



International Covenant on Civil and Political Rights

Distr.: General
17 October 2022

Original: English

Human Rights Committee 136th session

Summary record of the 3920th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 11 October 2022, at 10 a.m.

Chair: Ms. Pazartzis

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant
(*continued*)

Fifth periodic report of the Philippines (continued)

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Council at this session will be reissued for technical reasons after the end of the session.



The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

*Fifth periodic report of the Philippines (continued) (CCPR/C/PHL/5;
CCPR/C/PHL/Q/5; CCPR/C/PHL/RQ/5)*

1. *At the invitation of the Chair, the delegation of the Philippines joined the meeting.*
2. **A representative of the Philippines** said that recent efforts to protect and promote the rights of persons with disabilities included developing a preliminary national system of standards and accreditation procedures for legal interpreters; conducting disability awareness-raising training for public attorneys and prosecutors; developing a strategic plan for the Subcommittee on Access to Justice and Anti-discrimination; issuing a statement by the Council on Disability Affairs condemning the use of social media platforms to mock, ridicule or vilify persons with disabilities; holding the first Philippine Accessibility Summit; securing discounts on health-care costs for persons with disabilities and long-term illnesses; and creating a technical working group for mainstreaming disability matters into all programmes and services of the Department of Justice, with a focus on the compilation and disaggregation of data for use in monitoring and evaluation activities.
3. **Mr. Remulla** (the Philippines) said that it had been agreed that, on the next occasion that a delegation of the Philippines met with the Committee, it would include a member of Congress who would be able to answer the Committee's questions concerning pending legislative matters.
4. **A representative of the Philippines** said that, with regard to access to education and health care for indigenous peoples, health-care caravans provided services to over 25,000 indigenous people in hard-to-reach communities and had continued to do so even at the height of the coronavirus disease (COVID-19) pandemic. Awareness-raising campaigns dealing with indigenous issues and rights were held for frontline and other health-care workers. Two national capacity-building schemes had been undertaken, resulting in the development of 52 ancestral domain health plans. Culturally sensitive health-care training courses had been attended by 3,710 participants. Through its education advocacy services, the National Commission on Indigenous Peoples had provided scholarships and other support to around 55,000 indigenous students.
5. **Mr. Remulla** (the Philippines), responding to questions on the displacement of indigenous peoples, said that the Department of Justice was responsible for the overall management of land titles, but land rights also came under the remit of the Land Registration Authority, the Department of Environment and Natural Resources, the Department of Agrarian Reform and the National Commission on Indigenous Peoples. The Department of Justice had brought those four authorities together to ensure coherence in the issuance of titles and to avoid any duplication or confusion.
6. Three main laws covered torture in the Philippines: the Anti-Torture Act; the Philippine Act on Crimes Against International Humanitarian Law, Genocide and Other Crimes Against Humanity; and the Anti-Terrorism Act. The Government of the Philippines did not condone torture under any circumstances, and torture was certainly not a State policy. Of the 57 cases of torture that had been reported, 20 of those reports had been withdrawn by the complainants, 1 had resulted in a conviction, and the remaining 36 were under investigation. The Committee's concerns would be taken seriously, and efforts would be made to investigate any cases in which extrajudicial confessions had been used to secure convictions.
7. **A representative of the Philippines** said that, since 2009, four police officers had been dismissed for violations of human rights standards, and others had been demoted or suspended. An orientation seminar for custodial officers had been introduced in 2021, from which over 4,100 officers had graduated. Guidelines for the management of custodial facilities and persons in police custody had been developed to raise the awareness of police and custodial officers concerning their responsibility to respect the rights of persons in custody. Regular and random inspections were conducted by national human rights officers

to ensure that protection policies were observed and people's rights were being respected. The Human Rights Office had been tasked with monitoring the investigations into cases of human rights violations.

