



# “I TURNED MY FEAR INTO COURAGE”

RED-TAGGING AND STATE VIOLENCE AGAINST YOUNG HUMAN RIGHTS DEFENDERS IN THE PHILIPPINES

AMNESTY  
INTERNATIONAL



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# GLOSSARY

<b>ATA</b>	Anti-Terrorism Act of 2020 (Republic Act No. 11479)
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CPP</b>	Communist Party of the Philippines
<b>DOXING</b>	Act of revealing personal or identifying documents or details about someone online without their consent, typically with malicious intent.
<b>HRD</b>	Human Rights Defender
<b>HRIA</b>	Human Rights Impact Assessment
<b>QUEER</b>	Queer is an umbrella term used by people who challenge socially constructed norms and expectations around sexual orientation, gender identity and/or expression and sex characteristics that have been assigned to them. This research uses “queer” in cases where LGBTQ people and HRDs directly identified themselves with this term.
<b>RED-TAGGING</b>	The public vilification of human rights defenders, student activists, teachers, media workers and others as members of and clandestine recruiters for the New People’s Army (NPA), a communist armed group that has been active in the Philippines since 1969.
<b>NDF</b>	National Democratic Front
<b>NPA</b>	National Task Force to End Local Communist Armed Conflict
<b>NTF-ELCAC</b>	Bimkom – Planners for Planning Rights, a human rights organization
<b>TfGBV</b>	Acronym for the term “technology-facilitated gender-based violence”. TfGBV refers to any act of violence, or threats thereof, perpetrated by one or more individuals that is committed, assisted, aggravated and amplified in part or fully by the use of information and communication technologies or digital media, that disproportionately impacts women, girls and other people based on their real and/or perceived sexual orientation, gender identity and/ or expression, causing physical, psychological, economic and sexual harm. <sup>1</sup> Gender-based violence, including TfGBV, exists in a continuum between physical and digital spaces.
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UNCRC</b>	UN Convention on the Rights of the Child

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<sup>1</sup> Amnesty International recognizes that United Nations mechanisms and feminist scholars and activists continue to develop definitions of this phenomenon and seek to embrace and understand the different elements of each proposal. Amnesty International has adopted this understanding for this research, while recognizing the ongoing process of defining the term. See, for example: UN Women, “Technology-facilitated violence against women: Taking stock of evidence and data collection”, March 2023, <https://www.unwomen.org/en/digital-library/publications/2023/04/technology-facilitated-violence-against-women-taking-stock-of-evidence-and-data-collection>

# 1. EXECUTIVE SUMMARY

***‘There’s that crippling feeling of “am I a target to the military?”’***

Ana<sup>2</sup>, 26-year-old community activist, Southern Luzon

This report documents how the two successive governments of President Duterte and President Marcos Jr. have weaponized digital tools, misinformation and vague anti-terror laws to harass, intimidate and repress young human rights defenders (HRDs) in the Philippines. The central element in this coordinated campaign of state violence is the practice of “red-tagging”, through which leading political figures and state security actors have vilified human rights defenders, student activists, teachers, media workers and others as “Communist rebels” and “terrorists”, inciting discrimination and violence. Since 2018, red-tagging and other attacks against young HRDs have surged, reaching a peak in the second half of the Duterte presidency during a time of popular online protests amidst the Covid-19 pandemic, and created a climate of fear and intimidation amongst young people by equating their peaceful protests and human rights advocacy with sedition and terrorism.

In March 2024, Amnesty International conducted in-depth interviews and focus group discussions with 41 young human rights defenders across the Philippines, in addition to interviews with experts from the fields of human rights, journalism and local government conducted in February and March 2024. Through these testimonies, extensive desk research and the analysis of Facebook posts and ads, the report traces the evolution of red-tagging into a multipronged attack on youth activism, which has seen state actors misuse online platforms, principally Facebook, to harass and smear young HRDs. This has in turn allowed state actors to legitimize further serious human rights violations against young activists, including arbitrary arrests and enforced disappearances. This report adds to prior efforts by civil society organizations and international institutions to document serious human rights violations against human rights defenders in the Philippines and to hold the responsible state actors, including the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), the military and the police, to account. Focusing on young HRDs and student journalists, this report contributes new evidence of the devastating impact of these state-led attacks on a critical generation of young changemakers.

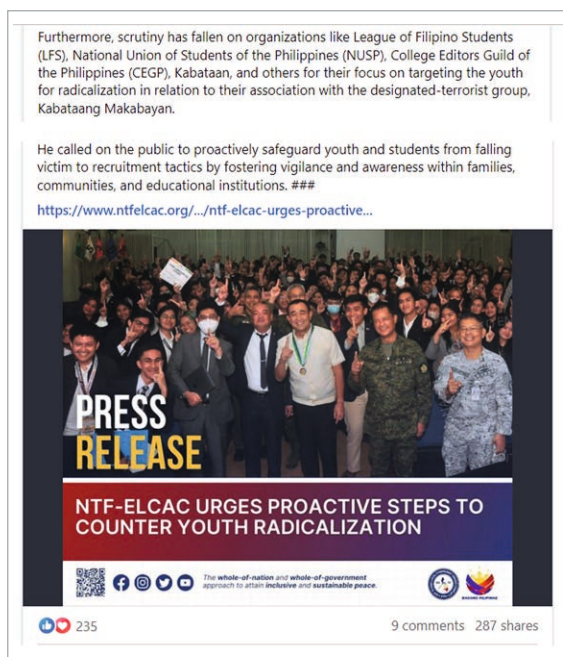
The targeting of young human rights defenders is deliberate and strategic. Student protests have played a vital part in the resistance against oppression and human rights violations throughout the Philippines’ modern history, including the popular resistance movement that led to the ousting of President Marcos Sr. in 1986. Young people were also at the forefront of online protests against the deeply flawed Anti-Terrorism Act during the Covid-19 pandemic. Beginning in 2018, universities saw

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<sup>2</sup> The names of the human rights defenders cited in this report have been changed for security reasons, unless research participants consented to be named.

an intensification in red-tagging incidents. That same year the NTF-ELCAC was established and began its red-tagging campaign, which intensified in the context of the protests against the Anti-Terrorism bill prior to its passing in 2020 and continues under the current administration.

Leading political figures and authorities have created a hostile climate for young human rights defenders, using red-tagging as a dog whistle to incite hatred against young advocates engaged in diverse human rights causes and against student journalists. Red-tagging posts on social media platforms, principally Facebook, became a widespread, cheap and effective method for government authorities to harass and intimidate government critics at a time of increased reliance on online platforms amidst the Covid-19 quarantine measures.



Examples of red-tagging posts on Facebook: The NTF-ELCAC post states “scrutiny has fallen on organizations like League of Filipino Students (LFS), National Union of Students in the Philippines (NUSP), College Editors Guild of the Philippines (CEGP), Kabataan, and others for their focus on targeting the youth for radicalization” without offering any evidence for its claim. The meme-like image on the right states “an activist in the past, now a virus”, the caption includes the frequently used hashtag #NoToCPPNPA. According to a public post about Meta’s removal of “coordinated inauthentic behaviour” on its platforms published in 2020, Meta identified the account behind this post as one of more than 60 accounts with hidden links to the Philippine police and military.

Red-tagging by state actors has served to legitimize wider online threats, incidents of surveillance and harassment by members of the security forces, legal harassment, arbitrary arrests and enforced disappearances of young human rights defenders. Bolstered by extensive new powers conferred on them under the Anti-Terrorism Act of 2020, state security forces have filed baseless complaints against young activists, made arbitrary arrests and have disappeared young human rights defenders. Weaponizing a litany of vague and flawed anti-terrorism laws, state security forces have flagrantly violated human rights and continue to evade accountability for their actions. “We are being used as lab rats”, one young human rights defender said about a rapid succession of complaints against young activists in Southern Luzon, fearing that these were test cases for a wider crackdown on activist groups across the country. Whilst prosecutors dismissed some of these baseless complaints, including for instance complaints filed under the Anti-Terrorism Act against Hailey Pecayo and fellow human rights defenders, other young advocates and journalists including three of the so-called “Tacloban 5”

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continue to be held in detention at the time of writing, despite serious concerns about the basis of the charges and the fairness of the proceedings. As recently as August 2024, young environmental rights defender Rowena Dasig went missing and is feared to have become the target of a series of enforced disappearances of human rights defenders under President Marcos Jr.

Red-tagging also intersects with discrimination and violence against women and LGBTI people, exemplified by misogynistic red-tagging comments from high-ranking officials about female environmental activists and harassment of LGBTI organizations. Alex, a 20-year-old LGBTI activist explained that in the context of the new Anti-Terror Act, “a lot of people have equated our advocacy for gender equality as a form of inciting terrorism.”

Indigenous People (IP) and IP rights groups and activists have also been targeted through red-tagging and explicit threats of violence made by former President Duterte towards Lumad (Indigenous People’s) schools, which culminated in multiple arbitrary arrests in 2021 and the killing of IP rights activist, ally and volunteer teacher Chad Booc in 2022.

The effects of such threats and violence used by state officials to stifle dissent, both tech-facilitated and offline, are deeply felt across young activist communities in the Philippines. The young human rights defenders interviewed for this report spoke about the personal cost – social isolation, the constant need for vigilance, the toll of fear and stress on their mental health – as well as the collective chilling effect on activist groups, making itself felt through self-censorship and young people giving up their advocacy or journalism for fear of the repercussions of speaking out and pressure from concerned relatives.

“We break down and it’s traumatic. It’s not a normal thing to be facing at our age”, explained Hailey Pecayo, a human rights advocate from Batangas, who at the age of 19 faced baseless criminal complaints. These included terrorist acts and attempted murder, filed by members of a local military branch in an apparent act of retribution against Pecayo’s investigation of serious allegations of human rights violations by the military in the region. Others spoke about their struggle balancing what they consider to be an urgent and necessary defence of human rights with the knowledge of fellow activists’ arrests and enforced disappearances and the resulting fear for themselves and those closest to them.

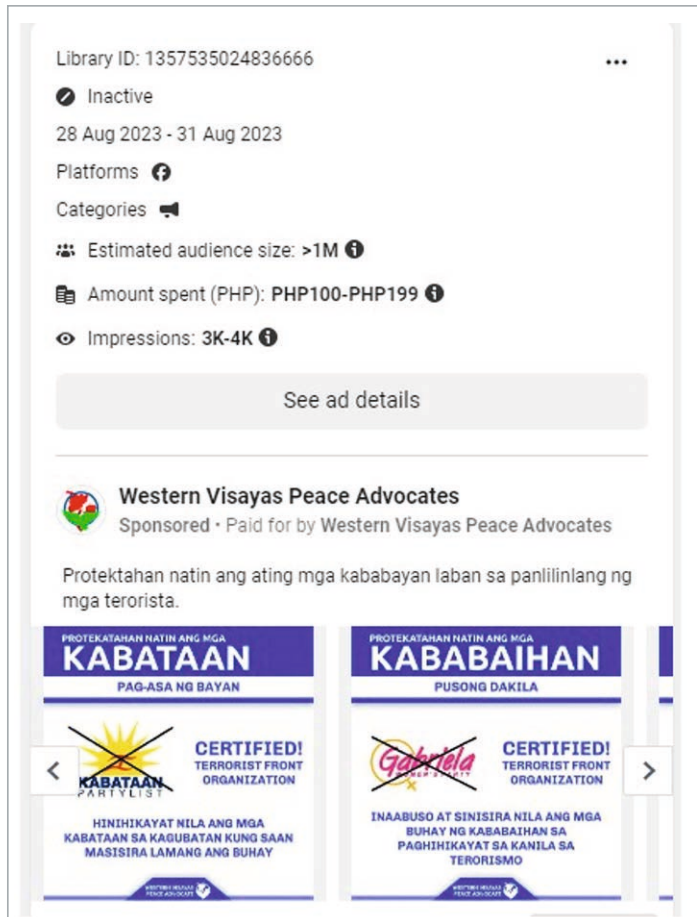
Ana, a 26-year-old student activist, explained: “When you’re harassed online or when you’re posted online, that makes you a target. It’s letting people know that this person is a target, that you should not get close to this person [...] Of course, if you’re not yet organized, it would make you think that you wouldn’t want to be an activist because your life would be put in danger.” These testimonies are evidence of the threat that red-tagging and connected acts of state violence pose to a crucial generation of young human rights advocates and the future of independent journalism and human rights advocacy in the country.

