



COALITION  
FOR  
PEOPLE'S  
RIGHT TO  
HEALTH



**JOINT ALTERNATIVE REPORT OF THE COALITION FOR PEOPLE'S RIGHT TO  
HEALTH AND THE COUNCIL FOR HEALTH AND DEVELOPMENT  
to the UN Human Rights Committee in its 136<sup>th</sup> Session  
Palais Wilson, Geneva, Switzerland  
September 2022**

1. This is a submission of Philippine non-governmental organizations the Coalition for People's Right to Health (CPRH) and the Council for Health and Development (CHD) to the UN Human Rights Committee in its 136<sup>th</sup> session to review the implementation of the International Covenant on Civil and Political Rights (ICCPR) by the Philippine State Party.
2. This submission seeks to further contextualize and expound upon the local human rights situation, particularly regarding the right to health, since the State Party's Report in 2017 up to the present.
3. The Coalition for People's Right to Health (CPRH) is a coalition of several health organizations and individual health advocates in the Philippines. It advances a people's health agenda that espouses health and its social determinants as a right of all. CPRH monitors and asserts to uphold the greater commitment towards health being a right of the people, as stated in the local Constitution and as enshrined in International Human Rights Treaties and Covenants.
4. The Council for Health and Development is a non-governmental, non-profit organization established as the national organization of Community-Based Health Programs (CBHPs) in the Philippines. CBHPs were formed during martial rule when people were deprived of basic social services especially health care; today, amid persisting health inequities, CBHPs continue to be supported and coordinated by CHD in working for people's health and struggling for social change.

***Introduction***

5. In the past five years since the last report of the Philippines of its commitments to the Core International Human Rights Treaties, several events have significantly challenged the protection of the people's civil and political rights, such as the War on Drugs and the COVID-19 pandemic, among others.
6. Despite the recommendations of the UN Human Rights Committee for the human rights situation in the Philippines, the persisting and additional hurdles adversely affect the respect, protection, and fulfillment of human rights, especially with regard to health outcomes.

7. The report of the Coalition and NGO aims to provide observations on the implementation of the Philippines of the aforementioned recommendations, including both the persistent and novel impediments pertaining to the list of issues. Our organizations thank the Committee for the opportunity to elucidate further on a more holistic view of the local health and human rights situation.

### ***Implementation of the International Covenant on Civil and Political Rights***

8. The protection of public safety and/or public health has been frequently cited by the Philippine government amid its response to the proliferation of illegal drugs<sup>1</sup> as well as the COVID-19 pandemic<sup>2</sup>, in accordance with the 1987 Constitution and ICCPR.
9. However, enacted laws and regulations hardly mention, if at all, a regard for a genuine human rights framework in policies and legislation, as noted by the Commission on Human Rights<sup>3</sup>. In addition, the Siracusa Principles place firm limitations on the derogation provided by the ICCPR, especially regarding legality, evidence-based necessity, and proportionality<sup>4</sup>.
10. **Recommendation: The state party must firmly state its commitment to human rights in its policies and legislation aimed at protecting public safety or public health, and adhere to human rights frameworks and principles as stated in International Covenants and the Siracusa Principles.**

### ***Anti-corruption measures (arts. 2 and 25)***

11. Despite existing legal remedies for corruption, there continued to be allegations and evidence of graft and corruption regarding funding for health and the pandemic response<sup>5</sup>. As of this writing, there have been few legal actions undertaken to prevent its occurrence or convict any official involved in such issues.
12. **Recommendation: The state party should thoroughly investigate all cases of irregularities in health service provision, ensuring that graft and corruption are preemptively addressed even during emergencies. This entails establishing greater transparency in planning, procurement and implementation, apart from ensuring accountability of government officials.**

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<sup>1</sup> See official pronouncements on the War on Drugs (2018): <https://www.pna.gov.ph/articles/1049440>

<sup>2</sup> First executive order regarding the COVID-19 pandemic (2020): <https://www.pna.gov.ph/articles/1095955>

