

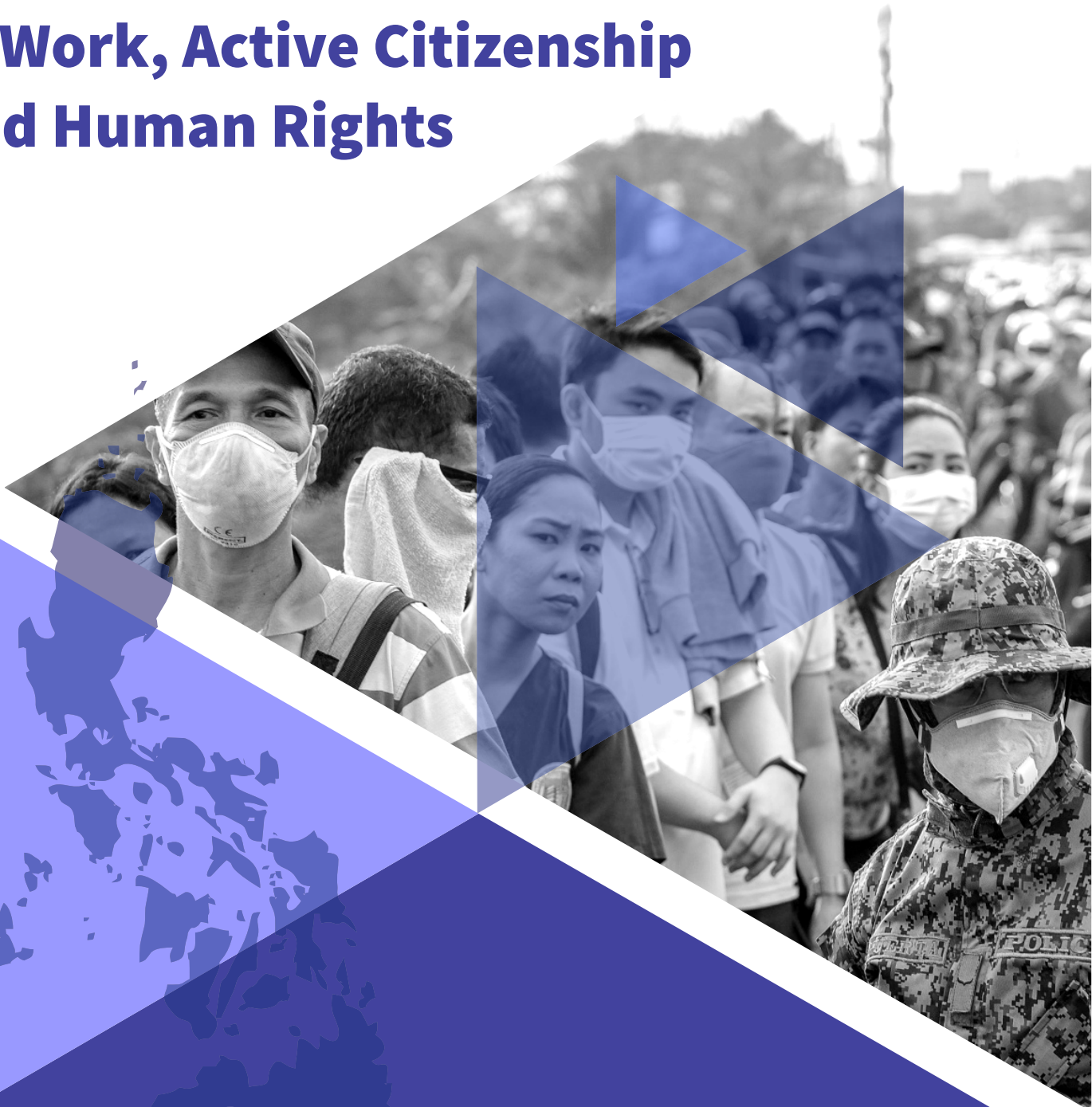


ORGANISING  
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ACTIVE  
CITIZENSHIP  
FOUNDATION

# Life After the Pandemic: Facing the New Normal in Work, Active Citizenship and Human Rights



This activity is being realized with the financial assistance of the European Union as part of the Specific Agreement No. CSO-LA/2018/402-422. The contents of this activity are the sole responsibility of Active Citizenship Foundation, Inc. and can in no way be taken to reflect the views of the European Union.

