

Organization: Lawyers for Lawyers

Item: 6

Date: 24 March 2023

Speaker: Ms. Noa Guldemon

Oral statement Philippines to the 52nd Session of the UN Human Rights Council from Lawyers for Lawyers, NGO in special consultative status

Mr. President,

We welcome the support of the Philippines for a number of the recommendations relating to the rights of lawyers and human right defenders, made at its fourth UPRⁱ. We call upon the Philippines to ensure the effective implementation of these recommendations without delay and urge the Philippines to support and implement without delay recommendations relating to ending the practice of red-tagging^j. Protection of human rights and fundamental freedoms requires effective access to legal services provided by an independent legal profession. To fulfil their professional duties effectively, lawyers must be able to work independently without fear of harassment or intimidation, or improper interference.

In the Philippines, attacks against lawyers have increased significantly in recent years and continue unabated. In particular, lawyers working on terrorism and drug-related cases are at risk. Between 2016 and 2021, a total of 66 lawyers have been killed. Moreover, the Philippine authorities have failed to conduct proper investigations into these killings, creating a climate of impunity.

Additionally, lawyers in the Philippines report being branded by the State authorities as 'communists' or 'terrorists' without any substantial proof of an unlawful conduct. Lawyers who have been subjected to this practice of 'red-tagging' subsequently often face threats and attacks. We remain concerned by the reported cases of targeted harassment and extrajudicial killings of lawyers in the Philippines.

Therefore, we urge the Philippines to:

- Effectively implement all supported UPR recommendations without delay.
- Accept and effectively implement recommendationsⁱⁱ to put an end to the practice of "red tagging" of lawyers and human rights defenders.
- Uphold the UN Basic Principles on the Role of Lawyers and take immediate measures to guarantee the full independence of lawyers and their effective protection against any form of undue interference in their work.

Thank you Mr. President.

ⁱ [1] Human Rights Council, 'Report of the working Group on the Universal Periodic Review Philippines', A/HRC/52/13.

Supported recommendations that are being implemented or have been implemented according to The Philippines:

145.61 Hold accountable all perpetrators of violations against journalists, human rights defenders and citizens expressing their freedom of expression and strengthen the laws protecting journalists (Belgium)

145.66 Ensure prompt, independent and impartial investigations of all instances of extrajudicial killings, enforced disappearances, torture, and arbitrary arrests and detention of persons suspected of drug-related offences, (Latvia)

145.71 Conduct thorough, in-depth, impartial, independent, transparent and effective investigations into killings, threats and harassment of journalists and human rights defenders, and bring those responsible to justice in fair trials (Switzerland);

145.76 Improve the protection and promotion of the rights of human rights defenders (Vanuatu);

145.77 Take all the necessary measures to provide adequate protection to lawyers, human rights defenders, journalists and media workers, in particular regarding enforced disappearances and extrajudicial killings (Estonia);

145.78 Take all the necessary measures to protect the lives of human rights defenders, journalists, environmental defenders, Indigenous Peoples and other persons (Germany);

145.79 Take into account calls for the protection of human rights defenders within the country, including conducting immediate and impartial investigations into cases of attacks, harassment and intimidation of such individuals (Greece);

145.80 Implement measures to create and maintain a safe and enabling environment for human rights defenders, activists, journalists and other members of civil society (Ireland);

145.81 Put in place a system of effective protection for human rights defenders and journalists and guarantee the free exercise of their rights to freedom of opinion, expression and association (Luxembourg);

145.82 Promote a safe and enabling environment for human rights defenders, including by promoting their legitimacy and importance, and ensuring that they are not subject to arbitrary arrest or detention (Norway);

145.84 Take measures to foster a safe, respectful and enabling environment for civil society and human rights defenders, free from persecution, intimidation and harassment (Latvia);

145.194 Promote the protection in law of Indigenous Peoples and civil society representatives, including human rights defenders (United Kingdom of Great Britain and Northern Ireland);

145.195 Take all the necessary measures to ensure the full and meaningful participation of Indigenous Peoples in development and protect defenders of Indigenous Peoples' human rights from harassment and intimidation (Australia);

ⁱⁱ Recommendations that will be examined according to the Philippines:

146.60 End the practice of "red-tagging" and ensure the protection of human rights defenders from arbitrary arrest, harassment and other human rights abuses, including by adopting the human rights defenders protection act (United States of America);

146.62 End the practice of "red-tagging" groups and individuals (Sweden);

146.63 Amend the Anti-Terrorism Act of 2020 to conform with international human rights standards (Austria);

146.75 Prevent and respond to human rights violations and abuses against human rights defenders, and end incitement to violence and threatening rhetoric against human rights defenders, online and offline, including red-tagging, and ensure accountability for any acts of intimidation or reprisal (Liechtenstein);

146.76 Take all the necessary steps to foster a safe environment for human rights defenders and journalists in the exercise of their rights to freedom of expression, and freedom of peaceful assembly and association, by decriminalizing libel laws and enacting the human rights defenders protection bill (Netherlands);

146.77 Put an end to threats and attacks against human rights defenders, journalists and the media, and promote effective institutional measures that meet international standards on the use of force (Spain);

CONCEPT