<sup>3</sup> CHR Human Rights Advisory on the Implementation of RA 11469 (Bayanihan to Heal as One Act): [http://chr.gov.ph/wp-content/uploads/2020/04/Human-Rights-Advisory\\_Human-Rights-Aspects-in-the-Implementation-of-RA-11469-or-Bayanihan-to-Heal-as-One-Act-CHR-V-A2020-008.pdf](http://chr.gov.ph/wp-content/uploads/2020/04/Human-Rights-Advisory_Human-Rights-Aspects-in-the-Implementation-of-RA-11469-or-Bayanihan-to-Heal-as-One-Act-CHR-V-A2020-008.pdf)

<sup>4</sup> Siracusa Principles (1985): <https://www.icj.org/wp-content/uploads/1984/07/Siracusa-principles-ICCPR-legal-submission-1985-eng.pdf>

<sup>5</sup> Multiple news reports regarding the corruption issues in the health system and amid the pandemic response: <https://www.cnnphilippines.com/news/2020/8/4/PhilHealth-P15-billion-stolen-mafia-execs.html>  
<https://newsinfo.inquirer.net/1494951/62-of-2021-doh-budget-still-unspent-as-of-august>  
<https://www.rappler.com/newsbreak/iq/list-everything-need-to-know-pharmally-covid-19-pandemic-deals-scandal/>

### ***Violence against women, including domestic violence (arts. 2, 3, 6, 7 and 26)***

13. It has been noted that domestic violence and other forms of violence against women increased amid the COVID-19 pandemic<sup>6</sup>, such as physical and sexual violence, despite an apparent decrease in cases officially reported to authorities<sup>7</sup>. This was explained as possibly being caused by the lack of mobility and access to basic services amid the lockdown, apart from the distrust in authorities<sup>6</sup>.
14. **Recommendation: The state party should further enforce its laws on violence against women and children, while ensuring access of disadvantaged groups to report violations even amid a public health emergency.**

### ***Reproductive health (arts. 6, 7, 17 and 26)***

15. Despite the passing of the Reproductive Health Law, ensuring access to basic health services remains a problem due to the sheer lack of primary care facilities. Of the country's 42,045 barangays (smallest political unit in the local government), only 22,613 or 53.7% have health stations, despite the 1991 Local Government Code mandating every barangay to have at least one health station<sup>8</sup>.
16. In addition, private and for-profit hospitals vastly outnumber public or government-owned hospitals (855 compared to 428, respectively, as of December 2020<sup>9</sup>), thus affecting the affordability and accessibility of health services to the general public.
17. While Republic Act 10354 (RH Law) and the case of *Imbong v. Ochoa* (2014) does provide legal basis for post-abortion care, explicit recognition of the illegality and penal aspect of abortion (*Section 3j of the law*) entails that women seeking care from complications must face the mental anguish of being questioned and recorded on a police blotter as part of the routine in many hospitals.
18. During the COVID-19 pandemic, there was a dramatic increase in deaths from indirect obstetric deaths, defined as *"deaths resulting from previous existing disease or disease that developed during pregnancy and not due to direct obstetric causes but were aggravated by the physiologic effects of pregnancy"*<sup>10</sup>, amounting to a grave 105% increase compared to the five-year average from 2015-2019<sup>11</sup>.

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<sup>6</sup> Official data from the Philippine Statistics Authority and from health data:

[https://psa.gov.ph/system/files/2020%20Infographics%20on%20VAW%20Statistics\\_signed.pdf](https://psa.gov.ph/system/files/2020%20Infographics%20on%20VAW%20Statistics_signed.pdf)

[https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667\(22\)00028-7/fulltext](https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667(22)00028-7/fulltext)

<sup>7</sup> <https://manilastandard.net/news/national/357417/fewer-violence-vs-women-cases-but-more-unreported.html>

<sup>8</sup> Department of Health Philippine Health Facility Development Plan 2020-2040:

