-s-2017/>.

<sup>350</sup> <https://www.rappler.com/nation/philippine-anti-terror-council-designates-joma-sison-others-terrorists>.

<sup>351</sup> <https://www.rappler.com/nation/philippines-anti-terror-council-designates-national-democratic-front-terror-group>.

<sup>352</sup> See Document 52 in Annex: Testimony of Luis Jalandoni, INVESTIGATE PH Hearing, August 10, 2021.

<sup>353</sup> The People's Republic of China and the Republic of the Philippines now have a Relationship of Comprehensive Strategic Cooperation. Practical cooperation across the board between China and the Philippines have made remarkable progress. Under the leadership of President Xi and President Duterte, the synergies between the Belt and Road initiative and the Build, Build, Build program have been deepened. So far, 12 government-to-government cooperation projects have been completed, 7 projects are under implementation and more than 10 projects going forward smoothly. The economic and trade cooperation between the two countries has been rising against the adverse impact of COVID-19 pandemic. In 2020, the bilateral trade between our two countries reached 61.15 billion USD, with a year-on-year increase of 0.3%. China's non-financial direct investment in the Philippines hit \$140 million USD, which was 1.36 times more than the number in 2019. <http://ph.china-embassy.org/eng/sgdt/t1882350.htm>.

## Chapter 6: Summary

The Filipino people's civil and political rights, guaranteed in its Constitution and domestic law as well as in the ICCPR and IHL, have been violated systematically during the Duterte presidency, at the cost of tens of thousands of civilian lives. State security forces have been the perpetrators, which explains why normal remedies for victims of making a complaint to the police have utterly failed. This is why Filipino people had to take their complaints to the International Criminal Court, which has decided to take action in its own lengthy process.

State security forces have killed 394 Filipino civilian political actors, broadly described as human rights defenders or advocates, in Duterte's War on Dissent, up to the end of March 2021.<sup>354</sup> This war is high profile, with officials from the President down using "red-tagging" to vilify, isolate, intimidate and eventually to either arrest or arbitrarily kill the unarmed civilian targets.

These targets are peasant, trade union, urban poor, student, women's and indigenous people's leaders, as well as lawyers, journalists, doctors and clerics and lay religious workers.

The Philippine state is also waging a War on the Moro People in the guise of a "war on terrorism", in which civilians are routinely subjected to artillery and aerial bombardment in clear breach of domestic law and IHL. There are still over 120,000 displaced Marawi City residents. This War on the Moro People is a continuation of a century-long struggle over the lands and the resources of the Moro People, largely funded by U.S. military aid and training, supported by Australia, Canada, Japan, South Korea and Israel.<sup>355</sup> This war is a violation of the right to self-determination of the Moro People.

The underlying economic and social conflicts which explain the ferocity of human rights violations under the Duterte presidency are examined in detail in this *Third Report*.

Like all States signatory to the ICESCR, the Philippine State is bound to progressively improve the employment, income, housing, health, education and cultural expression enjoyed by all its people. This commitment must be supported by the bulk of the state

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<sup>354</sup> Karapatan Monitor, January-April 2021, Table 1, p. 5. <https://www.karapatan.org/resources/statistics>.

<sup>355</sup> Canadian military aid: <https://www.rappler.com/nation/canada-urged-end-military-trade-aid-philippines-after-calabarzon-killings>; Japanese military aid: <https://thediplomat.com/2017/10/why-japans-new-military-aircraft-gift-to-the-philippines-matters/>; Australian military aid: <https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id:%22media/pressrel/5592613%2>; South Korean military aid: <https://businessmirror.com.ph/2015/09/14/south-korea-assures-continued-assistance-to-philippine-military/>; Israeli military aid: <https://asiatimes.com/2019/07/israel-lends-philippines-a-helping-strategic-hand/>.

budget. Other United Nations Conventions and Declarations clearly elaborate the rights of women and children, freedom of religion, and the duty of the state to self-determination, development and peace.

- **Duterte’s neoliberal policies of privatization, trade liberalization, and labor deregulation have exacerbated joblessness, landlessness, low wages, and precarity.**

Under Duterte, the Philippine government enacted the lowest number of minimum wage increases since 1946, and carried through the least redistribution of land to peasant farmers since the 1989 Comprehensive Agrarian Reform Program. The 2019 liberalization of rice imports contributed to 300,000 agricultural jobs lost that same year.

The Philippines suffered historic lows in job creation, even as Duterte has actively supported labor contractualization, despite his 2016 election promise to abolish it.