8. **Mr. Remulla** (the Philippines) said that cases of unlawful death resulting from police operations had been investigated in accordance with Administrative Order No. 35, under which the Inter-agency Committee on Extra-legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons had been established. With regard to the question asked at the previous meeting about the drug watch list being a potential source of human rights violations, drawing up that list was part of the work of local government units that had been tasked with compiling data on drug users in their community for intelligence purposes, but they did so in full accordance with data privacy laws.

9. **A representative of the Philippines** said that local councils formed to combat drug abuse played a crucial role in monitoring and reporting drug-related incidents at the community level as part of a village drug-clearing programme. They collected data on drug users, alleged drug pushers and possible drug dens as a means of establishing the extent of the drug problem in different villages and communities. All the information obtained was treated with the utmost confidentiality in line with the laws on data protection and privacy. The purpose for which those data were compiled had been misconstrued; no State policy provided for the compilation of such lists for use in incriminating given individuals.

10. **Mr. Remulla** (the Philippines) said that reports that over 100 children had been killed in the war on drugs were baseless. The truth of the matter was that four children had been killed in the 240,000 anti-drug operations led by the police, all of which had been accidental deaths. In one case, the child's father had been the intended target, and the officer who fired in that incident had been tried and convicted. More than 4,000 children had been rescued in anti-drug operations.

11. With regard to his Government's withdrawal from the Rome Statute of the International Criminal Court, as the national judicial system was fully operational, there was no need for the International Criminal Court to intervene. The pace of the judicial process in the Philippines might not be to the satisfaction of critics, but it was preferable to take sufficient time to ensure proper convictions, rather than rushing through proceedings and running the risk of convicting innocent people.

12. **A representative of the Philippines** said that, under Philippine law, domestic violence was considered to be valid grounds for a legal separation but not for the dissolution of a marriage.

13. **A representative of the Philippines** said that 43 principal suspects, masterminds and accomplices had been convicted in connection with the Maguindanao massacre. Of those persons, 25 had been government officials and 6 had held high-ranking positions in local government. The remainder had been police officers.

14. **A representative of the Philippines** said that, in order to engage with special procedures and mandate holders on human rights issues of relevance to the Philippines, 31 one-to-one meetings had been held since 2019, and forthcoming meetings had been secured with the Special Rapporteur on the sale and sexual exploitation of children and the Special Rapporteur on freedom of opinion and expression. The Government of the Philippines was actively engaged in discussions with the United Nations Human Rights Council on strengthening the special procedures system.

15. **A representative of the Philippines** said that the State had focused its human rights awareness-raising measures on engagement with non-governmental organizations (NGOs) and civil society organizations representing vulnerable sectors of the population at the grassroots level and on helping them to build their capacity. Engagement had continued throughout the COVID-19 pandemic and had included three major gatherings with those organizations. "Voices from the ancestral domains", a national gathering of indigenous community leaders, had been witnessed by the United Nations Special Rapporteur on the rights of indigenous peoples. The midterm assessment of the Philippines Human Rights Plan had included 90 civil society representatives and taken place in the presence of the United

Nations country team. The First National Meeting of Human Rights Defenders had taken place in December 2021 and had been attended by the United Nations Special Rapporteur on human rights defenders.

16. **Mr. Remulla** (the Philippines) said that the United Nations Joint Programme on Human Rights had been making good progress in the areas of capacity-building, training and, in particular, in forging new relationships with civil society organizations. Actions taken to strengthen accountability had included: a needs assessment to identify areas for improvement and make recommendations for increasing the effectiveness of the Inter-agency Committee on Extra-legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons; establishment of special criminal investigation teams to investigate cases involving human rights defenders, among others; the engagement of forensic and legal specialists in developing training on the Minnesota Protocol on the Investigation of Potentially Unlawful Death; development of training courses on rehabilitative victim support; discussions on human rights awareness and training requirements for prosecutors; and consideration of how to update the Philippines Human Rights Plan and its deliverables.