[https://doh.gov.ph/sites/default/files/publications/DOH\\_PHILIPPINE%20HEALTH%20FACILITY%20DEVELOPMENT%20PLAN%202020\\_2040\\_0.pdf](https://doh.gov.ph/sites/default/files/publications/DOH_PHILIPPINE%20HEALTH%20FACILITY%20DEVELOPMENT%20PLAN%202020_2040_0.pdf)

<sup>9</sup> DOH list of licensed hospitals: [https://hfsrb.doh.gov.ph/wp-content/uploads/2021/08/Hosp2020-Rev2-final8162021\\_website.pdf](https://hfsrb.doh.gov.ph/wp-content/uploads/2021/08/Hosp2020-Rev2-final8162021_website.pdf)

<sup>10</sup> WHO definition: <https://www.who.int/data/gho/indicator-metadata-registry/imr-details/4622>

<sup>11</sup> Philippine Statistics Authority 2020 Causes of Death (Preliminary) data table:

<https://psa.gov.ph/sites/default/files/attachments/crd/pressrelease/%5BONSrev-cleared%5D%20Press%20Release%20Attachment%20Table%204.xlsx>

Mortalities from pregnancies with an abortive outcome and other direct obstetric deaths also rose significantly (21.8% and 20.5%<sup>11</sup>). This uptick of maternal mortality may be caused by the overcrowding of hospitals brought about by the COVID-19 pandemic, which exacerbated the preexisting lack of health capacity, as many pregnant patients were reported to have been refused by several hospitals<sup>12</sup>.

19. Furthermore, among the recorded deaths in 2020, only six out of 10 deaths were attended by a medical professional, while 56.4% or more than half of deaths occurred at home<sup>11</sup>. According to the 2021 Field Health Service Information System Report, the ratio of health workers to the population remain dismal, such as a doctor for every 27,236 people, a nurse for every 4,852, a midwife for every 5,111, and a nutritionist for every 161,819, among others<sup>13</sup>.
20. Meanwhile, amid the shortage of reproductive health services at baseline and then worsened by the temporary closure of clinics amid the pandemic, birth rates and unintended pregnancies are also noted to be on the rise<sup>14</sup>.
21. **Recommendation: The state party must increase its commitment to reproductive health by also increasing the health capacity and budget of primary care facilities and hospitals. In addition, proper staffing of health workers and distribution of health facilities is of utmost important not only for both prevention and treatment of pregnancy complications, but to a higher standard of health for all individuals.**

***Right to life (arts. 6 and 24), prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and treatment of persons deprived of their liberty (arts. 6, 7, 9 and 10) amid the pandemic***

22. Despite the public health emergency brought about by the COVID-19 pandemic, casualties of the drug war were also noted to have increased, at 461 and 545 for 2020 and 2021, respectively<sup>15</sup>.
23. A similar punitive approach was also implemented against COVID-19 protocol violators through state security forces, who imposed warnings, fines, and even imprisonment for those who did not wear face masks (and for a time, face shields),

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<sup>12</sup> Multiple cases of pregnant patients refused care at overwhelmed hospitals:

<https://www.philstar.com/headlines/2020/05/17/2014620/government-urged-keep-womens-health-priority-amid-covid-19-pandemic>

<https://www.dw.com/en/philippines-how-women-pay-the-price-of-pandemic-induced-health-care-shortages/a-53454534>

<sup>13</sup> DOH FHSIS 2021 Report: [https://doh.gov.ph/sites/default/files/publications/FHSIS\\_2021\\_aug2022.pdf](https://doh.gov.ph/sites/default/files/publications/FHSIS_2021_aug2022.pdf)

<sup>14</sup> Reports of increased pregnancy and birth rates in the population:

<https://popcom.gov.ph/popcom-pandemic-may-increase-live-births-in-phl-to-almost-2m-with-fp-efforts-hampered-thousands-of-teens-also-projected-to-give-birth/>

<https://www.bbc.com/news/world-asia-55299912>

<sup>15</sup> Several reports of increased casualties and victims of the drug war amid the pandemic:

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

<https://verafiles.org/articles/dutertes-drug-war-killings-rise-year-2-pandemic>

as well as those not adhering to lockdowns and curfews<sup>16</sup>. During the enhanced community quarantine (ECQ) period, the harshest lockdown restrictions were implemented from March to May 2022, and resulted in 158,353 individuals warned, fined, or arrested<sup>17</sup>; in comparison, the Philippines only conducted 120,736 COVID-19 PCR tests in the same time period.