# **Life After the Pandemic: Facing the New Normal in Work, Active Citizenship and Human Rights**



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# Position paper on Human rights and Covid-19 in the Philippines

Prepared by Cecilia Lero for the Active Citizenship Foundation

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## *Introduction*

Prior to the Covid-19 crisis, President Rodrigo Duterte's administration was characterized by an atrocious attitude towards and performance in human rights. Thousands of Filipinos have been summarily executed by police officers and state-backed vigilante groups, their murders justified by the so-called “War on Drugs” while Duterte himself has publicly lambasted the concept of human rights and threatened the arrest and murder of human rights workers. At the same time, the basic needs of the population, especially those living in poverty, remained under addressed as the national capital region went through a water shortage in 2019, the national capital region and surrounding provinces experienced a power crisis, and the declaration of martial law in the Mindanao region lasting two and a half years.

The human rights situation in the Philippines has generally deteriorated further since the onset of the Covid-19 pandemic in the Philippines. This is because the pandemic has both enabled the Duterte administration to more blatantly attack human rights with impunity while simultaneously exacerbating the vulnerabilities of communities at risk.

This paper has three parts. The first part contextualizes the human rights situation in the Philippines prior to the onset of the Covid-19 crisis. The second addresses overt human rights violations as a result of the Covid-19 crisis. The final section lays out policy recommendations.

## *The Human Rights Situation in the Philippines Prior to Covid-19*

Prior to the onset of the Covid-19 crisis, the so-called “War on Drugs” was the cornerstone of the Duterte administration's program of government. In practice, this meant providing incentives and quotas for members of the Philippine National Police and state-supported vigilantes to summarily execute

supposed drug suspects. The government has gone out of its way to obfuscate the numbers of those killed, at various times releasing different and often contradicting figures. As of July 2020, government statistics claim 5,810 suspected drug personalities have been killed in connection with the so-called “War on Drugs” while human rights groups estimate the number to be closer to 27,000.<sup>1</sup> Furthermore, government records indicate that 223,780 “drug personalities” were arrested from 1 July 2016 to 31 December 2019. While statistics are unavailable on how many persons have been convicted, released, or remain in pre-trial detention, it is obvious that prisons have exhibited inhumane overcrowding since the so-called “war on drugs” began. As the overwhelming majority of targets are poor, it is reasonable to conclude that even when arrested for bailable offenses, families are either unable to make bail or are forced to take on crushing debt.

The Duterte administration has also sought to intimidate and attack human rights defenders. At the UN General Assembly in September 2020, Duterte claimed his detractors were “weaponizing” human rights when they themselves were guilty of preying on the vulnerable and using child soldiers.<sup>2</sup> This statement comes after years of Duterte attacking the human rights community. As stated in a report by the Philippine Commission on Human Rights released in July 2020,

“The prevailing climate of impunity in the context of violence against HRDs is largely attributable to the pronouncements of the President...The President through his pronouncements created a dangerous fiction that it is legitimate to hunt down and commit atrocities against HRDs because they are enemies of the state.”<sup>3</sup>

Institutional mechanisms for the protection of human rights have also suffered. The Commission on Human Rights (CHR) has come under attack by the President and his supporters. Duterte has personally threatened and insulted the chief of the Commission on Human Rights, Jose Luis “Chito” Gascon, and Duterte's allies in the House of Representatives proposed granting the CHR a PhP 1,000 (approximately US\$ 20) budget in 2018. Duterte has

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<sup>1</sup> <https://www.rappler.com/nation/human-rights-watch-drug-war-killings-continue-coronavirus-pandemic-hit-philippines>

<sup>2</sup> <https://news.un.org/en/story/2020/09/1073072>

<sup>3</sup> <https://newsinfo.inquirer.net/1305243/104-page-chr-report-lists-du30-attacks-on-rights-defenders>

accused the CHR and human rights community of not caring about alleged victims of murders and rapes committed by drug dependents, a line that has come to be a ubiquitous talking point repeated by his supporters.