With the lack of jobs and the precarious nature of most jobs, especially for women, over 10 million Filipinos now work abroad, and a majority of these are women, of whom the great majority work in domestic service or cleaning. The government exploits OFWs for fees and remittances and neglects them when they face abuse abroad.

- **Duterte’s budgets have slashed social services but increased resources for militarization -- while giving tax cuts to the wealthy.**

During the COVID-19 pandemic, the Duterte government made only a token effort to provide financial support to those unable to work due to a very long lockdown. His TRAIN and CREATE tax reforms had already hurt the poor and transferred even more income to the wealthy. His budget priority since 2016 has been to spend more on his presidential contingency fund, the police and military, and less on welfare, health, housing and education.<sup>356</sup> He slashed the Housing and Resettlement budget by 76 per cent since 2016, thus expanding rather than reducing the housing shortage. One of every four people in Metro Manila lives in informal settlements,<sup>357</sup> bereft of shelter security. More than half a million families will lose their homes by 2022 in just 15 “development” projects under the President’s “Build, Build, Build” program.

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<sup>356</sup> <https://www.bworldonline.com/the-real-priorities-of-the-duterte-administration/>.

<sup>357</sup> <https://www.worldbank.org/en/news/speech/2015/09/07/making-in-city-resettlement-work-for-the-poor>.

- **Duterte’s COVID-19 response has focused on militarization rather than providing adequate healthcare and economic relief.**

During the COVID-19 pandemic, the government used security forces to arrest over 100,000 people for leaving their homes to collect water and food or to try to work. Organized community action to provide food to households was repressed even if the participants complied with COVID restrictions, since these initiatives were “red-tagged.” Jory Porquia in Iloilo City was executed in his home on April 30, 2020, following a food distribution.<sup>358</sup>

- **The NTF-ELCAC and police have built new infrastructure to repress trade unions and labor organizing with armed groups.**

The PNP and PEZA created a specific agency called JIPCO to police the export zones against trade union organizing, and in June 2021, Duterte authorized JIPCO to carry arms as a “force multiplier” for the PNP.<sup>359</sup>

When Filipino peasants and workers demand genuine land reform and industrial development they are met with violent State repression on behalf of the landlord class, big business and foreign investors. During the Duterte presidency up to the end of March 2021, state forces are alleged to have extrajudicially killed a total of 394 people for political reasons, of whom 316 were peasant and fisherfolk leaders, 71 were Indigenous leaders, 58 were trade union leaders, 47 were Moro leaders, 19 were human rights workers, 7 were from the church, and 57 were women.<sup>360</sup>

- **Duterte’s policy priorities and violent misogyny have contributed to increased gendered, homophobic, and sexual violence perpetrated by armed forces; domestic abuse; as well as poverty for women, girls, and LGBTQ people.**

President Duterte directs hate-speech against many sectors, but he has a special malice towards women, making his misogyny itself an incitement to commit human rights violations. Rape allegations from women have spiked 300 per cent since Duterte came to power in 2016, and spousal or domestic violence cases have also greatly increased, getting even worse in the pandemic lockdown.

<sup>358</sup> <https://www.philstar.com/opinion/2020/05/02/2011223/helping-feed-poor-iloilo-activist-shot-dead>.

<sup>359</sup> <https://www.rappler.com/nation/lacson-statement-idea-arming-civilian-groups-fight-criminality>.

<sup>360</sup> <https://www.karapatan.org/resources/statistics>, KARAPATAN Monitor, January-March 2021, pp 5, 21.

- **Children are victims of killings and sexual abuse perpetrated by the police and military, even as their development is harmed by economic neglect.**

Duterte’s anti-drug operations have massively harmed thousands of children, and 122 children were killed in anti-drug operations up to December 2019.<sup>361</sup> Police sexually abused a teenager, Fabel Pineda, and killed her when she filed a case against them.<sup>362</sup> When household members are killed, children suffer the debilitating emotional, psychological, educational, and economic effects of the violence.<sup>363</sup> Police put two children into a coffin and five children into a dog cage to punish them for allegedly breaching the pandemic lockdown. Two babies born in prison to their political prisoner mothers have been separated soon after birth, only to die from lack of proper nutrition and care. Due to poverty and the added impact of the pandemic lockdowns, malnourishment of children is a growing violation of children’s rights. As well, the Philippines remains a global hotspot for sexual exploitation and trafficking of children.<sup>364</sup>

