



Freedom of Opinion and Expression and Sustainable Development – Why Voice Matters

Key questions and issues

The International Coalition for Human Rights in the Philippines¹ asserts that independent media and investigative journalism play a fundamental role in promoting sustainable development and the barriers, threats and challenges they face in doing so. Independent media carry out social investigations and reports on social relationships which are valuable in themselves for the development of sound policy, and are also a means of accountability for government agencies whose primary task is to investigate social conditions and implement programs to improve the lives of all their citizens without discrimination.

We find that digital technology companies on balance enable the distortion of reality for political purposes, and enable the sometimes violent suppression of independent media, more than they also play a proper role in enabling genuine sustainable development.

In our experience with the Philippines, both mainstream and independent media have been crucial in exposing cases of development aggression and enabling a more balanced public debate and government policy-making concerning development.

Because this role presents a challenge to powerful commercial and political interests, both mainstream and independent media have been the target for massive violations of human rights. The idea that the Sustainable Development Goals can really be achieved in the current Philippine political environment is not credible.

The recommendations required to really address this situation go well beyond specific media laws and regulations, to the overall role of the military, police and political figures in driving economic projects which destroy longstanding communities and their environments.

Violations of Freedom of the Media

Numerous reports show the Duterte administration (2016-2022) had an alarming track record with respect to its treatment of the media.² State repression of media freedom has expanded.³

¹ <https://ichrp.net/>

² <https://rsf.org/en/philippines>; <https://www.amnesty.org/download/Documents/ASA3530852020ENGLISH.PDF>.

³ See *INVESTIGATE PH Compendium Report*, November 2022, Fact Sheet for Case No. 22; see Summary Cue Card for Case No.41; See also virtual testimony from Rhea Padilla during the February 19 hearings before the Sub-Commissioners. <https://ichrp.net/InvestigatePH>.

In May 2020, the National Telecommunications Commission ordered ABS-CBN, the Philippines' largest television network, which provided free access to news for millions, to shut down; and in July 2020, Congress denied its franchise renewal.⁴ ABS-CBN had continued to report on and criticise the police killings in anti-drug operations.

On June 15, 2020, a Manila court convicted Maria Ressa, a prominent journalist and head of *Rappler*, (and now a Nobel Laureate) of cyber libel.⁵

In May 2020, the Office of the Mayor of Guimba brought charges against the community radio station *Radyo Natin Guimba* for spreading “fake news” - providing COVID-19 relief that was not coordinated by the government, and urging people to hold protest signs calling for relief.⁶

These actions instil a climate of fear amongst journalists, suppress or discourage reporting on controversial and community issues, and restrict access to information for the general public.

The People's Alternative Media Network (Altermidya) is a network of outlets which publish news that often receives less attention in mainstream media.⁷ It serves as a crucial source of information on conditions among marginalized sectors and in rural areas. Government supporters and officials have attacked the network.⁸ Since December 2018, Altermidya member outlets *Bulatlat.com*, *Pinoy Weekly*, and *Kodao* have suffered cyber-attacks that have shut their websites down when news or statements on human rights violations were posted.⁹ A private forensic investigation traced the attacks to a single source which used search words like “Duterte” to determine where to direct attacks, suggesting they were instigated by Duterte supporters.¹⁰

The National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) 2019 year-end report and various government officials red-tagged Altermidya outlets.¹¹ In an August 2019 Facebook post, the Concepcion (Romblon) Municipal Police Station claimed *Kodao* is an above-ground organization of the Communist Party of the Philippines (CPP).¹² Major General Pio Diñoso III, a military commander in Samar, red-tagged Altermidya journalist Frenchie Mae Cumpio, claiming she is a high-ranking CPP official after she reported about human rights issues in Tacloban.¹³ Like other red-tagged journalists, she was forced to limit her reporting due to fears for her safety,¹⁴ and was subsequently arrested in February 2020 and remains in detention.¹⁵

⁴ <https://thediplomat.com/2020/07/lawmakers-vote-to-close-down-philippines-largest-tv-network/>.

⁵ <https://www.hrw.org/news/2020/06/15/philippines-rappler-verdict-blow-media-freedom>.

⁶ Karapatan Monitor (May-Aug 2020), p. 5; <https://www.rappler.com/nation/nueva-ecija-town-filecomplaint-against-local-radio-station>.

⁷ See Fact Sheet for Case No. 22 in Annex. See also virtual testimony of Rhea Padilla during the February 19, 2021, Plenary hearing before the Sub-Commissioners. <https://ichrp.net/InvestigatePH>.

