# **CONTRIBUTION FROM THE PHILIPPINES TO THE THEMATIC REPORT BY THE SPECIAL RAPPORTEUR ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS WHILE COUNTERING TERRORISM**

*(Pursuant to HRC resolution 40/15)*

**The Philippines’ Thrust on Counter-Terrorism and International Collaboration on Counter Terrorism**

The government of the Philippines recognizes the threat terrorism poses to human rights and the ability of States to achieve their development goals. Terrorists sow fear and cause investors to lose confidence in countries and their economies. Terrorist groups do not recognize and respect human rights and violate the human rights of individuals. They do not adhere to disarmament treaties that regulate or prevent the use of certain arms considered to be excessively injurious or cause untold human suffering. It is a transnational crime, and the Philippines is one of the countries that are most affected by terrorism.

Terrorism is a grave challenge to security and the human rights of individuals; it leaves destruction of societies and lives in its wake. The Philippines acknowledges that full repercussions of terrorism on the human rights of individuals and communities can only be fully understood by those who have actually suffered and continue to suffer from it.

To effectively counter terrorism, the Philippines recognizes the need to holistically **address the root causes of terrorism** through a **whole-of-government and whole-of-society approach** working with intergovernmental organizations, civil society, communities, victims and their families.

The Philippines believes that national efforts to defeat terrorism must be complemented by **international cooperation** as the issue of terrorism is one that cuts across borders, from the supply of weapons, financing, training and other activities aimed at promoting extremism.

A **deeper understanding of the complexity of terrorism**, particularly in countries that continue to grapple with it, should enable the Human Rights Council to have a more informed discourse on the subject, and the international community to coherently address the many facets of this grave issue.

**The Marawi Experience: Moving Forward**

The city of Marawi in the Southern Philippines was under siege by armed terrorists who held it from May until August 2017. It was through a combination of armed force, skilful diplomacy, and on enlightened public that the situation was resolved. The government is now in full control of the city and has instituted programs for the rehabilitation and rebuilding of the city of Marawi. This act of terror by armed groups led to the displacement of thousands of individuals, who are slowly reintegrating and restarting their lives. This of course is the main priority of the government, to assist these individuals in rebuilding their lives. Key priority programs, projects and activities under the program “Bangon Marawi Comprehensive Rehabilitation and Recovery Program” include:

* **Local Governance and Peacebuilding** by rebuilding and strengthening of local governance, social healing and peacebuilding, and re-establishing security;
* **Housing and Settlement** through housing assistance programs on transitional shelters, permanent housing, and shelter finance;
* **Livelihood and Business Development** through employment generation, provision of agriculture and fishery production support services, provision of financial and non-financial capital, skills development and capacity enhancement to rebuild sources of income and livelihood;
* **Physical Infrastructure** through repair, rehabilitation, and reconstruction of facilities and services for transportation (roads, bridges, and ports), utilities (water and power), telecommunications, community facilities, and social infrastructures (schools, health centers);
* **Social Services** by restoration of social services, particularly education, health and nutrition, and provision of social welfare services for the affected communities and vulnerable groups; and
* **Land Resource Management** through land administration, debris and solid waste management, water quality assessment and management, resource management.

This example highlights the human cost of terrorism and as long as it exists, the Philippines will work tirelessly with the international community to counter its harmful effects, as well as to ensure that the human rights of individuals that would be violated by terrorists are protected and that they are provided the proper assistance if they fall victim to acts of terror.

**Understanding Terrorism in the Context of the Philippines**

**In 2019, the Philippines was included in the top ten list of countries most affected by terrorism in the Global Terrorism Index**. The said index identified that the Communist Party of the Philippines-New People's Army (CPP-NPA) duo as the **deadliest of all terror groups operating in the Philippines, responsible for 36 percent of all killings and 39 percent of all terror-related incidents** and attacks against police, military and government targets. The table below shows the data provided in the 2019 Global Terrorism Index on the Philippines’ ranking by number of deaths from 2002.

2019 Global Terrorism Index Data on Philippine ranking since 2002

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **2002** | **2003** | **2004** | **2005** | **2006** | **2007** | **2008** | **2009** | **2010** |
| 13th | 8th | 10th | 12th | 14th | 12th | 8th | 9th | 9th |
| **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** |  |
| 10th | 11th | 9th | 11th | 12th | 12th | 10th | 9th |  |

The **European Union (EU)** designated the CPP-NPA as a **terrorist organization** through Council Decision 2011/70/CFSP, dated 31 January 2011. In addition, the **UN through Security Council Resolutions 1379 (2002), 1882 (2009),1998 (2011) and 2225 (2015)** declared the CPP-NPA **terror group as responsible for committing grave violations affecting children in situations of armed conflict**.

As a result of the calls of the UN Office of the High Commissioner on Human Rights for stakeholder submissions on the human rights situation in the Philippines[[1]](#footnote-1), the State, through its human rights offices, specifically the Presidential Human Rights Committee Secretariat (PHRCS) and the State's independent national human rights institution - the Commission on Human Rights (CHR), were furnished copies of thousands of reports coming from three main groups.

These groups are the indigenous peoples (IP) communities, and **two other sectors previously unrecognized even within the UN**, namely:

1. Human rights victims of terrorism[[2]](#footnote-2) (mothers/parents of children taken by terrorists to serve as child combatants);
2. Former terrorists integrated into society after undergoing rehabilitation, reconciliation and healing programs provided through the State's peace process mechanism.

The submissions coming from the three afore-mentioned groups triangulate the conclusion on the relative impunity by which terrorist front organizations operate within multinational democratic civic spaces (including transnational international bodies, like the UN and EU) insulated from domestic anti-terror legislation using advocacies, such as human rights, to block legal processes and escape accountability.