- **The Duterte administration cut education spending even as the pandemic hurt poor students, and is persecuting teachers, schools, and universities known for progressive politics.**

During the 2020-21 pandemic lockdown, student enrolment in basic education fell by 1.9 million, and at the same time Duterte cut the education budget, a major violation of the right to education of Filipino children.<sup>365</sup> According to an NUSP study, out of every 100 Grade 1 enrollees, only seven will get a college degree/diploma/certificate.<sup>366</sup> With tens of thousands of breadwinners and caregivers slain in anti-drug operations, many children dropped out of school and started working and living on the streets. Duterte and the NTF-ELCAC have red-tagged universities and the ACT and threatened to invade campuses to arrest students or teachers who it alleges are “recruiting terrorists.” Duterte has called for Lumad schools to be bombed, alleged that children are drug dealing, and is pushing to reduce the age of criminal responsibility for 15 years to 12. The military allege that some children are NPA “child soldiers”, and their paramilitaries shoot them, as seen in the killing of Lumad students in Mindanao.<sup>367</sup>

<sup>361</sup> <https://www.theguardian.com/global-development/2020/jun/30/war-on-drugs-blamed-for-deaths-of-at-least-122-children-in-philippines>.

<sup>362</sup> <https://www.unicef.org/philippines/press-releases/unicef-statement-killing-fabel-pineda>.

<sup>363</sup> <https://www.hrw.org/news/2020/06/04/children-have-become-collateral-damage-philippines-drug-war-scarring-generation>.

<sup>364</sup> <https://www.rappler.com/nation/online-sexual-exploitation-children-philippines-tripled-3-years>.

<sup>365</sup> <https://newsinfo.inquirer.net/1276303/infra-education-budgets-get-big-cuts>.

<sup>366</sup> See Document 43 in Annex: Testimony of Professor Judy Taguiwalo, INVESTIGATE PH Hearing August 5, 2021.

<sup>367</sup> <https://www.rappler.com/nation/grade-six-lumad-student-dies-davao-del-norte>; <https://www.rappler.com/nation/lumad-manobo-tribe-members-killed-by-military-surigao>; <https://news.abs-cbn.com/nation/regions/01/19/16/lumad-student-allegedly-killed-by-paramilitary-member>.

- **The NTF-ELCAC has led a crackdown on the humanitarian work of religious institutions serving the marginalized, resulting in assassinations,<sup>368</sup> arrests, and freezing of assets.**

The Duterte administration's attacks against churches and leaders of the church, who are working to protect the rights and freedoms of the marginalized sectors including the IPs and the urban poor, are not only violations of civil and political rights, but also violations of religious freedom to exercise religious ministries.<sup>369</sup>

Duterte has expelled Australian missionary Sister Patricia Fox and Dutch lay missionary Otto Rudolf De Vries, both in the Philippines for 30 years; hounded IFI Bishop Antonio Ablon into exile in Germany,<sup>370</sup> had charges of money laundering and child-trafficking laid against the UCCP in Davao City for providing sanctuary for Ato-Manobo children and their parents fleeing paramilitary violence; and froze the bank accounts of the RMP and UCCP-Haran Centre.

- **Indigenous and Moro peoples have suffered heightened militarization and violations of their self-determination, resulting in displacement, killings, and other abuses, with the backing of U.S. military aid.**

The Duterte government has violated the rights of IPs and the Moro People under both UNDRIP and the Philippine Constitution because state policy sees most of the ancestral lands, especially the forests and minerals in the ancestral domains as property of the state to be disposed of like any commodity. Since land is life and identity for IPs, they resist the intrusion of logging companies, plantations and mining operations in their lands and the state is responding with red-tagging of IP organizations, military operations and occupation, and extrajudicial killings.

The most intense violence is taking place in Mindanao, where the Lumad school system is being shut down by military occupation, some of its leaders killed and jailed, and students also killed; and Moro communities are subjected to aerial and artillery bombardment. The religious freedoms of Moro people are also violated when Marawi residents are denied death certificates and access to the remains of their loved ones for burial according to Muslim tradition. Twenty-five mosques were destroyed in the Marawi siege, and the people have been denied the right to rebuild them.

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<sup>368</sup> <https://justact.org.au/wp-content/uploads/2020/10/They-cannot-kill-our-faith-report-on-the-Philippines-2020.pdf>.

<sup>369</sup> <https://pcij.org/article/6213/photo-essay-mark-saludes>.

