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**Human Rights Council**

**Forty-seventh session**

21 June–9 July 2021

Agenda 2

**Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General**

Written submission by The Philippines: Commission on Human Rights [[1]](#footnote-2)\*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Philippines: Commission on Human Rights[[2]](#footnote-3)\*\*, reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

Report of the Commission on Human Rights of the Philippines on the High Commissioner’s report on State response to pandemics (res. 44/2)

The Commission on Human Rights of the Philippines (hereafter “the Commission” or “CHRP”),[[3]](#footnote-4) submits its written statement for agenda item 2 on the High Commissioner’s report on State response to pandemics. The Commission would like to update the Human Rights Council (HRC) of developments since its letters to the HRC President H.E. Ms. Elisabeth Tichy-Fisslberger on 27 April 2020, and High Commissioner Michelle Bachelet on 30 April 2020, respectively, which highlighted human rights policy advisories[[4]](#footnote-5) on the Philippines’ initial responses and policies to limit the spread of the COVID-19 virus.

This submission focuses on the current State laws, policies and their implementation to curb the steep rise in the rate of COVID-19 infection this year as well as the ongoing efforts to vaccinate Filipinos against COVID-19. Food insecurity prominently resurfaced as a primary human rights concern in the country this year with the organizing of community pantries, which are also given emphasis in this submission.

1. Rising cases of COVID-19 and current government responses

Over a year into the pandemic, as of 13 June 2021, the Department of Health (DOH) recorded 7,302 new COVID-19 infections, adding to the nationwide tally of 1,315,639. Out of the total cases, 59,865 are considered active cases. 137 deaths are recorded on 13 June 2021, which raise the death toll to 22,788. There are 7,701 new recoveries, increasing the total recoveries to 1,232,986.[[5]](#footnote-6)

The government imposed a third hard lock-down for Metro Manila and nearby provinces known locally as enhanced community quarantine (ECQ) on 29 March 2021 until 30 April 2021, similar to the first hard lockdown in March 2020,[[6]](#footnote-7) following an alarming surge of cases, with the highest daily record of 15,280 on 3 April 2021.[[7]](#footnote-8) Infection rates rose steeply and swiftly by the end of the first quarter of 2021, due to the more contagious COVID-19 variants. The health system was barely coping with hospitals reaching critical occupancy of COVID-19 and ICU beds, and with hospitals regrettably turning away patients.[[8]](#footnote-9) In May and June 2021, cases have been slowly trickling down in Metro Manila and adjacent towns, however, increased local transmission has shifted to the south of the Philippines.[[9]](#footnote-10)

The Philippines has imposed quarantine restrictions with more than 25 million of its population, mostly in Metro Manila and adjacent provinces have remained under lockdown with differing levels of severity, rules and restrictions depending on infection rate per local government unit in the country, since 15 March 2020.[[10]](#footnote-11) There is a consistent reliance on lockdowns to contain the spread of the virus, with measures in the Philippines considered as one of the longest lockdowns in the world.[[11]](#footnote-12) The Commission recognizes that “the government’s position to restrict freedom of movement in the interest of public health and safety. However, we stress that quarantine measures are being implemented as a public health measure and not as a peace and order solution—this is the rationale as previously espoused by the Chief Executive himself when he stated that the quarantine is not tantamount to martial law.”[[12]](#footnote-13)

The administration has framed its pandemic response strategy as “war against the virus,” a militaristic and securitization approach that penalized and criminalized quarantine violators, similar to its campaign against illegal drugs[[13]](#footnote-14) and recently the more blatant red-tagging, arrests and killings of human rights defenders and community workers in the guise and cover of the implementation of the Anti-Terror Act.[[14]](#footnote-15)

The Commission monitored, received and investigated reports and cases of quarantine violators who have died or was subjected to torture due to punishment by security officials.[[15]](#footnote-16) “Excessive punishments and fines which are punitive in nature and disproportionate with the violation represent an overreach of the enforcement of quarantine rules and regulations. [The Commission agrees with] the statement of Justice Secretary Menardo Guevarra in recommending local government units to impose community service on quarantine violators as an alternative to harsh physical exercises and fines which only add hardships already being felt by members of the poor and vulnerable sectors.”[[16]](#footnote-17) However, with the statement of the President days after the Secretary’s recommendation to arrest and detain those who are improperly wearing masks, the Department of Justice (DOJ) has issued guidelines primarily using local ordinances as basis.[[17]](#footnote-18)