The focus of this report is on the State’s role in creating a hostile climate for young human rights activists in the Philippines and the chilling effect on human rights advocacy and society as a whole. This research would be incomplete, however, without a closer look at the digital environment, in which state actors use online platforms to broadcast and amplify their messages to constituents and influence public discourse and opinion, including through the destructive narrative of red-tagging.

No platform is as critical in this regard as Facebook. Meta’s Facebook platform is the leading social media network in the Philippines, with 95% of social media users logging into Facebook each month. Facebook’s role in amplifying tech-facilitated threats and violence became evident through a human rights impact assessment (HRIA) compiled by the consulting firm Article One in 2020, followed by a 2021 update based on research on the impact of the Covid-19 pandemic. In it, Article One states that “[r]esearch on 20 red-tagging cases in 2020 and 2021 conducted by Article One and Meta did not find conclusive evidence that red-tagging on Facebook, alone, is correlated with imminent arrest or murder. However, the killings of several individuals that had been red-tagged both online and offline indicates that red-tagging remains an urgent and severe threat to HRDs and one that can infringe on the right to life and security of person.”



Despite this knowledge, Meta has allowed state officials and other platform users to continue to misuse Facebook to harass, intimidate and threaten human rights defenders. Based on the analysis of key state actors’ posting activity as well as red-tagging ads found in Meta’s Ad Library, young human rights defenders’ testimony, third party evidence and information from Meta itself, Amnesty International identified evident failures in Meta’s human rights due diligence. Inadequate content moderation and ad approval mechanisms, and a failure to track the effectiveness of its risk mitigation measures have turned Facebook into an enabling environment that contributes to serious human rights violations.



←  
Example of a red-tagging ad on Facebook approved by Meta

Amnesty International shared the findings of this report with Meta in September 2024, to which the company did not respond. In an earlier response to a research letter sent by Amnesty International in July 2024, the company stated:

*“We assess allegations of red-tagging against a number of policies, including our Coordinating Harm and Promoting Crime policy. Under that policy, we will remove content that exposes the identity of someone who is alleged to be a member of an ‘at-risk’ group, where these allegations could lead to real life harm.”*

The company also pointed to public information materials detailing its response to a 2021 Human Rights Impact Assessment, which includes ongoing work with Meta’s “Trusted Partner Network” of civil society organizations as well as the implementation of an online security training programme for human rights defenders. Meta stated that “[i]n addition to the measures that we disclose publicly, we have robust internal risk management and tracking systems in place to measure and assess

the effectiveness of our mitigations.” Explicitly asked about removal rates of red-tagging content by Amnesty International, Meta stated in its response to Amnesty International’s research letter from July 2024 that it does not “collect and report removal rates of “red-tagging” content (which might violate multiple policies)”, indicating that the company does not track the effectiveness of a key risk mitigation measure.

Even amidst the current climate of fear resulting from state actors’ threats and attacks and an unsafe online environment, courageous young human rights defenders persist and continue to speak up for diverse causes, fighting poverty, environmental destruction, political repression and discrimination. Their calls, echoed by international human rights institutions, for the Philippine Government to finally acknowledge the essential societal value of human rights defenders, to ensure that state actors cease these attacks and to abolish the NTF-ELCAC must urgently be heard and implemented.

These are some of Amnesty International’s key recommendations included in this report:

### **TO THE STATE:**

- The state, state authorities, government officials and members of the security forces must end the practice of red-tagging immediately and cease any form of intimidation, harassment, threats or attacks against human rights defenders.
- Abolish the NTF-ELCAC, carry out a prompt, independent, impartial and transparent investigation into the practices of the task force throughout the duration of its operations, and address impunity within the NTF-ELCAC.
- Repeal the Anti-Terrorism Act and review provisions of the Cybercrime Act, especially on libel, and ensure that any counterterrorism measures are not used to suppress the rights to freedom of expression and peaceful assembly.
- Carry out a prompt, independent, impartial and transparent investigation into abuses in the application of the Anti-Terrorism Act and related laws, including the Terrorism Financing Prevention and Suppression Act, especially against human rights defenders and media workers. Pass the Human Rights Defenders Protection Act as a first step towards recognizing the work of human rights defenders and include among its provisions the definition and penalization of red-tagging.

### **TO META:**

- Undertake a comprehensive review and overhaul of human rights due diligence at Meta, including by mainstreaming human rights considerations throughout all Meta platforms’ operations, especially in relation to the development and deployment of its algorithmic systems, its content moderation and ad review.
- Increase capacity to review and remove red-tagging content in a timely manner consistent with the threat of incitement to violence for human rights defenders’ security.

# 2. METHODOLOGY

This report documents how the two successive governments of President Duterte and President Marcos Jr. have weaponized digital tools, misinformation and the law to create a climate of fear and intimidation amongst a critical generation of young human rights defenders (HRDs) in the Philippines. The research ties into Amnesty International’s global campaign to ‘Protect the Protest’<sup>3</sup> and its research work on tech-facilitated gender-based violence (TfGBV) and the suppression of freedom of expression.<sup>4</sup> It also builds on Amnesty International’s longstanding advocacy for the protection of human rights in the country, including against the Anti-Terrorism Act of 2020.<sup>5</sup>

The report is based on extensive desk research, analysis of social media content and in-depth interviews and focus group discussions with 41 young human rights defenders between the ages of 19 and 28, many of whom began their activism as children. Amnesty International researchers further spoke with representatives of local human rights organizations, journalists, policymakers, the National Commission on Human Rights and the Philippine military. The research was conducted between January and June 2024, with in-person interviews and focus group discussions taking place in Manila, Baguio City (Northern Luzon) and Laguna in March 2024. Four mostly young HRDs from Negros and Mindanao were interviewed online in February and March 2024.

Manila, Baguio City and Los Baños are all sites of major university campuses attracting a large student population. They differ, however, in their levels of security and militarization.

Manila as the Philippines’ capital city is a major hub of human rights groups, including student activist groups.

Baguio City prides itself on its self-declared status as an “inclusive human rights city”.<sup>6</sup> Baguio and the surrounding rural regions have however seen serious human rights violations in recent years, including red-tagging incidents and the enforced disappearance of young local Indigenous rights’ activist Gene Roz Jamil “Bazoo” de Jesus in 2023, discussed in this report (he and fellow HRD Dexter Capuyan, both from the Cordillera region, were travelling at the time of their disappearance and were last seen in Taytay town, Rizal province).<sup>7</sup> Baguio City and the surrounding regions are home to many Indigenous Peoples whose ongoing struggles to regain their rights to ancestral lands add a further component to

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3 Amnesty International, “Protect the Protest”, 2024, <https://www.amnesty.org/en/petition/protect-the-protest/>

4 Amnesty International, “*Being ourselves is too dangerous*”: Digital violence and the silencing of women and LGBTI activists in Thailand (Index: ASA 39/7956/2024), 16 May 2024, <https://www.amnesty.org/en/documents/asa39/7956/2024/en/>; Amnesty International, “Online violence”, July 2024, <https://www.amnesty.org/en/what-we-do/technology/online-violence/>

5 Amnesty International, “Anti-Terror Act remains dangerous and fundamentally flawed”, 9 December 2021, <https://www.amnesty.org.ph/2021/12/anti-terror-act-remains-dangerous-and-fundamentally-flawed/>

6 Rappler, December 2023. “Baguio officially declared an ‘inclusive human rights city’”, <https://www.rappler.com/nation/luzon/baguio-declared-inclusive-human-rights-city-december-2023/>

7 Amnesty International, “Philippines: Indigenous rights activists reported missing: Dexter Capuyan and Gene Roz Jamil “Bazoo” de Jesus”, ASA 35/6791/2023, 2023, <https://www.amnesty.org/en/documents/asa35/6791/2023/en/>; Rappler, “Amnesty International: Grim human rights situation persists under Marcos Jr.’s rule”, 9 May 2024, <https://www.rappler.com/philippines/luzon/amnesty-international-grim-human-rights-situation-persists-marcos-jr-rule-april-8-2024/>

state repression. At the time of writing, members of the city council are advocating for the passing of a local ordinance for the protection of human rights defenders, which would define and criminalize the act of red-tagging.

The Southern Tagalog region around the university town of Los Baños is highly militarized and has seen numerous alleged extrajudicial executions and unlawful killings by military forces of workers and local activists as well as alleged shootings of residents, such as nine-year-old Kyllene Casao.<sup>8</sup> While the conflict between security forces and the New People's Army is country wide, the Southern Tagalog region is one of the worst affected in terms of human rights violations that was considered safe enough and practicable for the research team to travel to.

The report focuses on acts of tech-facilitated violence and connected acts of offline violence against child and youth activists between 2018 and 2024. The research focuses on this time period, because it coincides with the passing of the Anti-Terrorism Act in 2020 and the Covid-19 restrictions implemented between 2020 and 2021, which led to a stark increase in state-led attacks on young human rights defenders, and specifically their rights to freedom of expression, and peaceful assembly, the right to privacy, to mental health, non-discrimination and liberty and security.

The interviewed young activists represent various progressive student organizations, college media and activist groups advocating for diverse causes such as the right to free education, LGBTI rights, women's and workers' rights, Indigenous People's rights, environmental protection and climate justice. Building on previous Amnesty International research highlighting the intersection of racial and gender-based discrimination at the heart of many forms of tech-facilitated violence, the research team sought to document the testimonies of a wide range of young HRDs, including members of the LGBTI community and young people from different socio-economic and urban as well as rural backgrounds. Amnesty International ensured that informed consent was given by all research participants. Due to the security concerns documented in this report, the young human rights defenders are only named if their cases have been already widely documented and researchers and the young HRDs themselves assessed that their naming would not put them at greater risk. All other young activists cited in this report have been given pseudonyms.

The information provided by the research participants was corroborated and contextualized with extensive desk research, including the review of relevant human rights law and standards as well as domestic legislation and reports by local and international organizations, media reports, publicly available parts of a human rights impact assessment published by Meta, the company running the Facebook platform, and researchers' manual analysis of posts and advertisements on Facebook. Amnesty International researchers reviewed content flagged as red-tagging posts by human rights defenders interviewed as part of this research and analysed the posting activity of key state actors such as the NTF-ELCAC. Using key terms associated with red-tagging, researchers also searched Meta's Ad Library for red-tagging advertisements purchased by third parties to be displayed and amplified on Facebook and manually analysed the results (further details in section 7).