<sup>370</sup> <http://www.hamburger-stiftung.de/wp-content/uploads/2019/11/press-release-Antonio-Ablon.pdf>.

- **The Duterte administration's policies on militarization and neoliberal economics has failed to provide peace and equitable development. These policies have perpetuated neocolonialism rather than self-determination, entrenched poverty and inequality, and undermined peace-making.**

The Philippines remains under the economic and military direction of the U.S. despite nominal independence since 1946, and Filipino society is so far unable to exercise its right to self-determination as set out in the UN Charter as well as the UN Declaration on the Right to Development. The result is rebellion and state repression.

The 1992 Hague Joint Declaration between the government of the Philippines and the NDFP is the framework for political negotiation to address the root causes of the conflict. At present, the Royal Norwegian Government is the Third Party Facilitator of the process.

In November 2017, both parties were poised to sign the draft CASER, which envisaged the free distribution of land to peasants and substantive initiatives in industrial development within a democratic framework. However, the Duterte government unilaterally terminated these peace talks at the end of 2017 and intensified military repression aimed mainly at civilians to end the conflict. In this policy, Duterte continues to have the support of the U.S. government and of the other nations providing military aid - Australia, Canada, Japan, South Korea and Israel. The NDFP is willing to re-enter peace negotiations with a post-Duterte government.

## **Chapter 7: Recommendations**

The Filipino People, like all Peoples, have all the human rights set out in the UDHR, the UN Charter, the ICCPR, the ICESCR, CEDAW, the Convention on the Rights of the Child, UNDRIP, the Conventions against Torture and Enforced Disappearance, and the UN Declarations on the Right to Development and the Right to Peace. These Recommendations are made to advance their human rights which we have found to be comprehensively violated.

### **To the UN Human Rights Council**

1. Authorize an independent investigation of human rights violations in the Philippines since the June 4, 2020, report by the High Commissioner for Human rights.
2. Hold the Government of the Republic of the Philippines and its officials accountable for the thousands of violations of human rights and IHL carried out by official state policies.
3. Member States to conduct study tours with labor unions and peasant communities in the Philippines and report on their conditions to the international community.
4. Convey all three INVESTIGATE PH *Reports* to the Working Group on Communications to assess all the violations of human rights alleged in them, noting in particular the violations by the Philippine Government of the UN Declaration on the Rights of Indigenous Peoples related to mining and land rights, the seizure of land in Marawi City, and the ongoing military operations against civilian communities in the Moro territories.

### **To the UN Human Rights Committee, Committee on Enforced Disappearances, and Committee against Torture**

5. Investigate President Rodrigo Duterte for the execution of Memorandum Order 32 and Executive Order 70. These official orders reinforced by his public statements to kill drug users, dissenters and rebels have allowed state security agencies and other civilian government agencies to utilize government funds and networks to weaponize the law, stifle dissent, wrongly jail targeted individuals, torture, abduct or kill them.

### **To the Committee on Elimination of Discrimination Against Women**

6. Investigate President Rodrigo Duterte for his repeated malicious misogynistic incitement of violence against women.

## **To the Committee on Economic Social and Cultural Rights**

7. Investigate the Philippine government for its subservience to U.S. economic and military policies, and its failure to provide the majority of its budget resources to uphold:

- the right to employment on fair terms, the right to form trade unions and to collectively bargain and the right to strike;
- the rights of OFWs;
- the right of peasant farmers to fair distribution of land;
- the right of all children to free primary education, and progressively free secondary and university education;
- the right to an adequate nutrition and progressively free health services;
- the right to an adequate standard of living including food, clothing and shelter, and to the continuous improvement of living conditions.

## **To the Committee on the Rights of the Child**

8. Investigate the failure of the Philippine government to prevent child pornography, child trafficking and child labor.

## **To the International Criminal Court**

9. Expedite the recommendation of former ICC Prosecutor Ms Fatou Bensouda to investigate “the crime against humanity of murder [which] has been committed on the territory of the Philippines between 1 July 2016 and 16 March 2019 in the context of the Government of Philippines ‘war on drugs’ campaign. ... and allegations of torture and other inhumane acts, and related events as early as 1 November 2011, the beginning of the Court's jurisdiction in the Philippines.”<sup>371</sup>

## **To the International Labor Organization**

10. Expedite the ILO High Level Tripartite Mission to the Philippines, on the Application of Standards (International Labor Conference, 108th Session, June 2019) on *Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)*, through a physical visit by the Mission.

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<sup>371</sup> <https://www.icc-cpi.int/Pages/item.aspx?name=210614-prosecutor-statement-philippines>.