17. **Mr. Bulkan**, turning to issue 15 on the list of issues (CCPR/C/PHL/Q/5), said that the State party's claim that it adhered to the 12 principles prescribed by the United Nations Office on Drugs and Crime, including informed and voluntary participation in treatment, was contradicted in law and in practice by mandatory drug treatment, in particular the imposition of penalties of six months' rehabilitation or incarceration for first-time drug offenders, and by reported ill-treatment, detention in isolation, forced labour and the perpetration of psychological violence in rehabilitation centres in which no oversight mechanism was in place. He wished to know whether persons in those programmes were free to leave if they chose and, if not, on what grounds they were detained. The Committee would appreciate updated statistics on the numbers of persons who had been subjected to mandatory drug treatment during the reporting period and information on the kind of treatment imposed and the oversight exercised by medical personnel. Was there any judicial oversight of State-mandated drug treatment programmes? He would also like to know if persons in such programmes had any legal recourse. Given that the State party had withdrawn from the International Criminal Court, would it nonetheless cooperate with any investigation undertaken by the Court, which had announced its intention to reopen an investigation to determine whether the official response to the "war on drugs" involved crimes against humanity?

18. While he agreed that it was preferable not to rush to judgment and convict innocent people, periods of pretrial detention that lasted for years fell foul of the principle of the presumption of innocence. The Committee had been informed that 75 per cent of all prisoners were in pretrial detention, which lasted for an average of 528 days. Could the delegation comment on those statistics? He would be interested to learn whether the number of pretrial detainees was increasing and, if so, what proactive measures would be taken to address the problem. Former Senator Leila de Lima remained in police detention, five years since her arrest, pending trial. Such an extended period of remand in custody violated several rights under the Covenant. He wished to know why her trial had been delayed for so long, particularly since two key prosecution witnesses had recanted, claiming to have been coerced into testifying by officials under the previous Administration, which implied that the charges against her could have been fabricated in response to her outspoken criticism of the former President. With that in mind, he wondered why she remained in custody and whether there had been any investigations into the claims of those witnesses.

19. Regarding internally displaced persons, while the Committee commended the State party on its efforts to resolve their situation, it wished to know if there was a timeframe for the implementation of the Marawi Compensation Act and when the implementation rules would be approved so that the Marawi compensation board could be set up. While there had been a significant amount of investment in reconstruction, many of the works had been done without public consultation. The planned military camp in Marawi on the lands of displaced residents was particularly concerning; residents had not been consulted and had not been permitted until months later to visit their homes and retrieve their belongings, much of which had already been looted. He wanted to know why local residents had not been involved in

decisions that affected them directly and why there was a focus on mega-projects, when some 350,000 Marawi residents remained displaced. Would the State party commit to ensuring transparency and inclusivity in reconstruction efforts involving local communities and internally displaced persons? The fact that military operations were continuing and that the displacement problem was therefore not abating was also worrisome. The failure of counter-insurgency operations to distinguish civilians from armed combatants had resulted in widespread, systematic and grave violations of human rights.

20. In the light of reports that current measures to recognize indigenous peoples' right to their ancestral lands had benefited only a small fraction of the indigenous population, he would be interested to learn what steps were being taken to ensure that all indigenous peoples had access to land titling procedures and to make those procedures simpler and more efficient. He would also be grateful if the delegation could comment on reports that the State maintained ownership rights over land recognized as ancestral indigenous territory and that indigenous peoples' land was sometimes redistributed to non-indigenous settlers without the consent of the landowners by the Department of Agrarian Reform. He would appreciate the delegation's comments on reports that land legally owned by indigenous communities could be used for development projects if certificates of free, prior and informed consent were obtained from the communities concerned and that such certificates were sometimes obtained by way of deception, threats, force and even fatal violence. He wished to know whether the law provided for sharing profits from development projects with communities on whose land the projects were located; if so, he would be interested to learn about specific cases of such profit-sharing. It would be useful to know whether there was any judicial or administrative oversight of the process involved in obtaining certificates of consent and whether mechanisms were in place to protect indigenous communities from powerful economic interests in the context of development projects. Lastly, he would be grateful for information on any investigations carried out into reports that a number of indigenous persons had been murdered or extrajudicially executed because of their activities in defence of their rights and ancestral lands, including information on any prosecutions and any convictions in that connection.