As part of the research process, research letters requesting specific information were sent to Meta and the Council on Human Rights in July 2024 and their responses are included in this report. Right of Reply letters containing conclusions and allegations were sent prior to publishing to Meta, the Office of the President, former President Rodrigo Duterte, the Department of Defense and the Department of the Interior and Local Government. Amnesty International did not receive responses to any of its findings.

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<sup>8</sup> Karapatan, "Rights group slams wrongful implication of another youth leader in Southern Tagalog in terror law case", 4 September 2023, [https://www.karapatan.org/media\\_release/rights-group-slams-another-false-terror-law-case-vs-young-human-rights-defender-in-southern-tagalog/](https://www.karapatan.org/media_release/rights-group-slams-another-false-terror-law-case-vs-young-human-rights-defender-in-southern-tagalog/)

# 3. BACKGROUND

## 3.1 RED-TAGGING AND THE INSTRUMENTALIZATION OF DOMESTIC CONFLICT

The term “red-tagging” describes the public vilification of human rights defenders, student activists, teachers, media workers and others as members of and clandestine recruiters for the New People’s Army (NPA), a communist armed group that has been active in the Philippines since 1969. For decades, Philippine state representatives have employed red-tagging as a tool to create a climate of fear and intimidation amongst these groups, equating peaceful protest and left-leaning political thinking with sedition and terrorist activity.<sup>9</sup> Over the years, red-tagging has worked as a way for the authorities to harass and intimidate human rights defenders and to incite violence against those named.

There has been a marked increase in online red-tagging in recent years, as activism has increasingly moved online. The Covid-19 lockdowns forced student groups and young activists to rely more heavily on online platforms for their mobilization and campaigning efforts, including for the widespread protests against the Anti-Terrorism Bill (discussed in more detail in section 3.3.) under the hashtag #JunkTerrorBill. Student activists and other young leaders became prominent figures within protest movements for human rights and anti-poverty measures during the pandemic, to which state actors reacted with an aggressive campaign of online red-tagging of child and young human rights defenders, activist groups and entire universities, documented in this report.

UN Special Rapporteur on extrajudicial, summary or arbitrary executions Philip Alston reported in 2007 that red-tagging “involves the characterization of most groups of the left of the political spectrum as “front organizations” for armed groups whose aim is to destroy democracy. The result is that a wide range of groups – including human rights advocates, labour union organizers, journalists, teachers unions, women’s groups, indigenous organizations, religious groups, student groups, agrarian reform advocates, and others – are classified as “fronts” and then as “enemies of the State” that are accordingly considered to be legitimate targets.”<sup>10</sup> A 2020 report by the Commission on Human Rights in the Philippines similarly argues that red-tagging often acts as a precursor and an “open invitation” to commit further serious human rights violations against HRDs, including surveillance, false arrests on baseless charges and killings.<sup>11</sup> In a breakthrough ruling, the Philippine Supreme Court recognized on 8 May 2024 that “red-tagging, vilification, labelling, and guilt by association threaten a person’s right to

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9 Amnesty International, *Philippines: Political Killings, Human Rights and the Peace Process* (Index: ASA 35/006/2006), 15 August 2006, <https://www.amnesty.org/en/documents/ASA35/006/2006/en/>; Amnesty International, *My job is to kill: Ongoing human rights violations and impunity in the Philippines* (Index: ASA 35/3085/2020), 25 September 2020, <https://www.amnesty.org/en/wp-content/uploads/2021/05/ASA3530852020ENGLISH.pdf>

10 UN Human Rights Council, UN Human Rights Council: Preliminary Note on the Visit of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions to the Philippines (12-21 February 2007), par. 8, U.N. Doc. No. A/HRC/4/20/Add.3 (22 March 2007), <https://www.refworld.org/docid/462390f62.html>

11 Commission on Human Rights, “Report on the situation of human rights defenders in the Philippines”, July 2020, <https://chrucket.storage.googleapis.com/wp-content/uploads/2020/07/08165055/CHRP-2020-Report-on-the-Situation-of-Human-Rights-Defenders.pdf>

life, liberty, or security”.<sup>12</sup>

In the first decade of the 21st century alone, hundreds of left-leaning activists, politicians and media workers were killed or forcibly disappeared in the Philippines.<sup>13</sup> Amnesty International stated in 2006:

*“The common features in the methodology of the attacks, leftist profile of the victims, and an apparent culture of impunity shielding the perpetrators, has led Amnesty International to believe that [...] they constitute a pattern of politically targeted extrajudicial executions taking place within the broader context of a continuing counter-insurgency campaign. The organisation remains gravely concerned at repeated credible reports that members of the security forces have been directly involved in the attacks, or else have tolerated, acquiesced to, or been complicit in them.”<sup>14</sup>*

In 2011, Human Rights Watch reported on the testimony of a former soldier who said that “commanding officers of his battalion ordered him to carry out several extrajudicial executions during his time in the Philippine Army from the mid-1980s to the mid-2000s”.<sup>15</sup> Among his victims was human rights lawyer Felidito Dacut whom he was ordered to kill because he was “hampering military activities”.<sup>16</sup>

In 2019, Amnesty International conducted research into the rising number of human rights violations against human rights defenders, including arbitrary arrests and killings, in the province of Negros Occidental.<sup>17</sup> A local official told Amnesty International researchers at the time that while impunity was nothing new, the situation on the island was “the worst ever...there is a sense that certain people can easily be killed – drug users and red-tagged people...red-tagging is the preliminary step to killing.”<sup>18</sup>

The United Nations High Commissioner for Human Rights reported in 2020 that red-tagging, enforced disappearances and killings of human rights defenders remain common in the Philippines:

*“Since 2007, various United Nations human rights mechanisms have repeatedly raised concerns about threats against and vilification, arbitrary detention, legal harassment, enforced disappearances and killings of human rights defenders. OHCHR requested but did not receive government figures on killings of human rights defenders. Credible civil society sources, however, have compiled detailed lists documenting hundreds of killings. OHCHR has verified the killings of 208 human rights defenders, journalists and trade unionists, including 30 women, between January 2015 and December 2019. Despite efforts to strengthen the mechanism under Administrative Order No. 35, the Government has failed to ensure transparent, independent, effective investigations and prosecutions in the vast majority of cases.”<sup>19</sup>*

Furthermore, the High Commissioner found that President Duterte and other high-ranking state actors’ regular use of degrading language against human rights defenders, journalists, Indigenous Peoples and other groups “may have had the effect of [...] backing or even ordering human rights violations”.<sup>20</sup>

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12 Supreme Court of the Philippines, “SC: Red-Tagging Threatens Right to Life, Liberty, and Security”, 8 May 2024, <https://sc.judiciary.gov.ph/sc-red-tagging-threatens-right-to-life-liberty-and-security/>

13 Amnesty International, *Philippines: Political Killings, Human Rights and the Peace Process* (previously cited).

14 Amnesty International, *Philippines: Political Killings, Human Rights and the Peace Process* (previously cited), p.2.

15 Human Rights Watch, “No justice just adds to the pain: killings, disappearances, and impunity in the Philippines”, 2011, (previously cited).

16 Human Rights Watch, “No justice just adds to the pain: killings, disappearances, and impunity in the Philippines”, 2011, (previously cited), p. 21.

17 Amnesty International, *My job is to kill: Ongoing human rights violations and impunity in the Philippines* (previously cited).

18 Amnesty International, *My job is to kill: Ongoing human rights violations and impunity in the Philippines* (previously cited), p. 16.

19 United Nations High Commissioner for Human Rights, Report: *Situation of human rights in the Philippines*, 29 June 2020, UN Doc. A/HRC/44/22, para. 50.

20 United Nations High Commissioner for Human Rights, Report: *Situation of human rights in the Philippines* (previously cited), para. 80.

“In recent years, harmful rhetoric from the highest levels of the Government has been pervasive and deeply damaging. The rhetoric has ranged from degrading and sexually charged comments against women human rights defenders, politicians and combatants – including rape “jokes” – to statements making light of torture, calling for bombing of indigenous peoples, encouraging extreme violence against drug users and peddlers – even offering bounties, calling for beheadings of civil society actors, and warning that journalists are not immune from “assassination”.

While numerous statements by the President, Mr. Duterte, are subsequently clarified by his spokesperson and other officials as not to be taken literally, the widespread killings, detentions, red-tagging and score-settling by State actors, including in the campaign against illegal drugs, suggest that his public comments may have incited violence and may have had the effect of encouraging, backing or even ordering human rights violations, with impunity.”<sup>21</sup>

## 3.2 PRESIDENT DUTERTE AND THE “WHOLE OF NATION” APPROACH: STATE VIOLENCE IN THE NAME OF BUILDING PEACE

Whilst the phenomenon of red-tagging dates back to the beginning of the armed conflict with the NPA, the presidency of Rodrigo Duterte saw another dramatic intensification in it. A renewed effort to broker a peace agreement between the Philippine government and the Communist Party of the Philippines (CPP), the political party whose armed wing, the NPA, has led the Communist insurgency since 1969, failed in 2017. In response, President Duterte signed Executive Order 70 establishing a “Whole-of-Nation approach in defeating the Local Communist Terrorist Groups”. The Executive Order defines this approach as addressing “the root causes of insurgencies, internal disturbances and tensions, and other armed conflicts and threats by prioritizing and harmonizing the delivery of basic services and social development packages by the government, facilitating societal inclusivity, and ensuring active participation of all sectors of the society in the pursuit of the country’s peace agenda”.<sup>22</sup> Central to this new approach was the establishment of a new presidential task force, the “National Task Force to End Local Communist Armed Conflict”, or NTF-ELCAC. Observers point to this moment in time as the beginning of a renewed campaign of red-tagging, threats and harassment against human rights defenders, journalists and other targeted groups perceived to be affiliated with the progressive left.

“Strategic communications” form one of the 12 clusters through which the task force aims to coordinate various government agencies’ efforts towards its stated aim of ending the armed conflict. A key tool to disseminate its messages is Facebook, the most popular social media platform in the Philippines (further details on this in section 7). The task force often publishes multiple posts and press statements a day on its Facebook page. On 26 April 2024 for example, the task force published a statement on its Facebook page entitled “NTF-ELCAC urges proactive steps to counter youth radicalization”, in which it declares that “scrutiny has fallen on organizations like League of Filipino Students (LFS), National Union of Students in the Philippines (NUSP), College Editors Guild of the Philippines (CEGP), Kabataan, and others for their focus on targeting the youth for radicalization in relation to their association with the designated-terrorist group, Kabataang Makabayan.”<sup>23</sup> The post illustrates the frequent portrayal of student organizations as alleged threats to the State. No evidence is given for the claim that these student groups may be “radicalizing” young people.

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21 United Nations High Commissioner for Human Rights, Report: *Situation of human rights in the Philippines* (previously cited), paras 78 and 80.