## **To Philippine Civil Society**

11. Begin planning from now, including the marshalling of resources, to replace, rectify, repair, remedy and redress the programs, policies and actions of the Duterte administration identified in the INVESTIGATE PH *Reports* which violate human rights and IHL, so that the Philippines can fulfil its commitments to human rights specified in its Constitution and the international human rights instruments to which it is a signatory.

## **To International Civil Society**

12. Bring this *Third Report* of INVESTIGATE PH as well as the *Initial* and *Second Reports* to the immediate attention of the international community, to be widely read and discussed, to inform national debates about government-to-government and people-to-people relations with the Philippines, and thus more rapidly assist the Filipino people to recover their fundamental human rights.

## **To States in general, their respective Ministries of Foreign Affairs and Parliaments:**

13. Provide support for the resumption of the peace negotiations between the Government of the Philippines and the National Democratic Front of the Philippines.

14. Suspend all military and police aid of all countries who have cooperation agreements for military and police training and arms and equipment sales until respect for human rights and international humanitarian law is restored and felt on the ground in the Philippines.

15. Call upon the U.S. Congress to pass the Philippines Human Rights Act (PHRA) to halt the U.S. government's Philippine military funding and assistance (including weapons sales and donations of armaments) to the police until the Philippine government can guarantee the human rights of its citizens, establish a judicial system to prosecute members of its military and police responsible for human rights violations, and comply with audits and investigations to ensure that U.S. aid is not used for human rights violations.

16. Call on the European Commission and its External Action Service to use all available instruments, including the Partnership and Cooperation Agreement (PCA), to persuade the Philippines to put an end to extrajudicial killings related to the anti-drug campaign and, in the absence of substantive improvements, to initiate the procedural steps which could lead to the temporary withdrawal of the Generalized Scheme of

Preferences Plus (GSP+), as stated in the European Parliament Resolution of September 15, 2020.

### **On the 2022 Elections**

17. Ensure the safety of election officers and volunteers, voters and the general public, and cease militarization of communities, to maintain the integrity of the May 2022 presidential elections, and wherever possible for international election observer missions to be present during the election campaign, voting and counting.

### **On the COVID-19 Pandemic**

18. For the international community to support the efforts of the Filipino people and government to ensure access to free COVID-19 vaccines, testing, treatments, and adequate income support including paid pandemic leave, and support solidarity efforts of the people to operate community pantries, kitchens and gardens.

## Chapter 8: Conclusion

The historic conditions of domination by a foreign power, poverty, landlessness, exploitation, repression, and rebellion of Filipino society have been exacerbated by the anti-people policies of the Duterte government since it came to power in July 2016.

Because of the government's neoliberal economic program, landlessness and unemployment have increased, poverty has widened, and extrajudicial killings of civilians by state forces in these five-and-a-half years have long surpassed those during the fourteen years of the notorious Marcos Dictatorship. Women, children and Indigenous People have especially suffered.

Duterte's War on Poor People, War on Dissent and War on the Moro People radically violate the 1987 Philippine Constitution, many laws enacted to implement the Constitution, and the international human rights instruments which underpin that Constitution. President Duterte has repeatedly and brazenly declared his contempt for human rights, for the Special Procedures of the HRC, and for officers of the International Criminal Court.

We emphasize that the economic, social and cultural rights of the Filipino people are grievously violated and that when they protest and assert their rights, their civil and political rights are crushed by the ever-strengthening machinery of state repression.

There is a viable political alternative to the narrow military policy chosen by Duterte, and that is the longstanding peace process between the government of the Philippines and the NDFP, which at present is facilitated by the Royal Norwegian Government. However, Duterte unilaterally withdrew from this process at the end of 2017. The government has an existing peace agreement with the MILF which must be wholeheartedly honored.

The international community must uphold universal human rights for the Filipino People as for every part of the human community, and reduce or cease military aid to the Philippines, while exerting concerted diplomatic pressure to move the Manila government back towards the rule of law and the path of peace.

The decision by the UNHRC at its 45th Regular Session to provide technical and capacity-building assistance in human rights to the Philippine government, welcome as it is, was inadequate to the situation because it assumed good faith on the part of the Duterte government. Since that decision, violations of the ICCPR and ICESCR have worsened. Our investigation demonstrates that far more decisive action is needed by the UNHRC and by the international community as a whole.

We commend our *Reports* and our Recommendations to you.