21. **Mr. Yigezu** said that he would appreciate clarification of the specific measures taken by the State party to ensure that all persons deprived of their liberty were afforded, in practice, all fundamental legal safeguards from the outset of their detention. In the light of reports that the current legal system of the Philippines failed to protect individuals from arbitrary detention and ensure that detainees were promptly brought before a judge upon arrest, he wished to know what measures the State party intended to take in order to comply with articles 9 and 14 of the Covenant.

22. According to reports received by the Committee, despite steps taken to combat child sexual abuse and commercial sexual exploitation in the State party, there had been a sharp increase in such activity online. He would therefore appreciate information on plans to combat the commercial sexual exploitation of children, in particular in online spaces, and to prosecute the perpetrators of such crimes and their accomplices. There were also reports that government officials alleged to be involved in trafficking had escaped investigation and prosecution and that no steps had been taken to improve specialized protection and assistance services for child victims of cybersex trafficking. He wished to know what measures the State party planned to take to address those alleged shortcomings.

23. In the light of reports that Securities and Exchange Commission Memorandum Circular No. 15 of 2018, which required non-profit organizations to disclose information about their sources of funding and beneficiaries, was being used to justify the surveillance and harassment of members of civil society, he would be grateful for clarification of the measures taken to ensure that Memorandum Circular No. 15 was not being implemented in a way that restricted the right to freedom of association and civic space. Moreover, in view of reports of the excessive use of force by law enforcement officers during peaceful protests by workers, he wished to know what measures the State party would take to protect workers – including foreign workers – carrying out peaceful strikes and protests and to uphold their rights to freedom of assembly and association. He wondered whether thorough and independent investigations had been conducted into allegations of the excessive use of force

in the aforementioned context, whether the persons found responsible had been held accountable and whether the victims had been provided with full redress.

24. As the Supreme Court's decision to remove former Chief Justice Maria Lourdes Sereno from office had reportedly been directly related to threats made against her by the then President Duterte, he would be grateful if the delegation could explain how the Supreme Court's decision respected the principle of the independence of the judiciary. He would also appreciate further information on the measures taken by the State party to put an end to the alleged intimidation and killing of judges and lawyers, to protect them and other persons working in the judicial system and to ensure that they were able to do their jobs with complete independence. He also wished to know whether investigations had been carried out with a view to prosecuting the suspected perpetrators of violence against members of the judiciary.

25. **Mr. Soh** said that he wished to know whether the new Administration planned to repeal or amend current government circulars pertaining to Operation Oplan Tokhang and the procedures that governed house visits by the police, including Command Memorandum Circular No. 16 and Board Regulations No. 3 and 4 of 2016. He would be grateful if the delegation could provide further information on the complaints mechanism established under the Data Privacy Act of 2012, as well as statistics on the complaints that the National Privacy Commission had received and processed. He would be particularly interested to learn whether that complaints mechanism was also open to persons who wished to challenge their inclusion on drug watch lists. Clarification of whether drug testing for teachers and students in public and private schools was mandatory under the State party's existing laws would also be welcome.

26. It would be useful if the delegation could clarify the State party's stance on the lowering of the age of criminal responsibility. In that regard, he wished to draw attention to general comment No. 24 (2019) of the Committee on the Rights of the Child on children's rights in the child justice system, in which the Committee urged States parties not to reduce the minimum age of criminal responsibility under any circumstances. He would be grateful if the delegation could provide further information on the State party's efforts to apply the Juvenile Justice and Welfare Act more effectively. What did the State party believe to be the main obstacles to the enforcement of the Act?