24. Other quarantine protocol violators were noted to have been subjected to cruel and unusual treatment such as extreme physical activity (repeated squats or push-ups), exposure to hazardous situations (made to stand under the sun, forced to swim in canal water, confined in dog cages), and even public humiliation with psychological (coerced to lie in a coffin) or gender-based violence<sup>18</sup>.
25. In several instances, protocol violators died from the aftermath of being labeled or accosted as such, either from physical injuries or were deliberately killed, which included a minor<sup>19</sup>; such deplorable violations of the right to life occurred after a comment to “shoot them [violators] dead” in April 2020<sup>20</sup>.
26. Given the overcrowding of jails predating the pandemic, COVID-19 cases and deaths were noted to have increased drastically among persons deprived of liberty<sup>21</sup>, and even those who were jailed temporarily for protocol violations were infected<sup>22</sup>. Vaccination of PDLs was also not among the priority groups during the first year of immunization for the virus in 2021<sup>23</sup>.

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<sup>16</sup> Government pronouncements on the legality of arrests amid the pandemic:

<https://www.cnnphilippines.com/news/2020/3/9/Mandatory-quarantine-public-health-emergency.html>

<https://www.philstar.com/headlines/2020/08/11/2034476/eleazar-hits-violators-tells-filipinos-dont-make-it-hard-govt-protect-you>

<sup>17</sup> <https://mb.com.ph/2022/02/17/more-arresting-than-testing-in-govt-covid-response-medical-groups/>

<sup>18</sup> Reports of cruel and inhumane treatment of COVID-19 protocol violators:

<https://pcij.org/article/6436/they-treated-me-like-i-murdered-someone-lockdown-arrests-mark-1st-year-of-ph-pandemic-response>

<https://www.hrw.org/news/2020/04/08/philippines-uses-humiliation-covid-curfew-punishment>

<https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-reminding-the-government-on-using-a-human-rights-based-approach-to-the-pandemic/>

<sup>19</sup> Reports of deaths among quarantine violators:

<https://newsinfo.inquirer.net/1457360/cops-tagged-in-rape-slay-of-teenaged-girl-in-ilocos-sur-surrender>

<https://newsinfo.inquirer.net/1471375/tanod-enforcing-ecq-guns-down-scavenger>

<https://www.cnnphilippines.com/news/2020/4/22/Retired-soldier-shot-dead-by-police-.html>

<https://newsinfo.inquirer.net/1519561/cop-in-pampanga-teen-slay-faces-homicide-raps-pnp-chief-orders-full-probe>

<sup>20</sup> President Rodrigo Duterte’s remarks on protocol/quarantine violators in April 2020:

<https://www.reuters.com/article/us-health-coronavirus-philippines-dutert-idUSKBN21KOAY>

<https://www.rappler.com/nation/256705-duterte-orders-troops-shoot-kill-coronavirus-quarantine-violators/>

<sup>21</sup> Reports of COVID-19 cases and deaths in Philippine jails:

<https://pcij.org/article/8150/double-jeopardy-sick-in-prison-during-pandemic>

<https://www.hrw.org/news/2020/04/28/philippines-prison-deaths-unreported-amid-pandemic>

<sup>22</sup> <https://www.cnnphilippines.com/news/2020/6/18/2-of-6-arrested-Piston-jeepney-drivers-positive-COVID-19.html>

<sup>23</sup> <https://www.rappler.com/nation/bureau-corrections-report-vaccinated-convicts-philippines-october-18-2021/>

27. A move to decongest jails for humanitarian consideration was partly implemented yet jails remained congested beyond UN standards, at 403% as of 2021<sup>24</sup>.