In addition to statements demonizing human rights defenders and delegitimizing the concept of human rights in general, the Duterte administration has also persecuted leading human rights personalities. Senator Leila De Lima, a former chief of the Commission on Human Rights that led investigations into extrajudicial killings in the city of Davao when Duterte was mayor and, as chairperson of the Senate Committee on Justice and Human Rights led investigations into the so-called “war on drugs”, was jailed on dubious drug trafficking charges. As of this writing, she has been jailed for four years, with government prosecutors engaging in dilatory tactics to prolong her stay in prison and prevent the speedy resolution of her cases.

Senator Risa Hontiveros is another critic of the Duterte government's treatment of human rights and has been the subject of intimidation and harassment from government-sponsored social media pages and personalities. In 2017, as she was participating in the investigation of the murder of an unarmed 17-year-old by police, it was revealed that the Secretary of Justice and the Volunteers Against Crime and Corruption, a pro-government NGO whose leaders would later be appointed to positions under the Office of the President, were conspiring to file kidnapping charges against Hontiveros for helping to arrange sanctuary for witnesses to the murder.

Wanton killings and arrests perpetrated by the state, the demonization of and attacks on the concept of human rights and the human rights community, and the public and legal persecution of high-profile members of the political opposition critical of the Duterte government's performance of human rights have all contributed to a political and social context where human rights is discredited and violence and authoritarianism are glorified. It is within this context that the Covid-19 crisis hit the Philippines.

### *Overt Human Rights Violations During the Covid-19 crisis*

The Duterte administration has used the Covid-19 crisis as an opportunity to strengthen its authoritarian tendencies and exacerbate blatant attacks on human rights. The crisis has drastically limited the ability of the

political opposition and civil society to mobilize actions in response to human rights violations, both out of responsibility for the health of those involved, as well as because the lockdown implemented in response to Covid provides legal cover for the government to arrest those on the street, as it did when members of the San Roque community in Quezon City displayed placards along the EDSA highway saying they were without food. Furthermore, many civil society organizations are mobilizing for food and health service relief work, leaving them little time or resources to mobilize political actions.

The Covid-19 pandemic has not seen less killings related to the so-called “war on drugs,” but rather more. According to government-provided data, 155 people were killed during police anti-drug operations from March 31 to July 31, 2020. This is a 50% increase from December 2019 to March 2020 indicating that police killings justified by the so-called “war on drugs” have not subsided despite strict lockdown and the understandable shift in public attention towards dealing with the pandemic.<sup>4</sup>

Furthermore, the government-imposed lockdown in response to Covid-19 has come with its own human rights problems. The National Task Force to address Covid-19 is dominated by retired military generals instead of health professionals. As a result, the government's response has taken a punitive approach and not a health- or community-wellbeing centered approach. Since March 2020, the government has imposed various forms of lockdown. The constant change in variations of lockdown and its accompanying rules, as well as variations in implementation across local government units, have resulted in confusion, mismanagement, and unnecessarily harsh and counterproductive treatment, especially of the poor. Whereas prior to the onset of Covid, the government's language and attitude was to place the blame for the country's profound woes on the figure of the “addicts,” thus justifying their extermination, during the Covid crisis, the government at times sought to blame its failure to bring the virus under control on the “*pasaway*” (undisciplined). This is despite mobility data showing high rates of adherence to the lockdown and mask-wearing.<sup>5</sup> In the first two months of the lockdown, the Commission on Human

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<sup>4</sup> <https://www.hrw.org/news/2020/09/08/killings-philippines-50-percent-during-pandemic>

<sup>5</sup> <https://www.rappler.com/voices/thought-leaders/analysis-how-data-debunk-duterte-toxic-pasaway-narrative>

Rights received 368 complaints and requests for assistance. As of September 6, 100,486 people were arrested for allegedly violating lockdown.