27. **Mr. Ben Achour** said that he wished to know what measures the State party was taking to investigate the murder of human rights defenders, in particular Raymond Moncada, Anselmo Carlos, Juan Macababba and Percy Lapid, and to ensure that the perpetrators of those murders were brought to justice. Information on the investigation into the enforced disappearance of the activists Elizabeth Magbanua and Alipio Juat would also be welcome. He would appreciate an update on the status of the bill on human rights defenders mentioned in paragraph 185 of the State party's replies to the list of issues (CCPR/C/PHL/RQ/5). It would be useful to receive information on the results achieved by the Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons. Lastly, he would be grateful for information on the measures that the State party planned to take to put an end to public attacks against lawyers, the practice of "red-tagging" and the disclosure of drug watch lists and lists of suspected terrorists.

28. **Ms. Kran**, thanking the State party for the information provided, said that some of that information conflicted with the reports received from reliable non-governmental sources.

29. The Committee was concerned that the anti-false content bill introduced in 2019 by the then President of the Senate with a view to combating the spread of false information online was not compatible with article 19 of the Covenant, as it contained broad terms such as "reasonable belief" and "valid and sufficient basis" that were not clearly defined. It would be helpful if the delegation could explain those terms, using concrete examples. Bearing in mind that the Covenant permitted only necessary restrictions on freedom of expression, she would like to know why the prohibition of false content was deemed necessary and what safeguards would be incorporated into the bill to protect freedom of expression.

30. The Committee had received reports that two major media outlets, the broadcasting network ABS-CBN and the digital media company Rappler, had been shut down by the

Government in recent years. Both outlets had been critical of the Government's so-called war on drugs. She wondered how such shutdowns were compatible with the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. Rappler had reportedly had its certificate of incorporation revoked on the grounds that it had violated constitutional provisions on foreign ownership. She would like to know how the Government ensured that those provisions were not misused to curtail freedom of expression.

31. Between 2018 and 2020, there had reportedly been around 10 cyberattacks – some of which had been instigated by State bodies – on independent media outlets. She would like to invite the delegation to explain how State-sponsored cyberattacks on media outlets were consistent with article 19 (3) of the Covenant and what measures would be taken to protect media outlets against such attacks.

32. Even though the Committee and other human rights bodies had stressed that there was no place for the criminalization of speech in a democratic country, defamation and online libel remained criminal offences under Philippine law. She would be interested to know what steps would be taken to bring the relevant provisions into line with the Covenant and, in particular, how the restrictions on freedom of expression established by the Revised Penal Code were compatible with article 19 (3) of the Covenant.

33. Among the many journalists who had been prosecuted for exercising their freedom of expression were the co-founder of Rappler, Maria Ressa, and a former Rappler journalist, Reynaldo Santos, who had been convicted of cyberlibel under the Cybercrime Prevention Act in connection with an article that had been published before the Act had been passed. She wondered how the approach taken to their case could be considered compatible with the State party's obligation to protect freedom of expression.

34. At least two journalists had been killed since the new President had taken office, yet the Government had failed to condemn those killings and to bring the perpetrators to justice. She wished to know what steps would be taken to protect journalists from harm at the hands of both State and non-State actors.

35. Lastly, in view of reports that, in November 2021, the then Secretary of the Department of Energy had taken legal action against several journalists and media outlets for reporting allegations of corruption made against him, she would like to know how the Philippine authorities distinguished between acts that could legitimately be considered to be libel and actions undertaken in the course of investigative reporting.

The meeting was suspended at 11.30 a.m. and resumed at 11.55 a.m.

36. **A representative of the Philippines** said that persons who had been diagnosed with drug dependency were referred for appropriate treatment. Although the Comprehensive Dangerous Drugs Act provided only for inpatient treatment, the Dangerous Drugs Board had introduced other forms of treatment that were recognized by the United Nations Office on Drugs and Crime. Persons with severe drug use disorders were referred to inpatient treatment and rehabilitation facilities on a voluntary or involuntary basis. The Government planned to strengthen the mechanisms for voluntary admission to such facilities.