⁸ See Fact Sheet for Case No. 22 in Annex. See also virtual testimony of Rhea Padilla during the February 19, 2021, Plenary hearing before the Sub-Commissioners. <https://ichrp.net/InvestigatePH>.

⁹ See Fact Sheet for Case No. 22 in Annex, <https://ichrp.net/InvestigatePH>; <https://www.iawrt.org/news/it-companies-challenged-over-cyber-attacks>.

¹⁰ See Fact Sheet for Case No. 22 in Annex, <https://ichrp.net/InvestigatePH>.

¹¹ See virtual testimony of Rhea Padilla during the February 19, 2021 Plenary hearing before the Sub-Commissioners; Fact Sheet for Case No. 22 in Annex, <https://ichrp.net/InvestigatePH>.

¹² See Fact Sheet for Case No. 22 in Annex, <https://ichrp.net/InvestigatePH>.

¹³ See virtual testimony of Rhea Padilla during the February 19, 2021, Plenary hearing before the Sub-Commissioners. Communication from NUPL, March 8, 2021. <https://ichrp.net/InvestigatePH>.

¹⁴ See virtual testimony of Rhea Padilla during the February 19, 2021, Plenary hearing before the Sub-Commissioners, <https://ichrp.net/InvestigatePH>.

¹⁵ <https://www.rappler.com/newsbreak/in-depth/tacloban-journalist-frenchie-mae-cumpio-still-hopeful-year-after-arrest-2021/>.

Pro-military vigilantes, and now the government's security forces, have also confiscated *Pinoy Weekly's* print publications.¹⁶ In September 2019, a self-identified "pro-government" group forcibly removed bundles of *Pinoy Weekly* magazines from the local chapter office of the urban poor organization, KADAMAY, in Pandi, Bulacan; they destroyed the publications by publicly setting them on fire, in the military's presence.¹⁷ In July 2020, the police themselves ordered members of KADAMAY to surrender copies of the magazine, threatening them if they did not comply.¹⁸ The same month, police also forced relief workers to surrender *Pinoy Weekly* copies at a police checkpoint.¹⁹

The Presidential Task Force on Media Security has not taken steps to protect red tagged journalists. In December 2020, Altermidya filed a complaint to the Office of the Ombudsman and Commission on Human Rights, calling for an investigation of the NTF-ELCAC's vilification, but as of Feb. 19, 2021, during the Investigate PH hearing, there are no updates on actions taken.²⁰

There has been no let up on the attacks against the Philippine media through 2021.²¹ On June 22, 2021, Bulatlat.com reported that State forces, particularly the Department of Science and Technology and the Philippine Army, were apparently behind the cyberattacks against its site and those of Altermidya.org and Karapatan, the national human rights alliance.²²

The National Union of Journalists of the Philippines (NUJP) has recorded 19 victims of extrajudicial killings of media workers under the Duterte administration.²³ The NUJP and its officers and members have also been red-tagged by the NTF-ELCAC.²⁴

The physical and cyber-linked attacks on media workers were part of the Duterte administration's war against media organizations which it perceived to be the enemies of the state. It attacked both alternative news sites and mainstream media as demonstrated by the shutdown of ABS CBN, the persecution of *Rappler's* Maria Ressa, and the threat to sue *Philippine Daily Inquirer's* Tetch Torres-Tupas over a report on the indigenous Aetas who were the first charged under the Anti-Terrorism Act (ATA).²⁵

The media as a whole is a target of the ATA. This law and its many contentious provisions have been widely criticised for curtailing media freedom and the freedom of expression. It grants authorities the power to detain activists and journalists, and to allege that they are committing terrorism as the term is so vaguely defined in the law.²⁶ Journalists are on the receiving end of hate speech,

¹⁶ <https://www.rappler.com/nation/npn-confiscates-progressive-magazine-after-anti-terror-law-takes-effect>.

¹⁷ <https://www.altermidya.net/hinggil-sa-panununog-ng-pinoy-weekly-issues-sa-pandi-bulacan/>.

¹⁸ <https://newsinfo.inquirer.net/1312334/pinoy-weekly-publisher-condemn-alleged-illegal-seizure-of-print-magazines-by-bulacan-police#ixzz6TLWnsY7f>.

¹⁹ <https://www.rappler.com/nation/pinoy-weekly-files-complaint-chr-illegal-seizure-printed-copies>.

²⁰ See virtual testimony of Rhea Padilla during the February 19, 2021, Plenary hearing before the Sub-Commissioners, <http://ichrp.net/InvestigatePH>.

²¹ https://drive.google.com/file/d/1vjt_g_HeqatRnIXmv0nlt0eptkse31of/view p. 26-7.