Those arrested were often detained in conditions not in accordance with social distancing requirements, likely exposing those detained, as well as arresting officers, to even more risk of infection than the act of violating quarantine. There have also been instances of inhumane and violent treatment towards alleged quarantine violators. In the city of Manila, police placed quarantine violators together in dog cages. In Parañaque, a detainee was forced to sit in an unshaded area at midday, where temperatures can reach over 40 degrees Celsius. In Quezon City, a street vendor was beaten by local officials for not having a mask. In the province of Pampanga, local officials forced three LGBTQIA+ people to kiss each other and perform a “sexy” dance as punishment for violating quarantine. At least two people have been killed by police after confrontations for allegedly violating lockdown regulations: one man who violated a checkpoint in the province of Bulacan and one man, an ex-soldier suffering from PTSD, who was standing outside his home.<sup>6</sup>

This inhumane treatment of ordinary citizens, especially the poor, stand in stark contrast to government officials who not only violate quarantine, but also encourage others to do so. In May, photos surfaced of police General Debold Sinas having a birthday party at a police camp with at least fifty attendees. Sinas was defended by both the Philippine National Police and the Department of Interior and Local government, and it appears he has received no institutional sanction. In April, Deputy Administrator of the Overseas Workers Welfare Administration, Margaret “Mocha” Uson gathered a crowd of repatriated overseas Filipino workers in a quarantine facility for an event. The administration defended her actions.

Covid has also had a grave effect on the Philippines' already inhumane prison system. Thanks in part to the high arrest rate related to the so-called “war on drugs”, the Philippines has one of the most overcrowded prison systems in the world. Prison facilities hold over 534% their intended capacity and nearly 75% of the prison population has not been convicted of a crime, but is merely awaiting trial. The cramped facilities make social distancing impossible and prisoners

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<sup>6</sup> <https://www.rappler.com/newsbreak/in-depth/policing-coronavirus-pandemic-philippines-still-stuck-drug-war-blueprint>; <https://www.hrw.org/news/2020/03/26/philippines-curfew-violators-abused>

have little to no access to medical care, especially not Covid testing. Investigations carried out by Human Rights Watch claim that the government is grossly underreporting the number of inmates that have died as a result of Covid – a logical conclusion given that access to testing has been extreme scant among prisoners.<sup>7</sup> The Supreme Court has ordered the release of 10,000 prisoners held on non-violent charges and too poor to pay bail in an effort to contain the spread of Covid in the prison system. This number should be expanded.

Finally, the Duterte government has been able to use the Covid crisis as an opportunity to take legal measures to limit democratic institutions and human rights protections. The Duterte government has amplified its attacks on free speech – as exercised by both media outlets and ordinary citizens – a topic that will be covered in detail in another paper in this series. Amidst Covid, the Duterte government certified the Anti-Terror Bill, now the Anti-Terror Law of 2020 as urgent legislation, thus paving the way for it to be railroaded through the House of Representatives by the Duterte-allied leadership.<sup>8</sup> The law greatly expands the definition of terrorism to include, among others, engaging in acts “intended to cause extensive damage” to public or private property and also punishes the use of “speeches, proclamations, writings, emblems, or banners” that incites others to commit terrorism, even if the subject has not partaken in any acts. It also allows the government to surveil a person for up to ninety days without pressing charges and imprison a person for up to 14 days without a warrant, with the option to extend the imprisonment to a total of 24 days without charges. Shortly after the law was passed, Randall Echanis, a longtime activist and peace consultant was killed in his home, his body exhibiting signs of torture. His body was later forcibly taken from the family's chosen funeral home by members of the Philippines National Police.<sup>9</sup> A week later, another human rights activist, Zara Alvarez, was assassinated. Government investigators said they were looking into her ties to a leftist organization as a possible cause of death.<sup>10</sup>