37. The effectiveness of Philippine treatment and rehabilitation programmes was demonstrated by the low relapse rate among persons with severe drug use disorders, which stood at 1.03 per cent. Almost 3,000 persons had completed inpatient treatment and rehabilitation, while around 300,000 persons had completed community-based rehabilitation treatments and over 62,000 had undergone general treatment for low-level drug dependency. Drug treatment centres were accredited on the basis of specific standards that were aligned with those set for medical facilities by the Department of Health, as drug addiction was considered first and foremost a health concern. A total of 2.1 billion Philippine pesos had been allocated to the improvement and expansion of treatment and rehabilitation programmes in 2022.

38. **Mr. Remulla** (Philippines) said that drug addicts who failed to complete the rehabilitation process were placed in detention. Philippine society had been suffering from the scourge of drug addiction since the 1980s. The Government had adopted a hard-line approach because it had seen the serious impact of drug addiction on families, who, as the basic unit of society, took precedence over the individual. Some States, such as the

Netherlands, had experimented with a lax approach to the issue but had tightened their regulations when they had realized the extent of the risks involved.

39. **A representative of the Philippines** said that, under the Supreme Court guidelines for the continuous trial of criminal cases, accused persons must be arraigned within 10 days of the filing of the case against them, if they were being held in detention, and within 30 days, if they were not. The arbitrary detention of persons who had been formally charged was therefore not tolerated. Over the previous few years, some 140,000 persons deprived of their liberty had been released from detention. Of those, around 14,000 had been released on recognizance. As at 30 September 2022, there were only 12,365 women prisoners who were awaiting trial or a final judgment.

40. **Mr. Remulla** (Philippines) said that poverty was an obstacle to the Government's efforts to reduce prison overcrowding, as some people who were detained for bailable offences were unable to afford bail. Release on recognizance had been introduced as an alternative, the possibility of using crowdfunding was being explored, and the Public Attorney's Office had been encouraged to consider filing a motion to reduce bail where possible. The Government would welcome assistance from civil society organizations in that area.

41. The criminal proceedings involving former Senator Leila de Lima, which had been delayed by the COVID-19 pandemic, must be considered objectively. In one of the two cases pending against her, she had claimed that a witness for the prosecution wished to recant his testimony. Recantation was generally frowned upon by the Philippine courts and rarely led to an acquittal. Moreover, the timing of the events was suspect, as the recantation had been announced via the media nine days before the 2022 Senate election, in which the defendant had been standing as a candidate. The witness in question would be given the opportunity to recant his testimony if he wished to do so, but it was the duty of the prosecution to ensure that such requests were not merely an attempt to interfere with the proceedings.

42. **A representative of the Philippines** said that the Marawi Siege Victims Compensation Act was to be implemented within a time frame of five years, pursuant to section 22 of the Act. The Government engaged actively with the civil society organizations involved in reconstruction efforts, such as the Lanao del Sur People's Council. The purpose of the State's military operations in Marawi had been not to cause displacement but, on the contrary, to enable displaced persons to return to their homes by putting an end to the extremist violence that had threatened their rights to life, liberty, security of person and property.

43. **Mr. Remulla** (Philippines) said that some indigenous groups had not remained neutral in the conflict between the Government and the New People's Army and had sided with one party or the other. It was important not to attribute all atrocities to State actors, as there was clear evidence that the New People's Army had committed many atrocities, killing thousands of people.

44. **A representative of the Philippines** said that the Government's decision to close certain schools had been made, not on a whim, but on the basis of credible intelligence and in response to appeals from parents who had claimed that their children were being held at the schools against their will. The schools had been operating as training camps for child combatants. The State had therefore taken action to protect the children in accordance with its obligations under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

45. **Mr. Remulla** (Philippines) noted that "Lumad" should not be used as a generic term to refer to all indigenous peoples in the Philippines.