22 Philippines, Executive Order NO. 70, 4 December 2018, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/5/85355>

23 NTF-ELCAC, “NTF-ELCAC urges proactive steps to counter youth radicalization”, Facebook post, 26 April 2024, <https://www.facebook.com/ntfelcac/posts/pfbid02f6pZbmJfui4BdnZ38Wj34pCRSBoSEPTHQS1QsKcNPa1C5PSkghBXR6zBq8qhHTI>

Activists and human rights organizations including Amnesty International argue that the NTF-ELCAC is abusing its influential position at the heart of government to amplify the vilification of human rights defenders, including student activists.<sup>24</sup> As the human rights organization Karapatan states, “far from being able to ‘address the crux of insurgency in the country,’ [...] the NTF-ELCAC has only brazenly militarized a civilian bureaucracy and instituted a virtual military junta whose approach to the communist insurgency is State repression, violence, and terrorism rather than actually addressing and resolving the root causes of rebellion and armed conflict in the country.”<sup>25</sup>

Echoing the calls of local human rights groups including Amnesty International Philippines, Karapatan and the Philippine Alliance of Human Rights Advocates (PAHRA),<sup>26</sup> the former UN Special Rapporteur on the promotion and protection of human rights in the context of climate change, Ian Fry, and the current UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, have called for the abolition of the task force.<sup>27</sup> Fry said in 2023 that the task force was “operating with impunity” and “beyond its original mandate”, adding that “[t]here are clearly people who have suffered dramatically as a consequence of the persecution of environmental human rights defenders.”<sup>28</sup>

Following a country visit in early 2024, Irene Khan stated:

“The abolition will not only address some of the most critical drivers of red-tagging, but it will also allow this administration to modernize peace-building approaches based on this changing political landscape. The abolition will allow for a more inclusive peacemaking platform [...], with participation of women peacemakers and communities as a genuine whole-of-nation approach to peace.”<sup>29</sup>

In an interview in May 2024, President Marcos rejected the idea of abolishing the NTF-ELCAC, claiming that the NTF-ELCAC and the government played no role in red-tagging.<sup>30</sup>

### 3.3 THE ANTI-TERRORISM ACT OF 2020

President Duterte’s administration took a further step to suppress dissent and entrench the targeting of human rights defenders in passing the Anti-Terrorism Act in 2020 (Republic Act No. 11479).

Amnesty International has repeatedly criticized the Anti-Terrorism Act (ATA) of 2020 as “deeply flawed and open to abuse by government authorities” due to its overly broad definition of terrorism.<sup>31</sup> It warned that the “definition of terrorism as certain specified actions that “create a serious risk to public safety” is vague and thus prone to broad interpretations and abuse.”<sup>32</sup> The law also authorizes extensive surveillance powers and the freezing of assets without adequate judicial review. Furthermore,

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24 Amnesty International, “Philippines: Adopt recommendations of UN review to address human rights situation”, 14 November 2022, <https://www.amnesty.org/en/wp-content/uploads/2022/11/ASA3561992022ENGLISH.pdf>

25 Karapatan, “Karapatan: red-tagging is a State policy through the NTF-ELCAC”, [https://www.karapatan.org/media\\_release/red-tagging-is-a-state-policy-through-the-ntf-elcac/](https://www.karapatan.org/media_release/red-tagging-is-a-state-policy-through-the-ntf-elcac/)

26 LiCAS News, “Philippine Congress urged to pass law to protect human rights defenders”, 9 December 2022, <https://philippines.licas.news/2022/12/09/on-eve-of-human-rights-day-philippine-congress-urged-to-pass-law-to-protect-rights-defenders/>

27 Rappler, 15 November 2023, “‘Disband NTF-ELCAC,’ UN special rapporteur urges PH government”, <https://www.rappler.com/philippines/united-nations-special-rapporteur-urges-philippine-government-disband-ntf-elcac/>; Rappler, 2 February 2024. “UN’s Khan urges Marcos: Abolish NTF-ELCAC”, <https://www.rappler.com/philippines/un-special-rapporteur-irene-khan-recommends-marcos-government-abolish-ntf-elcac/>

28 Rappler, “‘Disband NTF-ELCAC,’ UN special rapporteur urges PH government”, 15 November 2023, (previously cited)

29 Rappler, “UN’s Khan urges Marcos: Abolish NTF-ELCAC”, 2 February 2024 (previously cited).

30 Rappler, “Marcos says he won’t abolish NTF-ELCAC, denies its history of red-tagging”, 16 May 2024, <https://www.rappler.com/philippines/marcos-rejects-call-abolish-ntf-elcac-denies-history-red-tagging-may-2024/>

31 Amnesty International, “Anti-Terror Act remains dangerous and fundamentally flawed”, 9 December 2021 (previously cited).

32 Amnesty International, “Philippines: Reject dangerous anti-terror law”, 4 June 2020, <https://www.amnesty.org/en/documents/asa35/2476/2020/en/>



the Act allows police and military forces to detain suspects without warrant or charge for up to 24 days, in violation of international human rights standards that require promptly informing any arrested person of the charges against them.

Critically, the ATA also removed previous safeguards against wrongdoing by state security agencies included in the Human Security Act of 2007, which entitled wrongfully detained persons to the payment of damages, included a mechanism to report grievances against law enforcement officers and authorized the Commission on Human Rights to prosecute state officials in cases of violations of suspects' rights (the latter authority now solely lying with the Department of Justice).<sup>33</sup>

A Supreme Court challenge to the legality of the Anti-Terrorism Act only yielded a partial victory for human rights groups in 2021. The court required that the law be clearer in its distinction between peaceful activism and terrorism, specifying that "terrorism as defined in this section shall not include advocacy, protest, dissent, stoppage of work, industrial or mass action, and other similar exercises of civil and political rights."<sup>34</sup> It also objected to the designation of individuals and groups as terrorists based on the request of foreign countries and international institutions. The court did not challenge the overall constitutionality of the law, however, nor did it refute the powers to hold suspects in lengthy detention without charge.

As will be discussed in detail in section 5.4, the Anti-Terrorism Act has been used to bring baseless charges against young human rights defenders, targeting and smearing local human rights activists who have spoken up about allegations of serious human rights violations against civilians by the Philippine military. The Anti-Terrorism Act thereby adds to the arsenal of laws, including the Terrorism Financing Prevention and Suppression Act and the Cybercrime Prevention Act, both passed in 2012, which the State has weaponized to target and harass human rights defenders and critical journalists.<sup>35</sup>

## 3.4 STUDENT AND YOUTH ACTIVISM IN THE PHILIPPINES

Even during times of colonial repression in the nineteenth century and Martial Law under President Ferdinand Marcos Senior, in the 1970s, Filipino students played a vital role in organizing protests, often around broader national issues of justice and equality.<sup>36</sup> Student leaders were at the forefront of the popular resistance against Marcos, with many facing brutal consequences including torture and extrajudicial execution for speaking up.<sup>37</sup> Current youth and student activists place their struggles in this wider historical tradition,<sup>38</sup> not least in the context of President Duterte's undermining of human rights and moves towards militarization and also during the subsequent election of Marcos' son into office in the presidential elections in 2022. But the ideological linkages with the 1960s and 70s student protests and left-wing movements in other countries also help to underpin current governments' and the security sector's narrative of students and young leaders acting as clandestine recruiters for the Communist party and the NPA.<sup>39</sup>

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33 Free Legal Assistance Group, "20 Questions on the Anti-Terrorism Act of 2020", 2020, [https://drive.google.com/file/d/1SIHxM\\_40PtW2iFqfzyTAi87cyRz-lxIY/view](https://drive.google.com/file/d/1SIHxM_40PtW2iFqfzyTAi87cyRz-lxIY/view)

34 Amnesty International, "Anti-Terror Act remains dangerous and fundamentally flawed", 9 December 2021, (previously cited).

35 Philippine Star, "'Terrorism financing' cases filed vs activists", 25 May 2024, <https://www.philstar.com/opinion/2024/05/25/2357638/terrorism-financing-cases-filed-vs-activists>;

Human Rights Watch, "Philippine activist arrested for cyber-libel", 9 August 2022, <https://www.hrw.org/news/2022/08/09/philippine-activist-arrested-cyber-libel>; Amnesty International, "Media repression worsens as court affirms cyber libel conviction against Maria Ressa", 8 July 2022, <https://www.amnesty.org.ph/2022/07/media-repression-worsens-as-court-affirms-cyber-libel-conviction-against-maria-ressa/>

36 Chris Millora and Renee Karunungan, "Students by day, rebels by night? Criminalising student dissent in shrinking democracies", 2021, [https://research.gold.ac.uk/id/eprint/33892/1/Students-by-day-rebels-by-night\\_SAIHrapport-2021-3.pdf](https://research.gold.ac.uk/id/eprint/33892/1/Students-by-day-rebels-by-night_SAIHrapport-2021-3.pdf)

37 Rappler, "Gone too soon: 7 youth leaders killed under Martial Law", 21 September 2017, <https://www.rappler.com/newsbreak/iq/182828-marcos-dictatorship-martial-law-youth-leaders-killed/>

38 Chris Millora and Renee Karunungan, 2021 (previously cited).

39 Chris Millora and Renee Karunungan, 2021 (previously cited).

This vilification tactic is all the more evident in the context of Lumad (Indigenous People's) schools, singled out by President Duterte in his State of the Nation Address in 2017, in which he alleged that the schools were indoctrinating children with communist ideas, later threatening to have the schools "bombed".<sup>40</sup> More than 150 schools have been shut by the Department of Education, many more schools and teachers were reportedly verbally and physically attacked, including by members of the Philippine military, according to the Save Our Schools Network, a network of NGOs and groups dedicated to the right to education.<sup>41</sup>

The tumultuous year of 2020 marks a key moment in the recent history of student movements, seeing the beginning of the Covid-19 lockdowns and the concurrent mass mobilization online of young people and student leaders against the draft Anti-Terror bill. With protest rallies "temporarily banned" by the Justice Secretary as part of the government's quarantine measures,<sup>42</sup> young protesters found creative ways to mobilize on campuses<sup>43</sup> and online, including through viral artworks.<sup>44</sup>



*Tumindig, a digital artwork created by Kevin Eric Raymundo, also known as Tarantadong Kalbo, out of frustration over the Duterte administration's response to the Covid-19 pandemic, inspired a movement of social media users posting their own versions of the artwork as part of wider protests against President Duterte's policies.*

40 Guardian, "Philippines: Duterte threatens to bomb indigenous schools", 26 July 2017, <https://www.theguardian.com/world/2017/jul/26/philippines-duterte-threatens-to-bomb-indigenous-schools>; see also Amnesty International, "Raid of USC and detention of Lumad children and teachers deeply alarming", 17 February 2021, <https://www.amnesty.org.ph/2021/02/raid-of-usc-and-detention-of-lumad-children-and-teachers-deeply-alarming/>

41 Rappler, "Dwindling numbers: Lumad schools continue to suffer closures, attacks during pandemic", 18 September 2020, <https://www.rappler.com/moveph/lumad-schools-continue-to-suffer-closures-attacks-coronavirus-pandemic/>

42 Rappler, "On eve of Independence Day protests, DOJ says rallies 'temporarily banned'", 11 June 2020, <https://www.rappler.com/philippines/263524-filipinos-risk-arrest-jail-time-independence-day-rallies-june12-2020/>

43 Vice, "The Philippine Government Banned Rallies, So Protestors Threw a 'Party' on Independence Day Instead", 12 June 2020, <https://www.vice.com/en/article/935ada/philippine-government-independence-day-rallies-protests>

44 Nylon Manila, "How #Tumindig went from being a single artwork to a collective protest", 23 July 2021, <https://nylonmanila.com/how-tumindig-went-from-being-a-single-artwork-to-a-collective-protest/>

Arrests of student protesters followed in June 2020 in Cebu City, Iligan City and Quezon City.<sup>45</sup> Despite the widespread protests, President Duterte signed the Anti-Terrorism Bill into law in July 2020. As this report will cover in detail, young activists describe this as the beginning of a major wave of online red-tagging by state actors, coupled with the weaponization of the new Anti-Terror law to crack down on dissent. In 2021, the government would extend its crackdown on young people’s activism to the offline realm, tearing up a 32-year-old agreement barring state forces from entering campuses of the University of the Philippines (UP) without prior approval from the university administration, UP being seen by many as a historic stronghold of student activism and peaceful dissent (more details in section 5.2).