²² <https://newsinfo.inquirer.net/1450227/cyberattacks-on-red-tagged-news-sites-traced-to-dost-army>.

²³ https://nujp.org/alert/alert-masbate-journo-killed-by-soldiers/?fbclid=IwAR3Wc4o0GRuu_le_ME-12hwy5wEHoVr-27yZAfqtoI0r8SNoFEkl7RI1nXdA.

²⁴ <https://newsinfo.inquirer.net/1276298/nujp-slams-red-tagging-of-its-former-chair>;

<https://www.rappler.com/nation/cagayan-deo-oro-journalist-corrales-linked-to-communists-april-2021>.

²⁵ <https://news.abs-cbn.com/news/02/04/21/unacceptable-journalists-groups-condemn-parlade-threat-to-sue-reporter-over-aeta-report>.

²⁶ <https://iboninternational.org/2020/12/11/truthtellers-under-siege-worsening-media-repression-under-the-duterte-administration/>.

particularly on various social media platforms, as they are tagged as paid “presstitutes”, communists, and worse, vilified as terrorists.²⁷

At a national level, the delegitimization, isolation and criminalization of dissent takes place through mechanisms such as Memorandum Order No. 32 issued on November 22, 2018;²⁸ Executive Order No. 70 (which authorized the creation of the NTF-ELCAC)²⁹ and the ATA,³⁰ among others. These mechanisms have expanded the powers of security forces, nationalized the counterinsurgency program, broadened invasive scrutiny across all sectors of society, and institutionalized the label of “terrorist” as a catch-all to criminalize any political opposition.

These legal frameworks also institutionalize, legitimize and make more widespread the practice of “red-tagging”, which is the act of labelling unarmed civilian individuals and groups as members, supporters or affiliates of the *Communist Party of the Philippines* (CPP) and the *New People’s Army* (NPA) in the context of the ongoing armed conflict in the country. This practice is a form of state terror, perpetrated by state agents and their proxies as part of the government’s strategy to repress dissent. Disregarding evidence or due process, the simple act of “red-tagging” someone - even on social media – can lead to and institutionally legitimize government surveillance, threats, harassment, intimidation, filing of trumped-up charges, illegal arrests, and detentions and even the killing of those red-tagged.

Duterte’s neoliberal policies meant worsening economic neglect of Filipino women and the LGBTQ+ community, especially during the COVID-19 pandemic, increasing poverty and further curtailing access to services and protection provided by law.

No other Filipino leader has been as brutal as President Rodrigo Duterte towards women campaigners for human rights, peace, and development. While generally intolerant of dissent, Duterte displays a unique and peculiar malice towards women as he attempted to crush resistance to plunder, exploitation, corruption, and criminally neglectful governance.

Duterte’s anti-people and anti-woman character is primarily exposed through his sexism and persecution of women who oppose his macho fascist governance. Examples include Vice-President Leni Robredo,³¹ Senator Leila De Lima, women journalists such as Maria Ressa³² and Frenchie Mae Cumpio, deposed Chief Justice Maria Lourdes Sereno,³³ Sister Patricia Fox,³⁴ women leaders of the movement and in the grassroots including Amihan, the National Federation of Peasant Women in the Philippines, whose bank accounts have been frozen.³⁵ This abuse demonstrates his outright violation of women’s right to political participation despite the Magna Carta of Women,³⁶ adopted by the Philippine Congress in 2009, and the Philippines being a signatory to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).³⁷

²⁷ <https://iboninternational.org/2020/12/11/truthtellers-under-siege-worsening-media-repression-under-the-duterte-administration/>.

²⁸ <https://www.officialgazette.gov.ph/downloads/2018/11nov/20181122-MO-32-RRD.pdf>.

²⁹ <https://www.officialgazette.gov.ph/downloads/2018/12dec/20181204-EO-70-RRD.pdf>.

³⁰ <https://www.officialgazette.gov.ph/downloads/2020/06jun/20200703-RA-11479-RRD.pdf>.

³¹ <https://www.rappler.com/nation/netizens-reaction-duterte-melt-down-address-november-17-2020>.

³² <https://edition.cnn.com/2019/07/09/media/maria-ressa-media-press-freedom-conferenceintl/index.html>.

³³ <https://www.wsj.com/articles/philippines-top-court-ousts-chief-justice-critic-of-dutertes-drug-war-1526027374>.

³⁴ <https://www.ucanews.com/news/the-australian-nun-who-makes-dutertes-blood-boil/82106>.

³⁵ <https://www.bulatlat.com/2021/06/10/peasant-womens-group-decry-amlcs-freezing-of-its-bankaccounts/>.

³⁶ <https://www.officialgazette.gov.ph/2009/08/14/republic-act-no-9710/>.