COVID-19 testing and contact tracing have been a challenge in the country. The government is reluctant to provide for mass testing and instead prefers the risk-based approach.[[18]](#footnote-19) Despite the rise in cases this year, the National Task Force Against Covid-19 (NTF)[[19]](#footnote-20) has quoted a statement of the Healthcare Professionals Alliance Against Covid-19 (HPAAC)[[20]](#footnote-21) on mass testing, saying “indiscriminate mass testing of asymptomatic individuals using tests with sub-optimal sensitivity is neither feasible nor practical”.[[21]](#footnote-22) In the first outbreak of COVID-19 in the country last year, the DOH admitted during an online meeting of the House Committee on Health that testing for the virus among the population affected have not been conducted.[[22]](#footnote-23) Actual cases are likely underreported,[[23]](#footnote-24) and contact tracing was described as failing.[[24]](#footnote-25) Despite the ongoing efforts of the government to improve testing and contact tracing capacities, the weakness and failure in implementation has seriously impacted the conditions of at-risk and vulnerable groups such as older persons, persons with disabilities, persons deprived of their liberties, internally displaced persons and indigents living in cramped quarters, where physical distancing is next to impossible and restrictions on movement are discriminating against these groups.

A promising initiative of the government includes the mobile testing program of the Office of the Vice-President called “Swab Cab” launched in March 2021, which provided free mobile antigen swab service to high-risk areas in Metro Manila and Cebu.[[25]](#footnote-26) The program also has provided incentives such as food packs to encourage people to get COVID-19 tests. However, the outreach has been limited and underfunded, hence the impact is difficult to assess.

People living with HIV/AIDS also struggle to deal with the difficulties of accessing health services, especially during a pandemic. The Commission cites the efforts by the DOH as a bright spot in this challenging time to make sure that health services for PLHIV do not come to a halt. The DOH and its partners from local government units (LGUs) through its Social Hygiene Clinics, public and private HIV treatment facilities, community-based organizations, and advocacy groups are all working together to make sure that HIV prevention, testing, treatment, care and support services are continuously provided. DOH also continues to assess and approve the operation of HIV testing labs to help reach more people.[[26]](#footnote-27)

2 Vaccine roll-out[[27]](#footnote-28)

The CHRP issued an advisory in January 2021 on the human rights-based approach to the COVID-19 vaccination.[[28]](#footnote-29) The advisory recommended for the government and relevant stakeholders to develop and implement a national COVID-19 immunization program that must be framed within human rights, along with science, as the fundamental consideration. The State should take all the necessary measures, to the maximum available resources, to guarantee access to COVID-19 vaccines of all Filipinos and persons in the Philippines without discrimination.[[29]](#footnote-30)

A Social Weather Stations (SWS) survey recently revealed that only 3 out of 10 adult Filipinos are willing to be vaccinated months into the national vaccine rollout.[[30]](#footnote-31) While these numbers are worrying, the Commission takes great solace in the efforts of several local government units (LGUs) that have sought to ensure that vaccines remain accessible to the public through vaccination drives and information dissemination campaigns to address vaccine hesitancy and common vaccine misconceptions.

The right to information to matters of public concern is crucially linked to the realization of an individual’s right to health in times of a pandemic. Enabling individuals to make sound decisions based on facts is the right way to decrease vaccine hesitancy among the public. A testament to the importance of information dissemination is the high vaccine acceptance rate amongst constituents in Iloilo City. The success of their vaccine rollout shows how well-informed individuals are in the best position to make decisions on their health and well-being.

The launch of drive-thru Covid-19 vaccination sites,[[31]](#footnote-32) and house-to-house vaccination[[32]](#footnote-33) for bedridden residents, among others, go a long way in helping curb Covid-19 transmission among the most vulnerable, including persons with disabilities, older persons and indigent groups, and keeping number of cases down.