Red-tagging posts on social media platforms, principally Facebook, became a widespread, cheap and effective method for government authorities to harass and threaten government critics at a time of increased reliance on online platforms to access information, news and entertainment amidst the Covid-19 quarantine measures. The pandemic amplified existing ways in which President Duterte and his followers had been shaping and manipulating public discourse on Facebook. In 2019, Meta, the owner of the Facebook platform, removed 200 accounts linked to “coordinated inauthentic activity” (accounts designed to mislead users about who is posting), having attributed the management of the operation to President Duterte’s social media manager during the 2016 election,<sup>46</sup> a man subsequently hired by the Department of Finance in 2021 to consult on its communications strategy.<sup>47</sup>

As this report will show, online red-tagging, harassment and violence, including gender-based violence, and attacks on young human rights defenders by state actors became rampant under President Duterte and remain common under the current administration. Leading political figures and authorities have created a hostile climate for young human rights defenders, using red-tagging as a dog whistle to incite violence and discrimination against young advocates engaged in diverse human rights causes and against student journalists. Red-tagging by state actors has preceded wider online threats and gender-based violence, incidents of surveillance and harassment by members of the security forces, legal harassment, arbitrary arrests and enforced disappearances of young human rights defenders. Laying out the extent of these serious human rights violations, this report will demonstrate the urgent need for effective protections for Philippine human rights defenders who at an ever-younger age face terrible risks for speaking up for human rights.

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45 Chris Millora and Renee Karunungan, 2021, (previously cited).

46 Facebook, “Removing Coordinated Inauthentic Behavior from the Philippines”, 28 March 2019, <https://about.fb.com/news/2019/03/cib-from-the-philippines/>

47 ABS-CBN, “DOF says hiring ex-Duterte social media man Nic Gabunada 'legal, aboveboard'”, 22 June 2021, <https://news.abs-cbn.com/business/06/22/21/dof-nicanor-gabunada-hiring-legal>

# 4. INTERNATIONAL HUMAN RIGHTS FRAMEWORK

## 4.1 FREEDOM OF EXPRESSION, RIGHT OF PEACEFUL ASSEMBLY

The right to freedom of expression is protected under international human rights law, including Article 19 of the Universal Declaration of Human Rights (UDHR), Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 13 of the Convention on the Rights of the Child (UNCRC).<sup>48</sup> It includes the right to seek, receive and impart information and ideas of any kind both online and offline. Its fulfilment therefore plays a crucial role in guaranteeing a free media and enabling human rights activism.<sup>49</sup> Closely connected to this, the right of peaceful assembly, enshrined in Article 21 of the ICCPR, protects the individual's ability to gather non-violently with others, including in online spaces. It is now widely recognized that the right of peaceful assembly also protects the right to come together in virtual spaces as well as the right to mobilize online for people to exercise their right to peaceful assembly offline.<sup>50</sup> Undue restrictions and state-sponsored attacks on freedom of expression, including overly broad anti-terrorism laws and various forms of online harassment, also jeopardize freedom of peaceful assembly.<sup>51</sup>

The right to freedom of expression is not absolute, but restrictions need to be provided by law and must be necessary and proportionate to one of the limited legitimate aims established in the ICCPR, which are the “respect of the rights or reputations of others” as well as for “the protection of national security or of public order, or of public health or morals”.<sup>52</sup> The UN Human Rights Committee, the expert body in charge of monitoring compliance with the ICCPR, has specified that these legitimate reasons to restrict this right “may never be invoked as a justification for the muzzling of any advocacy”, nor “under any circumstance, can an attack on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life and killing, be compatible with article 19.”<sup>53</sup> Yet, as the Committee underlines, threats and attacks on journalists, human rights defenders, judges and lawyers remain common, and require thorough

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48 UDHR, Article 19; ICCPR, Article 19, UNCRC Article 13.

49 UN General Assembly resolution 53/144: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 8 March 1999, Article 6, UN Doc. A/RES/53/144.

50 Human Rights Committee, General Comment No.37 (2020) on the right of peaceful assembly (article 21), 17 September 2020, UN Doc. CCPR/C/GC/37, 17 September 2020, para. 4.

51 UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Report: *Rights to freedom of peaceful assembly and of association*, 17 May 2019, UN Doc. A/HRC/41/41.

52 ICCPR, Article 19.

53 UN Human Rights Committee, General Comment No. 34, 12 September 2011, UN Doc. CCPR/C/GC/34, para. 23.

investigation, accountability and redress. Such attacks do not just violate the rights of those directly affected but can also have a chilling effect on society more generally, discouraging people from exercising their rights for fear of reprisals.

Professor of European Law, Laurent Pech, offers the following definition of chilling effects:

*“From a legal point of view, chilling effect may be defined as the negative effect any state action has on natural and/or legal persons, and which results in pre-emptively dissuading them from exercising their rights or fulfilling their professional obligations, for fear of being subject to formal state proceedings which could lead to sanctions or informal consequences such as threats, attacks or smear campaigns. State action is understood in this context as any measure, practice or omission by public authorities which may deter natural and/or legal persons from exercising any of the rights provided to them under national, European and/or international law, or may discourage the potential fulfilment of one’s professional obligations (as in the case of judges, prosecutors and lawyers, for instance).”<sup>54</sup>*

To comply with their obligations under international law, it is not enough for States not to interfere with the exercise of the right to freedom of expression; States must also promote adequate conditions for the full enjoyment of the right, including by lifting any barriers that may hinder people’s ability to freely express their ideas and opinions. For instance, States must actively eliminate “structural and systemic forms of gender discrimination” to protect freedom of expression “on a basis of equality”.<sup>55</sup> Under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and other international human rights law instruments, sexual orientation and gender identity are protected categories from discrimination.<sup>56</sup> Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and Article 20 of the ICCPR also contain a prohibition of advocacy of hatred that incites discrimination, hostility or violence.<sup>57</sup> And yet, women and marginalized people, such as people facing discrimination on the basis of their race, sexual orientation, gender identity, class, socioeconomic background or disabilities, are disproportionately affected by tech-facilitated violence in the digital age.<sup>58</sup> In 2021, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, noted that “gender equality in freedom of expression remains a distant goal”, further explaining: “The most pervasive and pernicious form of gendered censorship is the use of online sexual and gender-based violence, hate speech and disinformation to silence women. Digital platforms have provided a vital space for women’s engagement and activism but they have also perpetuated gender power structures, normalizing sexualized attacks online. Female politicians, journalists, human rights defenders and feminist activists, especially those with intersecting marginalized identities, are disproportionately targeted by State and non-State actors.”<sup>59</sup>

Young activists’ extensive reliance on social media platforms and digital tools to communicate and organize protests increases the risks they face due to modern forms of tech-facilitated

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54 Laurent Pech, *The concept of chilling effect: Its untapped potential to better protect democracy, the rule of law, and fundamental rights in the EU*, Open Society European Policy Institute, March 2021, p. 4.

55 United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 30 July 2021, UN Doc. A/76/258, <https://documents.un.org/doc/undoc/gen/n21/212/16/pdf/n2121216.pdf?token=S9NvsADtHqYwAmdBqW&fe=true>, para. 51.

56 CEDAW, General recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19 (1992), 26 July 2017, UN Doc. CEDAW/C/GC/35, <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no-35-2017-gender-based>; Comisión Interamericana de Derechos Humanos, Avances y Desafíos hacia el reconocimiento de los derechos de las personas LGBTI en las Américas, 2018, OEA/Ser.LV/II.170 Doc. 184, <https://www.oas.org/es/cidh/informes/pdfs/LGBTI-ReconocimientoDerechos2019.pdf>

57 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Article 4.

58 Amnesty International, “Gender and Human Rights in the Digital Age”, 10 July 2024, <https://www.amnesty.org/en/documents/pol40/8170/2024/en/>

59 United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, 30 July 2021, UN Doc. A/76/258 (previously cited), paras 4 and 102.

surveillance and violence, including social media monitoring, hacking, impersonation and doxing (the publication of personal data, such as a person's address, without their consent). As much as online spaces have opened up new avenues for individuals to exercise their rights to freedom of expression and peaceful assembly, state as well as corporate actors have also rapidly developed new technological means of surveillance and intimidation that hinder the exercise of these rights at previously unseen scale. (For more information on the human rights responsibilities of companies, please see section 4.5.)

Highlighting the gendered nature of many acts of tech-facilitated violence against young women HRDs, the UN Special Rapporteur on the situation of human rights defenders, Mary Lawlor, warned that “such abuse can silence the victims or lead them to engage in self-censorship or to leave social media platforms and digital spaces altogether, further contributing to the restriction of their civic space.”<sup>60</sup>

To protect the right to non-discrimination and prevent a chilling effect on the right to freedom of expression of those targeted, States are thus required to prohibit expression that amounts to advocacy of hatred, that constitutes incitement to discrimination, hostility or violence and should engage in internet governance that respects and promotes the rights to freedom of expression, peaceful assembly and to privacy. Given staggering numbers of tech-facilitated violence and notably tech-facilitated *gender-based* violence around the world, States must urgently take further steps to fulfil this duty.

Advocacy of hatred is more than just the expression of ideas or opinions that are hateful towards members of a particular group. It requires a clear showing of intent to incite others to discriminate, be hostile (experience intense and irrational emotions of opprobrium, enmity and detestation) toward, or commit violence against, the group in question. When certain expression constitutes advocacy of hatred, States have an obligation to prohibit it (though not necessarily to criminalize) through a law that is formulated precisely to allow individuals to modify their behaviour in accordance with it. The law and its application must also comply with the ICCPR's provisions on the right to freedom of expression, and in particular must meet the requirements of necessity and proportionality, in compliance with the three-part test in Article 19(3) of the ICCPR.

In order to determine if certain expression meets the threshold of advocacy of hatred, the Rabat Plan of Action posits a six-part threshold test to guide States' implementation of this prohibition. The six factors that need to be assessed when determining if an expression amounts to advocacy of hatred are: i) context, ii) speaker's position or status, iii) intent, iv) content and form, v) extent of the speech act, and vi) likelihood, including imminence, of harm.<sup>61</sup>

Furthermore, addressing widespread threats posed by *state actors* to freedom of expression and peaceful assembly in the digital age, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association recommended in 2019 that States:

*“End all acts of government-sponsored online trolling, intimidation and disinformation targeted at civil society actors. States should investigate these acts, provide effective remedies, and adopt and implement preventive measures. In this context, States should identify and address gender-specific forms of online violence and barriers preventing women from accessing justice.”*<sup>62</sup>

60 UN Special Rapporteur on the situation of human rights defenders, Report: “*We are not just the future*”: challenges faced by child and youth human rights defenders, 17 January 2024, UN Doc. A/HRC/55/50, <https://www.ohchr.org/en/documents/thematic-reports/ahrc5550-we-are-not-just-future-challenges-faced-child-and-youth-human>, para. 44.