**Forming civil society organizations/ non-profit organizations (CSOs/ NPOs) to serve as terror front organizations is an established and well-documented practice of the Communist Party of the Philippines-New People’s Army-National Democratic Front (CPP-NPA-NDF) and can be verified, among others, through publicly available videos by no less than the founder of the CPP-NPA-NDF[[3]](#footnote-3) terror group**. The most publicized video shows the founder of this group enumerating and identifying in detail terror front organizations established to pursue the goals of their terror group cleverly disguised as CSOs/NPOs purportedly espousing advocacies such as human rights, trade unionism, democracy, etc. **This kind of CSOs/NPOs continues to flourish and multiply under the well-protected democratic civic spaces in the Philippines.**

Testimonies from former terrorists themselves form a narrative on how their terror front organizations posing as CSOs/ NPOs uttering sacred advocacies and which have established a legitimate image within supranational bodies, such as the UN and the EU, are using their cover and status to ward off state efforts to hold these terrorist entities and personalities to account for commission of human rights violations against the Filipino people.

**UN Security Council Resolution 2462 (2019)** already recognizes the propensity of terror groups to use non-profit organizations and other "front organizations" to **obtain funding** using States' regular **domestic legislation on confidentiality** to **thwart legal processes and escape accountability**. Noteworthy is the Resolution's repeated use of the term "even in the absence of a link to a specific terrorist act" to emphasize the challenges a State in identifying links between NPOs as front organizations to successfully eliminate terrorist financing activities.

There remains no analogous provision aimed at protecting the rights of children in preventing terror front organizations (often disguised as civil society organizations) from luring or abducting children to become **child combatants**. Particularly, existing human rights doctrines tend to lean heavily in favor of these front organizations once they have established their reputation.

Submissions coming from human rights victims of terrorism in the Philippines and former terrorists reveal that terror front organizations target thousands of **single-parent children whose parents are migrant workers** deployed in other States. A child of a single parent migrant worker deployed is highly vulnerable owing to the minimal physical parental presence to protect the child from the influences of extremist-hate speech and/or teachings readily made available by front organizations posing as student-youth organizations and/or human rights advocates operating within democratic civic spaces. This is the very reason why the CPP-NPA terror group has been the subject of the aforementioned UN Security Council Resolutions. More children shall follow if these groups continue to operate with impunity within these democratic civic spaces.

The submitted reports from indigenous communities and former terrorists themselves also mention CSOs/ NPOs of terror front organizations **forming terror training centers** **ingeniously disguised as private schools in indigenous communities in Southern Philippines**. These CSO/NPOs have been instrumental in exposing IP children to **extremist-hate speech with carefully laid curriculums to teach the use of assault rifles and bomb-making**.” Fact-finding missions by the Department of Education and the House of Representatives confirmed the use of such “private schools” for exploitative purposes and the commission of grave violations against children. These resulted in the government’s legitimate actions to stop the operation of these “private tribal schools” and to intensify the presence of government schools in indigenous communities. Government efforts to close these private schools are being countered by the CPP-NPA-NDF with widespread propaganda of government’s alleged “targeting of indigenous peoples” and “attack against human rights defenders.”

The symbiotic relationship of terrorist groups with hundreds of their front organizations established for the specific purpose of posing as CSOs/ NPOs advocating causes that are trending to access **international financial donor funding only increases their capacity to commit grave violations against children in armed conflict**. This may also be the reason why two decades after being recognized by the UN as a terror group gravely violating the rights of the child in situations of armed conflict, these CPP-NPA terror group's activities remain unabated, as they are further emboldened to commit more violations.

As with all States, the Philippines' anti-terror legislation was designed not to encroach upon democratic civic spaces reserved for legitimate CSO/ NPO advocacies. Unfortunately, there have been **limited options to counter front organizations** that knowingly use certain advocacies such as human rights, to thwart domestic legal processes and escape accountability. In addition, this problem has often been aggravated by the terror fronts' sophisticated ability to automatically attribute *pro-forma* charges (i.e., human rights violations) against the State in all instances where members of the terror front organizations are arrested and prosecuted. Courts themselves have not been spared from human rights criticisms for decisions against members of terror front organizations that regularly pose as members of the "human rights defenders" sector.

The **use by terror front organizations** (advocating virtues, like human rights, climate change adaptation, disaster management and preparedness, etc.) **of democratic civic spaces has proved to be detrimental to the well established integrity of the UN's human rights landscape, those of other supranational bodies like the EU and the ASEAN, as well as of domestic human rights bodies** of other States which are similarly situated. Considering the aforementioned, there may be relevance in formulating a universal guide for States in balancing limits of both domestic anti-terror legislation and the freedoms of CSOs/NPOs to access democratic civic spaces. In formulating such, the **Philippines recommends the involvement of relevant stakeholders coming from human rights victims of terrorism and former terrorists themselves**.

The Philippines hopes that the above information will contribute to a deeper analysis of the complex and grave issue of terrorism. The Philippines further hopes that this information will form part in the SR on countering terrorism´s thematic report that will be presented at the 75th UNGA Session in October 2020. **END.**

1. A/HRC/RES/41/2 dated 12 July 2019 [↑](#footnote-ref-1)
2. Report of the UN Conference on the Human Rights of Victims of Terrorism 2016 [↑](#footnote-ref-2)
3. Personal declarations of CPP-NPA terror group/entity founder and chairman Jose Maria “Joma” Sison video may be accessed at https://youtu.be/SceqJRZjHsA [↑](#footnote-ref-3)