³⁷ <https://www.ohchr.org/documents/professionalinterest/cedaw.pdf>.

Duterte's February 2018 order for troops to shoot women rebels in their vaginas led to state forces' horrific treatment of captured guerrilla suspects and unarmed women activists in the last three years.³⁸

Like all States signatory to the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Philippine State is bound to progressively improve the employment, income, housing, health, education and cultural expression enjoyed by all its people. This commitment must be supported by the bulk of the state budget. Other United Nations Covenants, Conventions and Declarations clearly elaborate the rights of women and children, freedom of religion, and the duty of the state to self-determination, development and peace.

In November 1984 at the height of the nuclear arms race, the UN General Assembly adopted a Declaration on the Right to Peace, "convinced that life without war serves as the primary international prerequisite for the material well-being, development and progress of countries, and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations."

It recognized that "the maintenance of a peaceful life for peoples is the sacred duty of each State," and "solemnly proclaims that the peoples of our planet have a sacred right to peace."³⁹

The persistent and profound struggles of Filipino peasants, farmworkers, and fisherfolk for genuine land reform and to regain control of the land they have cultivated for generations is a powerful expression of a desire for development and peace. The Filipino workers' movement likewise demands genuine national industrial development. The "bungkalan" movement to cultivate lands left vacant by landlords, for instance, is an expression of the land reform movement in areas controlled by the government.⁴⁰

Likewise, the tenacious struggles by indigenous peoples across the Philippines to defend their ancestral domain from plunder and exploitation, and their demand that the military and the big logging, mining and plantation companies leave their communities, is a cry for peace to enable development for their communities.

These historic demands for justice, peace, development and self-determination have been met repeatedly by violent force, as seen in the Mendiola Massacre of January 1987, the Hacienda Luisita Massacre of 2004, in the many cases of deadly repression recounted in the *INVESTIGATE PH Reports*, and in the never-ending and rehashed counterinsurgency programs.

There is an alternative process available to the Philippines, in the longstanding peace negotiations with the National Democratic Front of the Philippines (NDFP). The series of agreements⁴¹ signed in this process have established a framework and the parties came very close to the first substantial agreement on social and economic reforms that might address the root causes of the armed conflict. These are the Joint Draft on Agrarian Reform and Rural Development (ARRD) and on National Industrialization and Economic Development (NIED). These make up a large part of the Draft Comprehensive Agreement on Social and Economic Reforms which was ready for signing in late

³⁸ <https://www.rappler.com/nation/hrw-duterte-order-shoot-women-vagina-violates-internationalhumanitarian-law>.

³⁹ <https://www.ohchr.org/EN/ProfessionalInterest/Pages/RightOfPeoplesToPeace.aspx>.

⁴⁰ <https://pinoyweekly.org/2017/11/bungkalan-at-hustisya-sa-luisita/>.

⁴¹ Joint Agreement on Security and Immunity Guarantees (JASIG), <https://www.peaceagreements.org/viewmasterdocument/932>; Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL), https://peacemaker.un.org/sites/peacemaker.un.org/files/PH_980316_Comprehensive%20Agreement%20on%20Respect%20for%20Human%20Rights.pdf.

2017.⁴² In the draft, the Philippine government agreed in principle to the free distribution of land to the peasants, a very significant breakthrough in addressing the roots of the armed conflict. This can still be revived under President Bongbong Marcos.

Recommendations

- Ensure the permanent protection of all witnesses, including journalists, in all investigations of cases of extrajudicial killings and other human rights violations, as well as protection of all individuals and organizations “red tagged,” against all acts of intimidation and reprisal; that protection plans be made with independent international institutions for their safety and security.
- Ensure that human rights defenders, journalists, members of the academe, government officials who are or are perceived to be in the opposition, and the exercise of pastoral duties of ministers and priests are protected at all times.
- Urge Member States, relevant United Nations agencies, and other stakeholders to conduct international fact-finding and mercy missions to specific regions in the Philippine which have been heavily militarized and where wanton violations of human rights and International Humanitarian Law have been documented.
- Ensure accountability of violators of the freedom of expression and opinion and for other human rights and international humanitarian law violations.
- Ensure that victims of violations of the freedom of expression and opinion attain justice, and end the climate of impunity.
- Support the resumption of the peace negotiations between the Government of the Philippines and the National Democratic Front of the Philippines.
- Suspend all cooperation agreements for military and police training and arms and equipment sales until respect for human rights and international humanitarian law is restored and felt on the ground in the Philippines.

February 27, 2023

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⁴² <https://www.hdcentre.org/activities/philippines-ndf/>.