61 OHCHR, Report of the United Nations High Commissioner for Human Rights on the expert workshops on the prohibition of incitement to national, racial or religious hatred, 11 January 2013, UN Doc. A/HRC/22/17/Add.4, [https://www.ohchr.org/sites/default/files/Rabat\\_draft\\_outcome.pdf](https://www.ohchr.org/sites/default/files/Rabat_draft_outcome.pdf), para. 29.

62 UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Report: *Rights to freedom of peaceful assembly and of association*, 17 May 2019, UN Doc. A/HRC/41/41, para. 79.

And finally, addressing the role of technology businesses in facilitating or amplifying threats to freedom of expression and peaceful assembly, the UN Special Rapporteur added:

*“States should duly implement their duty to protect against abuses of the rights to freedom of peaceful assembly and of association by business enterprises by taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication. This includes adopting and enforcing laws and policies that focus on creating mandatory requirements for digital technology companies to exercise due diligence to identify, prevent, mitigate and account for how they address any human rights impacts of their business services and products, as well as for robust transparency and remediation mechanisms. These laws should be adopted only after a fully inclusive and participatory consultation process with all stakeholders.”<sup>63</sup>*

## 4.2 RIGHT TO PRIVACY

The right to privacy provides that no one should be subject to “arbitrary or unlawful interference” with their privacy, family, home or correspondence, and that this should be protected by law.<sup>64</sup> Adapting to the ever increasing role of digital technology in collecting and analysing personal data, the UN Human Rights Committee has clarified that such protection includes regulating “the gathering and holding of personal information on computers, data banks and other devices, whether by public authorities or private individuals or bodies.”<sup>65</sup>

Digital surveillance, whether it be targeted on an individual or mass surveillance, poses one of the foremost threats to the right to privacy, and has direct implications for the rights to freedom of expression and peaceful assembly. Amnesty International has elsewhere argued that the surveillance-based business model of leading social media platforms is incompatible with children’s and human rights to privacy.<sup>66</sup> It has also repeatedly shown how digital tools including social media monitoring and sophisticated spyware tools are employed by States around the world to violate human rights defenders’ right to privacy and to stifle dissent.<sup>67</sup>

## 4.3 RIGHT TO LIBERTY AND SECURITY OF PERSON

The right to liberty and security of person are guaranteed by Article 9 of the ICCPR, Article 37 of the UNCRC and various regional human rights instruments.<sup>68</sup> In relation to the right to liberty, the UN Human Rights Committee has specified the meaning of the key concept of arbitrary arrest:

*“An arrest or detention may be authorized by domestic law and nonetheless be arbitrary. The notion of “arbitrariness” is not to be equated with “against the law” but must be interpreted more*

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63 UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Report: *Rights to freedom of peaceful assembly and of association*, 17 May 2019, UN Doc. A/HRC/41/41, para. 80.

64 Universal Declaration of Human Rights (UDHR), Article 12 and International Covenant on Civil and Political Rights (ICCPR), Article 17.

65 UN Human Rights Committee (HRC), General Comment 16: The Right to Respect of Privacy, Family, Home and Correspondence, and Protection of Honour and Reputation (Article 17), 8 April 1988, para. 10

66 Amnesty International, *Surveillance Giants: How the Business Model of Google and Facebook Threatens Human Rights* (Index: POL 30/1404/2019), 21 November 2019, <https://www.amnesty.org/en/documents/pol30/1404/2019/en>; Amnesty International, *“I Feel Exposed”: Caught in TikTok’s Surveillance Web* (Index: POL 40/7349/2023), 7 November 2023, <https://www.amnesty.org/en/documents/POL40/7349/2023/en/>

67 Amnesty International, “Rights Back At You: Facial recognition and policing protesters”, 31 January 2023, <https://amnesty.ca/podcast-facial-recognition-and-policing-protesters/>; Amnesty International, “Uncovering the Iceberg: The Digital Surveillance Crisis Wrought by States and the Private Sector” (Index: DOC 10/4491/2021), 23 July 2021, <https://www.amnesty.org/en/documents/doc10/4491/2021/en/>

68 African Charter on Human and People’s Rights, Article 6, American Convention on Human Rights, Article 7, ECHR, Article 5.

*broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality.*<sup>69</sup>

The right to security of person requires States to refrain from inflicting harm as well as to protect individuals from foreseeable harm and to address “patterns of violence” against at-risk groups, including human rights defenders and journalists.<sup>70</sup> Recognizing the specific threats faced by child HRDs, the UN Special Rapporteur on the situation of human rights defenders recommended States to “adopt specific laws and policies enhancing protection for child and youth human rights defenders at the national level”, “explicitly refer to child and youth human rights defenders in model draft laws on human rights defenders” and “strengthen digital protection and security with regard to online human rights violations.”<sup>71</sup> Raising alarm about the prevalence of death threats and killings of human rights defenders, the UN Special Rapporteur further recommended that States “protect and enhance existing human rights defender protection mechanisms, and ensure that they are gender-sensitive” and “ensure an enabling environment to protect human rights defenders, properly resource existing protection mechanisms, introduce such mechanisms where necessary and undertake further research on the effectiveness of such protection mechanisms, with a view to their improvement”. Noting the emotional and mental health harm inflicted through threats shared via social media, the UN Special Rapporteur also recommended that social media companies “in consultation with human rights defenders” should “establish and publicize easy to access, public, rapid response mechanisms to remove threatening context”.<sup>72</sup>

## 4.4 RIGHT TO HEALTH

States have an obligation to take steps to progressively achieve the full realization of the right of everyone to the highest attainable standard of physical and mental health. Several human rights instruments including the UDHR, the International Covenant on Economic, Social and Cultural Rights (ICESCR), in Article 12, and the UN Convention on the Rights of the Child (UNCRC), in Article 24, recognize and protect the right to health. As the Committee on Economic, Social and Cultural Rights has stated, the right to health requires that sufficient health care facilities and services be available, within reach and affordable to all sections of the population.<sup>73</sup>

Yet mental health care in particular remains widely under-resourced and neglected, leading the former UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to remark in his 2020 report to the UN Human Rights Council:

“There is no health without mental health. The rich links between mind, body and the environment have been well-documented for decades. As the third decade of the millennium begins, nowhere in the world has achieved parity between mental and physical health and this remains a significant human development challenge. An important message within that collective failure is that without addressing human rights seriously, any investment in mental health will not be effective.”<sup>74</sup> Importantly, the realization of equality and non-discrimination are closely linked to the fulfilment of the right to health, as noted by the Special Rapporteur on the right to health in 2017:

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69 UNHRC, General comment No. 35, 16 December 2014, UN Doc. CCPR/C/GC/35, para. 12.

70 UNHRC, General comment No. 35, 16 December 2014, UN Doc. CCPR/C/GC/35, para. 9.

71 UN Special Rapporteur on the situation of human rights defenders, “*We are not just the future*”: challenges faced by child and youth human rights defenders (previously cited), para. 117.

72 UN Special Rapporteur on the situation of human rights defenders, Report of the Special Rapporteur on the situation of human rights defenders: *Final warning: death threats and killings of human rights defenders*, 24 December 2020, UN Doc. A/HRC/46/35, <https://documents.un.org/doc/undoc/gen/g20/355/11/pdf/g2035511.pdf>, paras 104 and 110.

73 Committee on Economic, Social and Cultural Rights, General Comment 14, 11 August 2000, UN Doc. E/C.12/2000/4.

74 UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (UN Special Rapporteur on the right to health), Report, 15 April 2020, UN Doc. A/HRC/44/48, para. 1.



*“The right to mental health is also dependent on equality and non-discrimination in the enjoyment of all other human rights that can themselves be considered an underlying determinant. Multiple and intersectional forms of discrimination continue to impede the ability of individuals, including women and persons from racial and ethnic minorities with disabilities, to realize their right to mental health. Discrimination and inequality are both a cause and a consequence of poor mental health, with long-term implications for morbidity, mortality and societal well-being. Discrimination, harmful stereotypes (including gender) and stigma in the community, family, schools and workplace disable healthy relationships, social connections and the supportive and inclusive environments that are required for the good mental health and well-being of everyone. Likewise, discriminatory attitudes influencing policies, laws and practices constitute barriers for those requiring emotional and social support and/or treatment. Consequently, individuals and groups in vulnerable situations who are discriminated against by law and/or in practice are denied their right to mental health.”<sup>75</sup>*

Human rights defenders around the world face the double challenge of the distress and trauma caused by intimidation, threats and harassment, which many are exposed to in the context of their activism, and an all-too-common lack of affordable access to mental health services and resources that could help them to process and cope with such challenges to their health and well-being.<sup>76</sup>

The Special Rapporteur on the situation of human rights defenders noted in early 2024:

*“The impact of human rights activism and the related pressures on child and youth defenders are often not adequately taken into account, resulting in a lack of adequate psychosocial support mechanisms and mental health initiatives aimed specifically at these age groups [...] Activists must also cope with the distress caused by threats to their safety and security and with the psychological burden of regular exposure to social injustices. Many of them have highlighted the general lack of self-care among young human rights defenders and the overall impact of the mental health crisis.”<sup>77</sup>*

Child and young human rights defenders, who often conduct their activism on a voluntary basis and do not have access to the same financial resources as working adults, are more likely to be cut off from necessary support structures. This compounds their already heightened risk of psychological harm from such attacks, including in the digital sphere, which many child and young HRDs extensively rely on for their activism.

## 4.5 CORPORATE RESPONSIBILITY TO RESPECT HUMAN RIGHTS

Companies have a responsibility to respect human rights wherever they operate in the world and across all their business activities. This is a widely recognized standard of expected conduct as set out in international business and human rights standards including the UN Guiding Principles on Business and Human Rights (UN Guiding Principles) and the OECD Guidelines for Multinational Enterprises

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<sup>75</sup> UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Report, 28 March 2017, UN Doc. A/HRC/35/21, paras 45-46.

<sup>76</sup> UN Special Rapporteur on the Situation of Human Rights Defenders, “We are not just the future”: challenges faced by child and youth human rights defenders, 17 January 2024 (previously cited)

<sup>77</sup> UN Special Rapporteur on the Situation of Human Rights Defenders, “We are not just the future”: challenges faced by child and youth human rights defenders, 17 January 2024 (previously cited), paras 59-60.

(OECD Guidelines).<sup>78</sup> It is independent of a State's own human rights obligations and exists over and above compliance with national laws and regulations protecting human rights.<sup>79</sup>

The corporate responsibility to respect human rights requires companies to avoid causing or contributing to human rights abuses through their own business activities and to address impacts in which they are involved, including by remediating any actual abuses. To meet these corporate responsibilities, companies should have in place an ongoing and proactive human rights due diligence process to identify, prevent, mitigate and account for how they address their actual and potential impacts on human rights. If, in this process, a company finds that it could be causing or contributing to abuses through its own services and operations or directly linked to abuses through its value chains or business relationships, it must cease or prevent the adverse human rights impacts.<sup>80</sup> In the event that the abuse has already occurred and a company has contributed or caused this abuse, the company should provide remedy to those affected, in addition to ceasing the harm.<sup>81</sup>

Acknowledging the immense potential of digital technologies to facilitate human rights violations, the UN High Commissioner for Human Rights has clarified that technology companies “remain responsible for respecting human rights when collaborating with States.”<sup>82</sup>

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78 Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, 2011, endorsed by the UN Human Rights Council (UNHRC), UNHRC Resolution 17/4: Human rights and Transnational Corporations and other Business Enterprises, adopted on 16 June 2011, UN Doc. A/HRC/RES/17/4; and OECD Guidelines for Multinational Enterprises, 2011, <https://mneguidelines.oecd.org/mneguidelines>. In accordance with the UN Guiding Principles, corporate responsibility to respect human rights is independent of a State's human rights obligations and exists over and above compliance with national laws and regulations protecting human rights. See UN Guiding Principles, Principle 11 and Commentary.