We in INVESTIGATE PH will continue to agitate in our organizations, in our countries and our international networks to support the Filipino people and demonstrate our solidarity with them in their courageous efforts to mobilize for democracy, justice and peace, as they demonstrated against Marcos.

## Annex

List of Abbreviations (in alphabetical order)

ACT	Alliance of Concerned Teachers
AFP	Armed Forces of the Philippines
AHW	Alliance of Health Workers
AIPP	Alliance for Industrial Peace Program
AMLAC	Anti-Money Laundering Council
ARRD	Agrarian Reform and Rural Development
ASEAN	Association of Southeast Asian Nations
ATA	Anti-Terrorism Act
BARMM	Bangsamoro Autonomous Region in Muslim Mindanao
BAYAN	Bagong Alyansang Makabayan (New Patriotic Alliance)
CALABARZON	An acronym for five industrialized provinces south of Manila: Cavite, Laguna, Batangas, Rizal and Quezon
CARHRIHL	Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law
CASER	Comprehensive Agreement on Social and Economic Reforms
CCTV	Closed-circuit television
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CHR	Commission on Human Rights
COIN	Counterinsurgency Strategy
CPA	Cordillera People's Alliance
CPP	Communist Party of the Philippines
CREATE	Corporate Recovery and Tax Incentives for Enterprises
CTUHR	Center for Trade Union and Human Rights

DND	Department of National Defense
DOJ	Department of Justice
DOLE	Department of Labor and Employment
DSWD	Department of Social Welfare and Development
EDCA	Enhanced Defence Cooperation Agreement
EO	Executive Order
FFF	Federation of Free Farmers
GABRIELA	The Alliance of Filipino Women
GDP	Gross Domestic Product
Huk	Hukbo ng Bayan Laban sa Hapon - People's Anti-Japanese Army
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICHRP	The International Coalition for Human Rights in the Philippines
IDP	Internally Displaced Person
IFI	Iglesia Filipina Independiente
IHL	International Humanitarian Law
ILO	International Labor Organization
IMF	International Monetary Fund
INVESTIGATE PH	The Independent International Commission of Investigation into Human Rights Violations in the Philippines
IP	Indigenous People
IRR	Implementing Rules and Regulations
JASIG	Joint Agreement on Safety and Immunity Guarantees
JIPCO	Joint Industrial Peace Concerns Office

JUSMAG	Joint US Military Assistance Group
Kadamay	National Alliance of Filipino Urban Poor
Karapatan	Alliance for the Advancement of People's Rights
KIRED	Kasibu Inter-tribal Response for Ecological Development
KMP	Kilusang Magbubukid ng Pilipinas (National Peasant Movement of the Philippines)
KMU	Kilusang Mayo Uno Labor Center (May First Movement)
LGBTQ	Lesbian, Gay, Bisexual, Transgender, Queer
MILF	Moro Islamic Liberation Front
MNLF	Moro National Liberation Front
NCCP	National Council of Churches in the Philippines
NCIP	National Commission on Indigenous Peoples
NCR	National Capital Region
NDF(P)	National Democratic Front (of the Philippines)
NIED	National Industrialization and Economic Development
NPA	New People's Army
NTF-ELCAC	National Task Force to End Local Communist Armed Conflict
NUPL	National Union of Peoples' Lawyers
NUSP	National Union of Students in the Philippines
OFW	Overseas Filipino Worker
OHCHR	Office of the High Commissioner for Human Rights
Pasaka-SMR	Pasaka Confederation of Lumad Organizations in Southern Mindanao
PCR	polymerase chain reaction
PEZA	Philippine Export Zone Authority
PHPP	South Pulangi Hydroelectric Power Plant

PNP	Philippine National Police
PRO3	Police Regional Office 3
PSA	Philippine Statistic Authority
RGS	Religious of the Good Shepherd
RMP	Rural Missionaries of the Philippines
SAP	Social Amelioration Program
SONA	State of the Nation Address
SWS	Social Weather Station
TINDOGA	Tribal Indigenous Oppressed Group Association
TIP	Trafficking in Persons
TRAIN	Tax Reform for Acceleration and Inclusion
UCCP	United Church of Christ in the Philippines
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP PH	United Nations Development Programme Philippines
UNDRIP	The United Nations Declaration on the Rights of Indigenous Peoples
UNHRC	United Nations Human Rights Council
UNICEF	United Nations Children's Fund
UP	University of the Philippines
VFA	Visiting Forces Agreement
WB	World Bank
WTO	World Trade Organization