46. **A representative of the Philippines** said that the protection of pretrial detainees was of paramount importance. If an arrest was made without a warrant, the case had to be filed with the court within 12, 18 or 36 hours, depending on the gravity of the alleged offence. Law enforcement officers who failed to meet that deadline were liable to administrative, civil or criminal proceedings. Various temporary release arrangements were available, including cash bail, property bonds and release on recognizance, which was granted when a person of

good standing in the community had provided assurances that the accused would appear in court.

47. **Mr. Remulla** (Philippines) said that the online sexual exploitation of children had increased during the COVID-19 pandemic, and his country had apparently become a global epicentre of such abuse. Pursuant to the SIM Card Registration Act, which had just been signed by the President, perpetrators of the online exploitation of children could be identified. In addition, the Department of Justice, the Department of the Interior and Local Government, the Department of Information and Communications Technology and the Anti-Money Laundering Council were addressing the problem in cooperation with the National Bureau of Investigation and the Philippine National Police.

48. The Securities and Exchange Commission Guidelines on Non-Profit Organizations were designed to protect such organizations from money-laundering and the financing of terrorism. One of the most effective ways of fighting insurgency in the country was to deprive insurgent groups of their sources of funding. Many civil society associations had donated funds to organizations that supported the New People's Army and the Communist Party of the Philippines. The terrorist acts perpetrated by insurgent groups during the past 50 years had cost many lives, forced people to emigrate and undermined the country's development and progress.

49. **A representative of the Philippines** said that the Supreme Court had stated in its ruling on the case of former Chief Justice Soreno that the impeachment proceedings were basically political in nature, whereas an action for *quo warranto* was judicial. Impeachment was a proceeding exercised by the legislative branch to determine a public officer's fitness to remain in office. An action for *quo warranto*, on the other hand, involved a judicial determination of the eligibility or validity of the election or appointment of a public official based on predetermined rules. Owing to her lack of constitutional qualifications, the Chief Justice had been found to be ineligible to hold that position.

50. **Mr. Remulla** (Philippines) said that the ABS-CBN media network had not been shut down. Rather, Congress had voted by 70 to 11 to deny the network a franchise to use the country's digital platform for television broadcasts. However, it was still entitled to broadcast on other digital platforms such as YouTube.

51. The licence of the Rappler digital media company had been revoked because the Constitution required that mass media companies should be wholly Philippine-owned. The background reasoning for that provision was that the media had been used by the colonizers to brainwash Filipinos in the past. The Rappler case had been heard in the Court of Appeals and was currently being considered in the Supreme Court.

52. Libel had been criminalized under the Cybercrime Prevention Act, and thousands of cases were being filed throughout the country. As that litigation was keeping prosecutors in the Department of Justice extremely busy, the Department considered that Congress should debate the matter and opt instead for the imposition of large fines, since cyberlibel was a relatively mild offence.

53. **A representative of the Philippines** said that the country was a culturally and ethnically diverse nation with an indigenous population of more than 14 million people who spoke more than 80 languages and dialects and comprised 13 per cent of the total population. The Philippines had fought for full decolonization in the United Nations and other bodies and was committed to the incorporation of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination into its legal system. Presidential Decree No. 966 prohibited organizations and propaganda activities that promoted or incited racial discrimination. The Agta Negritos were an indigenous community, not a community of persons of African descent.

54. The court had convicted Ms. Ressa and Mr. Santos in the Rappler company cyberlibel case because the company had refused to publish a document from the Philippine Drug Enforcement Agency submitted by the private businessman who had been defamed in the article. That document had confirmed that Mr. Santos had not been involved in the drug trade and had no criminal record. The court had found such conduct to be a malicious and reckless disregard of the truth.