79 OHCHR, Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, 2011, UN Doc. HR/PUB/11/04, [ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf), Principle 11 including Commentary.

80 UN Guiding Principles (previously cited), Principle 19 and Commentary.

81 UN Guiding Principles, Principle 22.

82 UN High Commissioner for Human Rights (OHCHR), The Right to Privacy in the Digital Age, 30 June 2014, UN Doc. A/HRC/27/37, para. 52.

# 5. STATE ACTORS' REFRAMING OF YOUTH ACTIVISM AS TERRORISM

## 5.1 ONLINE RED-TAGGING: MAKING THE STATE'S NARRATIVE GO VIRAL

Red-tagging is by no means a new phenomenon in the Philippines, but human rights defenders and civil society groups interviewed for this report all noted a sharp increase under the Duterte administration (2016-2022), with the NTF-ELCAC, military and police forces now openly targeting and harassing young activists through online posts, most commonly on Facebook. As 26-year-old Miguel in Baguio explained, “online red-tagging was very noticeable under the Duterte administration, because pre-pandemic, it was the trolls commenting and then suddenly during the pandemic it became online red-tagging, outright red-tagging. Our faces were being put up, even children's faces, even families”.<sup>83</sup>

Contrary to President Marcos' attempts to portray his administration as more rights-respecting than his predecessor's government, red-tagging remains common. The Anti-Red-Tagging Monitoring Project implemented by the Ateneo Human Rights Center (AHRC) has counted more than 450 red-tagging incidents in the first half of 2024, 61% of which were attributed to government actors, representing threats and harassment of a much larger number of affected persons based on the fact that red-tagging incidents relating to civil society organizations, unions or educational institutions impact the rights and well-being of each affiliated member, staff member or student.<sup>84</sup>

When asked by Amnesty International about specific figures with regards to the number of investigations into red-tagging and the number of removed pieces of content, respectively, neither the Philippine Commission on Human Rights nor Meta, the owner of Facebook, were able to share such data. Accurately estimating the true scale of the threat to civil society thus represents a challenge, not least because many young people are reluctant to speak up about the harassment for fear of retribution and due to widespread frustration with regards to the available reporting channels and the lack of accountability and redress (further details in section 7).<sup>85</sup>

The NTF-ELCAC often publishes multiple posts and press statements a day on its Facebook page (208,000 followers as of July 2024). Amongst posts covering statements from the President and

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83 Focus group discussion with seven young activists between the ages of twenty-two and twenty-six held in person in Baguio City on 9 March 2024.

84 Ateneo Human Rights Center, “Anti-Red Tagging Monitoring Project”, 2024 (accessed on 9 September 2024.)

85 Research interview, Manila, 12 March 2024.

government agencies' regional development projects, regular postings can be found warning of the alleged threat posed by various youth organizations as front organizations for Communist "terrorist groups", shared without evidence and clear purpose resulting in the baseless vilification of these groups. In publishing such posts, the task force clearly oversteps its mandate, deliberately undermining human rights advocacy within the country, rather than fulfilling its stated objective of enabling the "National Peace Framework", which is meant to "be responsive to local needs and sensitive to realities on the ground".<sup>86</sup>

On 26 April 2024, for example, the task force published a statement on its Facebook page entitled "NTF-ELCAC urges proactive steps to counter youth radicalization", in which it declares that "scrutiny has fallen on organizations like League of Filipino Students (LFS), National Union of Students in the Philippines (NUSP), College Editors Guild of the Philippines (CEGP), Kabataan, and others for their focus on targeting the youth for radicalization in relation to their association with the designated-terrorist group, Kabataang Makabayan."<sup>87</sup> The post ends with a call "on the public to proactively safeguard youth and students from falling victim to recruitment tactics by fostering vigilance and awareness within families, communities, and educational institutions." It offers no concrete evidence to substantiate the "suspicions" of these groups' connection to a terrorist group that seem to have warranted such scrutiny. Two weeks after the post was published, it had been shared 285 times, including by multiple Facebook profiles of police units across the country. Comments under the post applaud the NTF-ELCAC and include openly inciting language such as: "early detection" and "early intervention" in our colleges and universities will prevent the transformation of these "benign" cancer cells into the malignant terrorists that they could eventually become".

In August 2020, the NTF-ELCAC accused Sinag, a student media outlet at the University of the Philippines Diliman, together with other civil society organizations of being "CPP-NPA-NDF [Communist Party of the Philippines – New People's Army – National Democratic Front (the political arm of the Communist Party)] front organizations", leading to comments calling the students "pests in the society" on the publication's Facebook page.<sup>88</sup> Three editors of Sinag were personally red-tagged in Facebook posts published by a spokesperson for the NTF-ELCAC under President Duterte, as well as a high-ranking member of the task force, encouraging similar online attacks by numerous "trolls", according to one of Sinag's former editors. He told Amnesty International that he and fellow student writers had become afraid to continue their work as well as struggling to recruit new editors and feeling their mental health decline in the wake of the red-tagging attacks and amidst the hostile climate created by the state towards media workers under Presidents Duterte and Marcos.<sup>89</sup>

In another example from 14 April 2024, the task force published a photo collage entitled "scholars turned NPA", depicting six young people, each image annotated with the name of their university, portrayed by the NTF-ELCAC as NPA fighters who were killed by the Philippine security forces between 2017 and 2024, warning that "this is the result of former students who initially became activists and then groomed to become terrorists, ultimately meeting their demise. Let this be a lesson to all youth [...] Always remember that joining such movements will only bring destruction and early death."<sup>90</sup>

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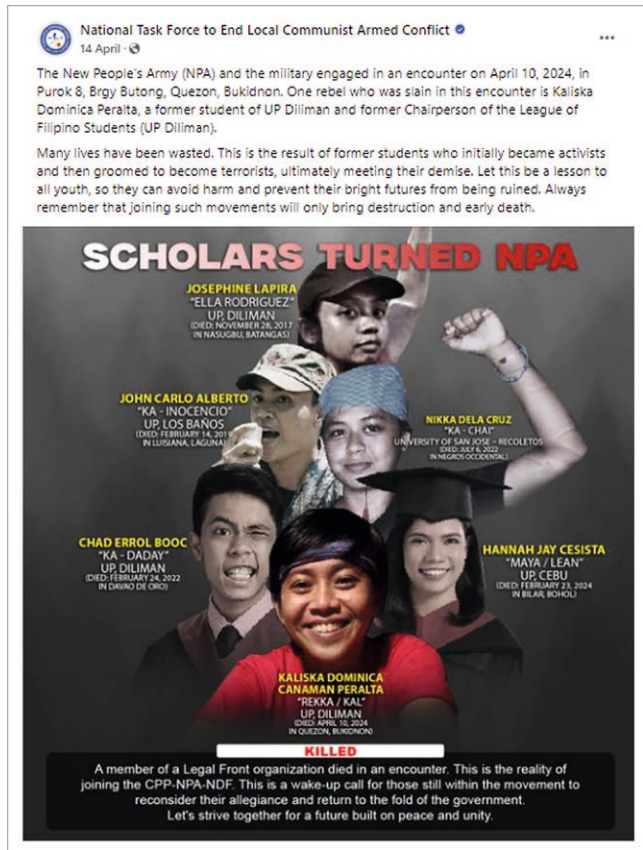
86 Philippines, Executive Order NO. 70, 4 December 2018, [https://lawphil.net/executive/execord/eo2018/eo\\_70\\_2018.html](https://lawphil.net/executive/execord/eo2018/eo_70_2018.html)

87 NTF-ELCAC, "NTF-ELCAC urges proactive steps to counter youth radicalization", Facebook post, 26 April 2024, (previously cited).

88 Internews, "Meta's amplification of persecution: Red-Tagging in the Philippines", 2022, <https://internews.org/wp-content/uploads/2023/01/Red-Tagging-in-the-Philippines.pdf>, p. 47.

89 Research interview with a student journalist, Manila, 11 March 2024.

90 NTF-ELCAC, untitled Facebook post, 14 April 2024, <https://www.facebook.com/ntfelcac/posts/pfbid09oQMFGmryvo5Yn19D1kSMxy3LzmRLjZkmxZ9VEVW2vrVEWj1QWmkRLoUABX3DZqml>



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Screenshot of the NTF-ELCAC post published on 14 April 2024.

Although Amnesty was unable to independently verify the NTF-ELCAC’s claims around the circumstances of the aforementioned killings from 2017 to 2024,<sup>91</sup> the case of Chad Booc is disputed by human rights and civil society groups including Global Witness,<sup>92</sup> Greenpeace,<sup>93</sup> Karapatan<sup>94</sup> and the Save Our Schools Network.<sup>95</sup> Booc was a Lumad school teacher and activist who together with Indigenous People’s leaders filed a petition before the Supreme Court against the Anti-Terrorism Act (ATA) in 2020, warning that the ATA would “potentially exponentially increase the instances of this red-baiting on three grounds: its vague provisions, its disregard for the context of the indigenous peoples, and its giving more power to state forces, most of whom have been at the forefront of the abuses against the indigenous peoples.”<sup>96</sup> In 2021, Amnesty

91 Some others shown in this post may have been NPA members but Amnesty International is unable to independently confirm or reject the NTF-ELCAC’s claim that those named in the post were NPA members. The NPA reportedly claimed that Dela Cruz was an NPA member but alleged that the killing took place outside of a combat situation. Following the death of Kaliska Peralta, progressive groups did not dispute the AFP’s claim that Peralta was an NPA member but condemned her death as a “war crime” based on witness testimony alleging that Peralta had been captured whilst unarmed and later killed. Chad Booc’s framing as an NPA member however has been called into question by locals and various human rights organizations.