28. There were two notable incidents involving PDLs who were denied health furloughs:

- a. Activist Reina Mae Nasino, who gave birth to Baby River in July 2020, requested the court to stay with her daughter in the hospital for 6 months, but was only granted a month together, citing a lack of human resources. By September, her child was suffering from pneumonia and had to be hospitalized. Despite pleas for the mother to be reunited with her newborn, she was only granted a 3-day furlough in time only for the funeral—which was then further decreased to a mere three hours as she attended the burial in full personal protective equipment and handcuffs. Her arrest warrant has since been voided by the Court of Appeals on 31 August, and her counsel is seeking dismissal of the case altogether.<sup>25</sup>
- b. Peasant leader Joseph Canlas was arrested in March 2021, and was detained in a provincial jail. A known diabetic and hypertensive, he was made to stay in a densely overcrowded facility. By 7 May, he had a fever and was unable to walk, but remained untested for COVID-19 due to an alleged lack of resources. He was then brought to the provincial hospital where he was later intubated and died of severe COVID-19 on 11 May. His family has filed a case of reckless imprudence resulting in homicide, grave misconduct, and gross negligence against the police and jail officials.<sup>26</sup>

Both these cases highlighted what a Supreme Court Justice termed “deliberate indifference” to the plight of persons deprived of liberty amid a health crisis, tantamount to a violation of the right to life akin to a death sentence<sup>27</sup>.

**29. Recommendation: The state party must regard both the drug issue and the COVID-19 pandemic as primarily a public health issue instead of a matter solely of law and order or discipline. It should limit the role of police and military in the pandemic response to reduce the discourse of fear and discipline, and instead empower a health workforce and community-based responses while engaging the issues with a human rights framework. Even drug addicts, protocol violators, and persons deprived of liberty all have inalienable and non-derogable rights to life and to health, which must be respected, protected, and fulfilled by the state, especially during a public health emergency.**

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<sup>24</sup> <https://www.rappler.com/nation/coa-report-plea-deals-pandemic-decongest-jails-but-still-way-beyond-accepted-standards/>

<sup>25</sup> <https://www.bbc.com/news/world-asia-54519788>

<https://www.rappler.com/nation/how-courts-let-down-reina-mae-nasino-baby-river/>

<sup>26</sup> <https://www.rappler.com/nation/family-activist-died-jail-joseph-canlas-sues-negligence/>

<sup>27</sup> “To let an accused perish in jail because of the deliberate indifference of the State towards his or her medical conditions is even worse than a penalty because he or she has been effectively sentenced to death absent a final determination of his or her guilt.” EP Bernabe, *Almonte et al. v. People of the Philippines et al.*, G.R. No. 252117



### **Right to privacy (arts. 17 and 24)**

30. Similar to the identification of drug personalities, information was gathered on close contacts of COVID-19 cases and unvaccinated individuals in communities by local government and police officials in the name of a public health response<sup>28</sup>.
31. While state agencies promised to uphold the Data Privacy Act with the large amounts of data from the various contact tracing applications as well as the vaccination drives, civil society groups raised concern over real and potential breaches of sensitive personal information, such as contact information and addresses<sup>29</sup>.
32. **Recommendation: The state party should guarantee that data protection be upheld at all times, investigating any breaches and ensuring accountability. Furthermore, keeping the information within health institutions or channels should be endeavored to avoid overlaps or conflicts of interest with other sectors that may lead to detrimental outcomes.**

### **Human rights defenders (arts. 6, 17, 19, 20, 21, 22 and 26) and the freedom of expression, association and assembly (arts. 19, 20, 21 and 22)**