55. **A representative of the Philippines** said that the Government viewed mandatory drug testing for students as a health issue aimed at promoting appropriate action on behalf of students who tested positive. Dangerous Drugs Board Regulation No. 3 of 2009 stipulated that a positive drug test result should not be used as a ground for expulsion or any disciplinary action against students and should not be reflected in their academic records. Under no circumstances were the results to be used to incriminate any student for further legal action that might entail administrative, civil or criminal liabilities. A policy review would be undertaken in order to avoid any confusion in the implementation of the drug testing policy.

56. **Mr. Remulla** (Philippines) said that violence should never be advocated as a means of settling a dispute, and it was inadmissible to refer to persons or organizations that supported the New People's Army as human rights defenders. Bills concerning human rights defenders had been submitted to the eighteenth session of the Philippine Congress in 2019 but would now have to be resubmitted to the nineteenth session of the Congress.

57. **A representative of the Philippines** said that the current definition of human rights defenders was based on United Nations Fact Sheet No. 29, according to which a person could be classified as such only if he or she did not advocate violence.

58. **Mr. Bulkan**, noting that Certificates of Ancestral Land Titles had been issued to 1.3 million members of the 14 million indigenous peoples in the country, reiterated his question regarding the need to simplify procedures in order to ensure wider coverage of the population. He would also appreciate additional information concerning benefit-sharing, judicial oversight of the issuance of certificates based on free, prior and informed consent, and investigations of killings of indigenous persons in the context of actions aimed at defending land rights.

59. **Mr. Soh** said that he wished to draw attention to his previous questions regarding house-to-house visits of police officers, the complaints mechanism provided for under the Data Privacy Act, the minimum age of criminal responsibility and the promotion of the implementation of the Juvenile Justice and Welfare Act.

60. **Mr. Ben Achour** said that he agreed that persons who advocated violence were not entitled to protection as human rights defenders. However, lawyers and journalists in the State party who had not advocated violence had been subjected to assaults on their lives, physical integrity and honour. He would be interested to hear what the State party's position was regarding such cases.

61. **Mr. Yigezu** said that he was still awaiting an answer to his question concerning the State party's response to the arrest, intimidation and killing of judges. Although the State party had asserted that the purpose of the Securities and Exchange Commission Memorandum Circular was to combat insurgency and money-laundering, the Committee had been informed that it was also used to intimidate civil society organizations that were not involved in such activities. He would welcome information in that connection.

62. **Ms. Kran** pointed out that international human rights obligations under the Covenant were applicable to all persons, including suspected and convicted offenders, regardless of whether they were human rights defenders. As it appeared that Ms. Ressa and Mr. Santos had been convicted for publishing an article prior to the promulgation of the Cybercrime Prevention Act and that their sentences of six years' imprisonment was therefore of a retroactive nature and hence inapplicable, she would appreciate the State party's acknowledgment of that fact. She would also appreciate information regarding the libel cases filed by Mr. Cusi against 21 journalists and 7 media organizations for exposing corruption in which he had allegedly been involved.

63. **Mr. Remulla** (Philippines) said that the recently elected Administration was taking vigorous action to address human rights issues. Steps would be taken, for instance, to reform the justice system. Effective public prosecution and law enforcement services would constitute a more effective deterrent of crime than the death penalty. Some members of the judiciary had unfortunately faced threats or had even lost their lives. Replies would be submitted in writing to the Committee's questions in that regard. Strenuous action was also required to reform the overcrowded prison system in order to ensure that all persons deprived

of their liberty enjoyed basic human rights and that persons in pretrial detention were released as soon as possible.

64. **The Chair** said that she welcomed the State party's commitment to the protection and promotion of human rights. Current challenges included the elimination of restrictions on civil society, human rights defenders, members of the judiciary, lawyers and journalists, as well as practices such as the compilation of drug watch lists and red tagging. Problems in the area of drug abuse should be addressed in a manner that promoted the health and human dignity of all persons. As the State party had ratified the Second Optional Protocol to the Covenant in 2007, the Committee hoped that reports on plans to reinstate the death penalty were unsubstantiated.

The meeting rose at 1.05 p.m.