

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

Ninety-fifth session
23 April- 11 May 2018

ADVANCE UNEDITED VERSION

**PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND
URGENT ACTION PROCEDURES**

Decision 1 (95)

Philippines

The Committee on the Elimination of Racial Discrimination, meeting in Geneva at its Ninety-fifth session from 23 April to 11 May 2018,

Acting under its Early Warning and Urgent Action Procedures;

Highly concerned by the court petition of February 2018 filed by the Philippines State Prosecutor seeking to declare the Communist Party of the Philippines and the New People's Army as terrorist organizations, which includes a list of more than 600 individuals alleged to be affiliated with those organisations, many of whom are indigenous leaders and defenders along with other human rights defenders;

Particularly alarmed by the inclusion of the United Nations Special Rapporteur on the Rights of Indigenous Peoples, Ms. Victoria Tauli-Corpuz, as well as Ms. Joan Carling, former member of the United Nations Permanent Forum on Indigenous Issues, and Mr. Jose Molintas, former member of the United Nations Expert Mechanism on the Rights of Indigenous Peoples, in the aforementioned list, along with indigenous leaders, and human rights defenders engaged in the fight against racial discrimination in the Philippines;

Concerned by the arbitrary manner in which the list was put together and its reported lack of legal basis;

Deeply concerned by claims that: the list aims to intimidate people struggling for their rights and Indigenous Peoples defending their lands; and is part of a wider campaign by the State party to narrow the democratic space and to target various groups of persons including Indigenous Peoples, human rights defenders, and persons expressing dissenting opinions;

Alarmed by allegations that over sixty human rights defenders were killed during the course of 2017, many of whom were engaged in the fight against racial discrimination and in monitoring the situation of Indigenous Peoples, and at the low level of investigation, prosecution and conviction in such cases;

Highly concerned by the offensive statements expressed by senior political officials against United Nations human rights mandate holders and human rights defenders working on the elimination of racial discrimination;

Recalling the provisions enshrined in the International Convention on the Elimination of All Forms of Racial Discrimination, which the Philippines has ratified, and in particular article 5 of the Convention, and the Committee's general recommendations No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, and No. 23 (1997) on the rights of indigenous peoples, which safeguard the effective participation of Indigenous Peoples;

Noting that the Philippines is a Member State of the Association of Southeast Asian Nations;

The Committee:

1. **Urges** the State party to remove from the petition list indigenous leaders and defenders as well as human rights defenders, including incumbent and former United Nations mandate holders;
2. **Recommends** that the State party adopt effective measures to prevent acts of violence against Indigenous Peoples, defenders of the rights of Indigenous Peoples and other human rights defenders, and promptly conduct thorough investigations into all such cases with a view to bringing perpetrators to justice, adequately punishing them if convicted, and compensating victims;
3. **Urges** the State party to take targeted measures aimed at fostering a safe and favourable environment for the work carried out by Indigenous Peoples as well as organisations and human rights defenders working on the rights of Indigenous Peoples;
4. **Calls upon** the State party to reject and condemn any form of hate speech and incitement to hatred and violence made by high-level and local public officials, aimed at delegitimising the work carried out by Indigenous Peoples and human rights defenders and thereby putting their safety at risk;
5. **Recommends** that the State party take effective measures to ensure that Indigenous Peoples and defenders of the rights of Indigenous Peoples, can fully exercise their rights stipulated in the Convention, including the right to security of person and protection against violence or bodily harm, the right to freedom of movement and residence, and the right to freedom of opinion and expression;
6. **Requests** that the State party provide information on the above-mentioned and the measures taken to redress them, no later than 16 July 2018;
7. **Invites** the United Nations High Commissioner for Human Rights to draw the attention of the Association of Southeast Asian Nations to the dire human rights situation of Indigenous Peoples and defenders of the rights of Indigenous Peoples in the Philippines;
8. **Calls on** the President of the United Nations Human Rights Council to use all possible means deemed appropriate to address and follow up on the aforementioned situation.

2637th meeting
8 May 2018