

Cologne 04.06.2020 | AMP – Statement

Statement on the severe restrictions of human rights during the corona-crisis in the Philippines

The Aktionsbündnis Menschenrechte – Philippinen (AMP) expresses its deep concerns about severe restrictions of human rights in the Philippines, imposed in the context of the coronavirus pandemic. Although the necessity to contain the spread of the Coronavirus is undisputed, the AMP is worried that the “War against Corona” mimics the Duterte administrations’ “War against Drugs” in its disregard for basic human rights. Hence, it uses disproportionate oppressive means especially against those struggling with basic needs rather than prioritizing their health and welfare. We are therefore concerned that the Philippine governments’ current approach to tackle the Corona crisis is in violation of core international human rights standards.

Due to the Enhanced Community Quarantine (ECQ)¹, declared on March 16th, people are increasingly deprived of their livelihoods, experience limited access to food and other necessities. Inadequate aid programs, unsuitable to mitigate the social-economic pressure on the population and selective in its distribution worsen the situation. The AMP worries that these restrictions affect most Filipinos drastically and drive especially the most vulnerable sectors and people deeper into hunger, poverty, and marginalization.

On March 25th, the Republic Act No. 11469 “Bayanihan to Heal As One Act”² placed the country under a state of national emergency, granting the President thereby extensive power e.g. over the public budget of the year 2020. It also criminalizes any spread of “false information” with charges up to two years of prison. The National Union of Journalists of the Philippines perceived this provision as a threat to the freedom of expression due to the missing legal definition of “false information”.³ As a matter of fact, people who criticized the health crisis management in the Philippines on their personal social media accounts have lately been arrested and charged for violating the fake news provision of the Bayanihan Heal As One Law.

Meanwhile, tens of thousands have been at least temporarily arrested for curfew violations. There were reports of security forces confining those arrested to dog cages, among other abuses.⁴ Reports shared with Human Rights Watch by child rights groups show that children are among those facing abusive treatment. As

¹ <https://www.rappler.com/nation/254910-duterte-declares-state-calamity-philippines-coronavirus>

² <https://thecorpusjuris.com/legislative/republic-acts/ra-no-11469.php>

³ <https://nujp.org/statement/statement-fake-news-provision-threatens-freedom-of-the-press-expression/>

⁴ <https://hronlineph.com/2020/03/30/from-the-web-philippines-curfew-violators-mistreated-hrw/>

a punishment for violating the curfew, security forces have locked children inside dog cages, forcibly cut their hair or arrested their parents for letting them play outside.⁵

Philippine prisons, the most overcrowded in the world⁶, have already reported cases of COVID-19. Inmates are deprived of any possibility to maintain physical distance, basic hygiene measures or access adequate nutrition.⁷ Because of the increased risk of infection under such conditions, the Supreme Court has already ordered the release of almost 10,000 prisoners. The majority of those released were persons awaiting trial in prison because they could not afford bail. Moreover, among those ordered release were high risks groups such as elderly and sick prisoners. Yet, political prisoners, who are often at specific health risks due to their age, were not released. Most of the political prisoners face charges listed as non-bailable and their cases have stalled in courts for years.⁸

The AMP expresses its deep concerns about the concentration of power and the possibility of power abuse through the emergency law and the “false information” provision. Also, the AMP condemns the violent threats against the population and the abusive treatment of those who allegedly disobey quarantine rules, especially abusive behavior of security forces against particularly vulnerable groups. The AMP worries that the arrests of supposed curfew violators contributes to the worsening of an already devastating situation in Philippine prisons.

The Aktionsbündnis Menschenrechte – Philippinen condemns the severe restrictions of civil and social human rights. The network therefore calls upon the Philippine government to:

- Ensure that the Covid-19 measures are strictly motivated by public health reasons and are in line with relevant human rights standards. Restrictions such as mandatory quarantine must, at a minimum, be carried out in accordance with the law, strictly necessary to achieve a legitimate objective, proportionate to achieve that objective, neither arbitrary nor discriminatory in application, of limited duration, respectful of human dignity, and subject to review,
- Revoke Republic Act No. 11469 “Bayanihan to Heal As One Act” to avoid power concentration and abusive application,
- Stop the arrests and abusive treatment for supposed quarantine violations. Implement clear and concrete guidelines on quarantine measures, including guidelines for the security sector and accountability for any abuse of power through a safe complaint mechanism,
- Immediately free all political prisoners, as well as sick and elderly prisoners with non-violent charges. Guarantee the right to health and life to all prison inmates by providing adequate facilities and infrastructure. Ensure a fair and speedy trial.

We call on the European Union to:

- Demand that in its reaction to the corona pandemic, the Philippine government abides to all relevant international human rights standards, including those guaranteeing the right to freedom of expression and prohibitions against cruel, inhumane, and degrading treatment of people in custody,
- Consider the current developments of the human rights situation amid the corona-crisis in the Philippines and the non-compliance with core human rights conventions in the assessment of GSP+.

⁵ <https://hronlineph.com/2020/04/04/from-the-web-philippine-children-face-abuse-for-violating-covid-19-curfew-hrw/>

⁶ https://cdn.penalreform.org/wp-content/uploads/2019/05/PRI-Global-prison-trends-report-2019_WEB.pdf

⁷ <https://www.amnesty.org/download/Documents/ASA3521922020ENGLISH.PDF>

⁸ <https://newsinfo.inquirer.net/1270735/rights-group-urges-govt-to-free-political-prisoners-amid-covid-19-pandemic>

The Aktionsbündnis Menschenrechte – Philippinen (AMP – Action Network Human Rights - Philippines) is an initiative of seven major German church-based agencies and human rights organizations to promote advocacy and information work in Germany and the EU regarding the human rights situation in the Philippines. Member Organizations of the AMP are Amnesty International Germany, Bread for the World, International Peace Observers Network (IPON), MISEREOR, Missio Munich, philippinenbüro e.V. im Asienhaus, and the United Evangelical Mission (UEM). The main focus of the network lies on the core human rights issues of extrajudicial killings, enforced disappearances, and fabricated charges against political activists.