The Commission is concerned with reports of individuals involved in the sale of vaccine slots and advises them to immediately desist from doing so. Individuals excluded from the priority list that jump the vaccination queue by selling and purchasing vaccine slots, not only violates the principle of equitable vaccine distribution, they also compromise the country’s obligation under the COVAX agreement to provide free and succeeding vaccine allocations for agreed upon groups. The Commission commends the move of the Chief of the Philippine National Police, Police General Guillermo Eleazar, on the dropping of charges against the whistleblower on the “vax for sale.”[[33]](#footnote-34) This move by the PNP will help allay the fears of the public that publishing or posting on social media anything critical of the administration is dangerous.

According to the fourth quarter 2020 survey published by SWS, 65% of adult Filipinos agreed with the statement, “It is dangerous to print or broadcast anything critical of the administration, even if it is the truth.” 18% said they are undecided, while 16% disagreed. This gave a net agreement score, or the percentage of those who agreed minus the percentage of those who disagreed, of +49, classified by the survey as “strong.”[[34]](#footnote-35)

3. Community pantries, red-tagging and attacks against organizers and volunteers

The Department of Science and Technology conducted the Rapid Nutrition Assessment Survey from 3 November to 3 December 2020, which has revealed 62.1% or six out of 10 individuals reported they experienced moderate to severe food insecurity. 56.3% of the households surveyed reported having problem accessing food during community quarantine period due to: no money to buy food (22.1%); no/limited public transportation (21.6%); no money due to loss of job (19.5%); limited food stores in the area (10.8%) and mobility issues due to old age - no other members to buy food (5.1%).[[35]](#footnote-36)

The social amelioration programs of government and food donations organized by the LGUs and the private sector provide temporary relief for individuals and families who experience job loss, hunger and food insecurity in this time of the pandemic.

The community pantries are promising initiatives aiding Filipinos to access essential goods and serving to fill the gap in government services. The community pantry first emerged in Maginhawa Street, Quezon City and has been emulated in different parts of the city, in the provinces and outside the country.[[36]](#footnote-37) However, the main organizer of the Maginhawa Community Pantry was red-tagged and forced to suspend operations for safety concerns. Government social media pages linked these initiatives to the communist movement. The Commission received reports of local law enforcement agents subjecting organizers of community pantries to questions regarding their affiliations and photos on social media allegedly showing policemen handing out forms that organizers need to fill out with their personal details.[[37]](#footnote-38)

The Commission commends the action of the National Privacy Commission (NPC) through the Statement of Commissioner Raymund Liboro who strongly advised against “unjust profiling” of community pantry organizers and said that the same “poses risks for private citizens.”[[38]](#footnote-39) Quezon City Mayor Belmonte issued a statement assuring support for the community pantry and the safety of the organizers operating within the city.[[39]](#footnote-40)

The Commission reminds the government, particularly local law enforcement officers, that collecting data, including the affiliation of community pantry organizers, is an encroachment upon the right to privacy of citizens and represents yet again an overreach and abuse of police power bereft of any statutory or legal basis. The community pantry is an example of the exemplary spirit of bayanihan to make-up for the gaps of government action in addressing the long-term adverse effects of the pandemic.[[40]](#footnote-41)

1. \* National human rights institution with A status accreditation from the Global Alliance of National Institutions for the Promotion and Protection of Human Rights. [↑](#footnote-ref-2)
2. \*\* Circulated as received, in the language of submission only. [↑](#footnote-ref-3)
3. As the National Human Rights Institution (NHRI) of the Philippines, the CHRP has the mandate vested by the 1987 Constitution of the Republic of the Philippines and the Paris Principles to promote and protect the full range of human rights including civil and political rights, and economic, social and cultural rights. It has the responsibility to regularly report and monitor human rights situations and violations, and recommend steps in advancing the realization of human rights and dignity of all. The Commission has “A”-status accreditation from the Sub-Committee for Accreditation. It is a member of the Global Alliance of National Human Rights Institutions (GANHRI). [↑](#footnote-ref-4)
4. See 2020 CHRP human rights policy advisory series on the COVID-19 pandemic here: <http://chr.gov.ph/5th-commission/>. [↑](#footnote-ref-5)
5. Department of Health, COVID-19 Case Tracker, *available at* <https://doh.gov.ph/covid-19/case-tracker> (last accessed: 13 June 2021). [↑](#footnote-ref-6)
6. Philippine News Agency press updates, *available at* <https://www.pna.gov.ph/articles/1135111> ; <https://www.pna.gov.ph/articles/1136359> (last accessed: 13 June 2021). [↑](#footnote-ref-7)
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