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<sup>7</sup> <https://www.hrw.org/news/2020/04/28/philippines-prison-deaths-unreported-amid-pandemic#>; <https://www.aljazeera.com/news/2020/05/04/waiting-to-die-coronavirus-enters-congested-philippine-jails/>

<sup>8</sup> <https://www.rappler.com/newsbreak/in-depth/how-house-representatives-let-slip-killer-anti-terror-bill>

<sup>9</sup> <https://thediplomat.com/2020/08/killing-of-philippines-peace-consultant-sparks-scrutiny-of-government-investigations/>

<sup>10</sup> <https://thediplomat.com/2020/08/killing-of-philippines-peace-consultant-sparks-scrutiny-of-government-investigations/>; <https://www.aljazeera.com/news/2020/08/19/human-rights-leader-killed-in-philippine-war-against-dissent/>



It is important to note that poor governance and disregard for citizens' basic needs in the Duterte government's response to Covid have also resulted in unnecessary, though perhaps not overt, violations of human rights. These shall be dealt with in greater detail in other papers in this series.

### *Policy recommendations*

- **End the so-called war on drugs and stop incentivizing police violence.**
  - o Stop all incentive payments for police and vigilante killers, as well as the use of the quota system for drug-related arrests and murders.
  - o Immediately require all officers to pass evaluations of their knowledge of codes of procedure before they can engage in active duty.
  - o Include of community mediators and social works on police patrols, especially those trained in recognizing and dealing with mental illness and developmental disorders.
  - o Make data on the number of people arrested and killed publicly available and consistent, without changing definitions or obfuscating data to sow confusion.
  - o File and see through criminal charges against members of the Philippine National Police and vigilante groups that have murdered alleged drug suspects, including commanding officers.
  - o Enable investigators from the International Criminal Court to conduct a thorough investigation towards possibly charging President Duterte, members of his cabinet, and PNP leadership with crimes against humanity.
- **Depopulate prisons**
  - o The Supreme Court has released 10,000 inmates who were being held on nonviolent charges and who qualify for bail but do not have the financial resources to pay for bail. This number should be increased and include those who may have been convicted of non-violent crimes, but who are determined not to be a threat to society.

- o Amend the Rules of Criminal Procedure to abolish bail for nonviolent offenses, which only serves to punish the poor for crimes they may not have committed.
- o Amend the Dangerous Drugs Act so that the mere possession of small amounts of illegal drugs for personal use is no longer a non-bailable offense.
- o Invest in health policies, facilities, and services for the mentally ill, treating their afflictions as a health issue instead of a punitive issue.
- o Improve public health services available to prisoners as well as the general population, especially services related to infectious diseases.

**Quarantine policy based on health and community wellbeing needs, not a punitive approach**

- o Immediately cease the inhumane treatment of quarantine violators and criminally charge and convict those law enforcement and local government officials guilty of inhumane treatment.
- o Provide masks instead of punishing people for not having masks.
- o Designate public spaces for social distancing, including public parks, closed streets, closed parking lots, etc.
- o Implement community-based approaches to addressing basic needs in order to minimize travel and the circulation of people, as well as so that people are not forced to choose between breaking quarantine and providing for their basic needs. Examples may include community garden program in urban areas for food security, mobile markets, and using schools and other public buildings as community kitchens.
- o Make sure people are fully aware of their rights and that their consent is obtained before bringing them to quarantine facilities without humiliating or threatening them in front of their communities.

- o Provide hazard pay to barangay health workers and other community-based frontliners.
- o Provide government equipment and support for the logistics of transporting basic commodities between rural and urban communities. For example, where food supply chains have stalled, mobilize government vehicles and drivers to transport food from rural to urban communities, ensuring income for the former and food security for the latter.



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