33. There have been incidents wherein health workers, health advocates, and health activists, including hospital unionists, have been harassed for voicing out their criticism of the drug war and/or the COVID-19 response, leading to their arrests for allegedly violating COVID-19 protocols<sup>30</sup> or further political harassment<sup>31</sup>.
34. In the Island of Negros alone, two health and human rights defenders were killed just months apart in 2020:
  - a. Zara Alvarez was a human rights defender and health worker serving community-based health programs. Long hounded by red-tagging and death threats, she was killed on 17 August 2020 by unknown gunmen.<sup>32</sup>
  - b. Dr. Mary Rose Sancelan was a community doctor and local chief of the COVID-19 response of her city. Also facing similar threats to her life from anti-communist vigilante groups, she and her husband were shot on 16 December 2020 by an unknown assailant.<sup>33</sup>

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<sup>28</sup> <https://www.philstar.com/headlines/2022/07/05/2193048/dilg-learn-past-lessons-contact-tracing>  
<https://www.philstar.com/headlines/2022/01/10/2152975/dilg-barangays-restrict-unvaccinated-within-bounds-law>

<sup>29</sup> <https://interaksyon.philstar.com/trends-spotlights/2021/06/03/193104/privacy-violation-over-use-of-info-from-contact-tracing-health-declaration-forms-raised/>

<sup>30</sup> <https://newsinfo.inquirer.net/1268086/arrested-activists-violated-stay-at-home-policy-risked-lives-of-other-people>

<sup>31</sup> <https://www.rappler.com/nation/health-worker-alliance-urges-ombudsman-probe-lorraine-badoy-red-tagging/>

<sup>32</sup> <https://www.rappler.com/nation/activist-zara-alvarez-shot-dead-august-17-2020/>

<sup>33</sup> <https://newsinfo.inquirer.net/1372625/red-tagged-doctor-husband-slain-in-negros>

35. The use of Republic Act 11332, or the Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act, provided the legal basis for the arrests of activists and protocol violators based on a revision of its Implementing Rules and Regulations in 2020<sup>34</sup>.
36. By citing that individuals were non-compliant of minimum public health standards by virtue of their assembly alone, constituting a mass gathering or violating checkpoints<sup>30</sup>, and not allegedly due to their expression or association, human rights defenders and health advocates were arrested<sup>35</sup>.
37. Under the Siracusa Principles, the derogation of these rights (such as assembly, association, or free speech) for public health purposes must be *“specifically aimed at preventing disease or injury or providing care for the sick and injured.”*
38. Even for public order or public safety, the Principles maintain that human rights must remain respected while specifically ensuring that such derogation may *“only be invoked when there exist adequate safeguards and effective remedies against abuse.”*
39. As of this writing, there has been no case filed by authorities using the same law for the inefficiency of the disease surveillance and response systems amid the pandemic, which is also provided by RA 11332, such as the lack of accessible testing and treatment, insufficiency of hospitals or isolation facilities, or the expiry of millions of vaccines.
40. **Recommendation: The state party must endeavor to protect the rights of human rights defenders, unionists, activists, and ordinary citizens when they voice concern over the perceived insufficiency of the pandemic response. It should investigate and hold accountable perpetrators of extrajudicial killings and harassment against health advocates and activists as it strives to realize the right to health to truly respond to the public health crisis, which is itself rooted in inequities preceding the current COVID-19 pandemic. It must also stop weaponizing the law meant for fulfilling and protecting the people’s right to health to punish dissent among marginalized individuals and groups.**

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<sup>34</sup> Revised IRR of RA 11332 (2020): <https://doh.gov.ph/sites/default/files/health-update/revised-IRR-RA11332.pdf>

<sup>35</sup> Reports of activists being arrested for violating RA 11332:

<https://www.philstar.com/headlines/2020/04/01/2004805/cops-arrest-20-who-proteted-food-financial-aid-quezon-city>

<https://news.abs-cbn.com/news/04/19/20/former-anakpawis-congressman-8-others-arrested-in-bulacan-checkpoint>

<https://www.rappler.com/nation/259616-cops-arrest-workers-keep-distance-labor-day-protests-2020/>