92 Global Witness, *Standing firm: The land and environmental defenders on the frontlines of the climate crisis*, September 2023, <https://www.globalwitness.org/en/campaigns/environmental-activists/standing-firm/>

93 Greenpeace, “Greenpeace statement on the killing of New Bataan 5”, 27 February 2022, <https://www.greenpeace.org/philippines/press/11801/greenpeace-statement-on-the-killing-of-new-bataan-5/>

94 Karapatan, “Karapatan calls for independent probe into massacre of Lumad volunteer teachers, community health worker in Davao de Oro”, February 2022, [https://www.karapatan.org/media\\_release/karapatan-calls-for-independent-probe-into-massacre-of-lumad-volunteer-teachers-community-health-worker-in-davao-de-oro/](https://www.karapatan.org/media_release/karapatan-calls-for-independent-probe-into-massacre-of-lumad-volunteer-teachers-community-health-worker-in-davao-de-oro/)

95 Rappler, “Lumad teacher Chad Booc, 4 others slain in Davao de Oro – military”, 25 February 2022, <https://www.rappler.com/philippines/lumad-teacher-booc-others-slain-davao-de-oro-military/>

96 Rappler, “Anti-terror law petitioner threatened with war suits for teaching IP children”, 16 February 2021, <https://www.rappler.com/philippines/anti-terror-law-petitioner-chad-booc-threatened-with-war-suits-teaching-indigenous-peoples-children/> and Rappler, “DOJ’s misfiling under old terror law already proves red-tagging policy – IP group”, 7 August 2020, <https://www.rappler.com/philippines/indigenous-people-moro-groups-file-petition-vs-anti-terror-law/>

International denounced the warrantless and arbitrary arrest of Booc and six other students, teachers and elders following allegations of kidnapping; allegations that were dismissed by local welfare services who were in contact with the children that had supposedly been rescued from this alleged kidnapping.<sup>97</sup> The arrests had followed an increase in red-tagging incidents against Lumad communities, including President Duterte's threat to have Lumad schools bombed. In 2022, Chad Booc was killed at the age of 27.<sup>98</sup> The Philippine Army stated that Booc and four others had been shot in three encounters with members of the NPA in a forested area in Davao de Oro, whereas human rights group Save Our Schools Network said that according to local residents "no encounter between the Armed Forces of the Philippines and the New People's Army" had taken place and described the killings as a "bloody massacre".<sup>99</sup> Karapatan also deplored the Army's framing of Booc as a combatant and NPA rebel and called for an independent investigation into the killings.<sup>100</sup>

The post and Chad Booc's case illustrate the link between red-tagging and subsequent human rights violations, including arbitrary arrests and unlawful killings,<sup>101</sup> these in turn delivering more material for the State's narrative of universities and youth activist groups as recruiting grounds for the NPA. Amnesty International researchers reported the post, which has been shared 1,800 times, using Facebook's reporting mechanism from an unbranded research account. It was reviewed, but not removed.

Chad Booc's pictures can regularly be found in similar posts across the Facebook pages of the NTF-ELCAC and military battalions, as well as the "Hands Off Our Children" movement, a self-described representation of parents "whose children were victimized through deceptive recruitment from the front organizations of CPP-NPA-NDF". This organization maintains multiple Facebook pages, one of which was reportedly taken down as part of Meta's 2020 takedown of dozens of accounts and pages due to "inauthentic behaviour" based on concealed links to the Philippine military and police, indicating that the page was run by or acted in coordination with Philippine security services.<sup>102</sup>

Prompted by evidence shared by civil society organizations and the news organization Rappler, Meta investigated a network of organized posting activity, ultimately removing 64 Facebook accounts, 32 Pages and 33 Instagram accounts deemed to be "fake accounts" with links to the Philippine military and police in September 2020. The Facebook pages alone had more than 200,000 followers. In a statement explaining its decision to remove these accounts, Meta published examples of content shared by the removed accounts and pages, which explicitly red-tagged and denounced activists, youth organizations and several universities, with one meme-like post stating "an activist in the past, now a virus".

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97 Amnesty international, "Raid of USC and detention of Lumad children and teachers deeply alarming", 17 February 2021, <https://www.amnesty.org.ph/2021/02/raid-of-usc-and-detention-of-lumad-children-and-teachers-deeply-alarming/>

98 Rappler, "Lumad teacher Chad Booc, 4 others slain in Davao de Oro – military", 25 February 2022, (previously cited).

99 Save Our Schools Network statement, cited in Rappler, "Lumad teacher Chad Booc, 4 others slain in Davao de Oro – military", 25 February 2022, (previously cited).

100 Karapatan, "Karapatan calls for independent probe into massacre of Lumad volunteer teachers, community health worker in Davao de Oro", February 2022, (previously cited).

101 For further documentation of the links between red-tagging and attacks on human rights defenders, including unlawful killings, see for example: UN Human Rights Council, UN Human Rights Council: Preliminary Note on the Visit of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions to the Philippines (12-21 February 2007), par. 8, UN Doc. No. A/HRC/4/20/Add.3, 22 March 2007, (previously cited); OHCHR, Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General: Situation of human rights in the Philippines, 29 June 2020, UN Doc. A/HRC/44/22, <https://digitallibrary.un.org/record/3879531?v=pdf>; Commission on Human Rights, "Report on the situation of human rights defenders in the Philippines", July 2020, (previously cited); UN Special Rapporteur on the situation of human rights defenders, Report: *Final warning: death threats and killings of human rights defenders* (previously cited).

102 Facebook, "Removing Coordinated Inauthentic Behavior", 22 September 2020, <https://about.fb.com/news/2020/09/removing-coordinated-inauthentic-behavior-china-philippines/> and Rappler, "Closed Facebook page 'Hands Off Our Children PH' is resurrected via renaming", 29 September 2020, <https://www.rappler.com/technology/always-victorious-renamed-hands-off-our-children-ph/>



Source: Meta (Facebook), 22 September 2020. "Removing Coordinated Inauthentic Behavior"

Meta's findings underline how Philippine state actors have attempted to manipulate public discourse, misleading Facebook and Instagram users about the nature of the fake accounts, portrayed as independent third parties without ties to government authorities, which an online user could interpret as an independent validation of government-shared information. In reality, the evidence made available by Meta suggests that these were state-coordinated collective attacks on human rights defenders, civil society organizations and educational institutions, as well as individual activists.

Online platforms are offering state actors new means of obscuring the origins of their threats and attacks on human rights defenders, and the related crackdown on the rights to freedom of expression and peaceful assembly, presenting themselves as aligned with a popular consensus that is a fictional creation. The result of these acts and the serious human rights violations, which online red-tagging often precedes and legitimizes, is a culture of fear and intimidation, which has profound impacts on young human rights defenders' mental health, their work and their ability to mobilize others. Meta, meanwhile, has been vocal with regards to its selective actions against manipulative state actors, but, as this report will discuss in section 7, continues to fall short of its corporate responsibility under the UN Guiding Principles on Business and Human Rights to mitigate and prevent potential and actual harms to human rights defenders in the context of these widespread and continued threats and attacks.

## 5.2 OFFLINE RED-TAGGING INCIDENTS

Whilst red-tagging has become more prevalent online, human rights organizations and activists have also faced harassment, intimidation and threats in the offline public sphere.

In 2022, the mayor of Baguio City, Benjamin Magalong, banned red-tagging tarpaulins and posters in the city after multiple youth activists found their faces displayed on posters put up in the city. This came a year after youth activists won a petition for writ of amparo (an emergency proceeding in the Philippine legal system), forcing police to shut down two dozen Facebook accounts engaged in red-tagging, six of which had been run by police officers.<sup>103</sup>

<sup>103</sup> Inquirer, "Baguio mayor bans red-tagging posters, tarps", 14 March 2022, <https://newsinfo.inquirer.net/1567759/baguio-mayor-bans-red-tagging-posters-tarps>

In 2023, the LGBT organization Mujer-LGBT was called a “front organization” together with seven other groups during a lecture in Zamboanga, delivered by the National Intelligence Coordinating Agency. The community organization organizes events and community spaces for LGBT youths, investigates gender-based violence, advocates against discrimination and provides HIV awareness programmes. After the red-tagging incident, the organization halted some of its operations and adjusted its language to reduce its risk of further red-tagging and harassment, according to its director Toni Gee Fernandez, who reported that young people became afraid to approach the organization. Gee left the city for a month, no longer feeling safe in Zamboanga.<sup>104</sup> The state-led harassment compounded pre-existing forms of online and offline harassment and intimidation faced by LGBTI people and likely impacted marginalized people’s access to health information and advice on sexual health (further details on gender-based violence in section 5.8).<sup>105</sup>

Aspiring youth councilors (“SKs”) were also red-tagged through posters or flyers in Cebu City, Nueva Ecija and Isabela.<sup>106</sup>

## 5.2.1 RED-TAGGING OF STUDENTS IN SCHOOLS AND UNIVERSITIES

In January 2021, the Department of National Defence terminated an agreement reached in 1989 that prevented state forces from entering the University of the Philippines campuses without prior notice to the administration. The Defence Secretary justified the decision based on unsubstantiated claims that University of the Philippines (UP) campuses were sites of “ongoing clandestine recruitment” for the NPA.<sup>107</sup> Prior to that, the Armed Forces of the Philippines had red-tagged 18 universities, including the University of the Philippines in Diliman and Manila, in 2018, later admitting that this was based on unverified claims.<sup>108</sup>

In 2021, the College of Arts and Sciences Student Council of Batangas State University denounced claims made by the Philippine Air Force during a “Virtual Campus Peace and Development Forum” that student organizations including Kabataan Party List, Anakbayan, League of Filipino Students and the feminist youth group Gabriela were “front[s]” for the Communist political-military complex CPP-NPA-NDF.<sup>109</sup> A similar virtual forum held by the regional representation of the NTF-ELCAC in Cordillera in September 2021 was reported by students at the University of the Philippines in Baguio City to have included red-tagging of the College Editors Guild of the Philippines and the National Union of Students of the Philippines, amongst others.<sup>110</sup>

Slides captured and posted on Facebook by members of Anakbayan in Lipa, Batangas, in 2021 explain the security agencies’ targeting and smearing of student groups and young activists:

“The majority of party cadres and regular NPA fighters are as a matter of course from the youth. The mobilization of the youth ensures the continuous flow of successors in the revolutionary movement.”

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104 Remote interview on 20 February 2024.

105 Outrage Magazine, “We may be bombarded by social issues but we still stand together” – Alvin Toni Gee Fernandez”, 26 May 2021, <https://outragemag.com/we-may-be-bombarded-by-social-issues-but-we-still-stand-together-alvin-toni-gee-fernandez/> and ASEAN Sexual Orientation, Gender Identity and Expression (SOGIE) Caucus et al., “Universal periodic review joint submission of the civil society organizations (CSOs) on the Situation of Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) Persons in the Philippines (4th Cycle, 2022)”, 2022.

106 Rappler, “Sangguniang Kabataan candidate red-tagged via posters spotted in Cebu”, 27 October 2023, <https://www.rappler.com/philippines/visayas/sangguniang-kabataan-candidate-red-tagged-posters-cebu-october-2023/>

107 Manila Bulletin, “Defense chief terminates 1989 pact with UP”, 18 January 2021, <https://mb.com.ph/2021/01/18/defense-chief-terminates-1989-pact-with-up/>

108 Philstar, “AFP ‘red-tagged’ schools using unverified information”, 4 October 2018, <https://www.philstar.com/headlines/2018/10/04/1857344/afp-red-tagged-schools-using-unverified-information>

109 Facebook statement by Spartan: CAS Student Council, posted on 29 November 2021.

110 Facebook statement by UP Baguio Outcrop, posted on 16 September 2021.



Another slide reads “CPP/NDF/NPA front organizations for the youth...target recruits through study and social groups”.<sup>111</sup>

Under this pretext, state security forces are increasingly entering schools and universities, red-tagging students and youth organizations, undermining academic freedoms and intimidating young people with the effect of suppressing youth activism.

In 2023, Infantry Battalion task groups have reportedly held offline forums of “youth empowerment”, in which students were warned not to join popular student organizations due to their role as communist “front organizations” in Baguio City.<sup>112</sup> The Facebook page of an Infantry Battalion based in Batangas features multiple posts about the Battalion’s “awareness programme” events in schools in the region, at which students are warned “to be vigilant against the deceptive tactics of CPP-NPA-NDF terrorists who recruit in the ranks of youths and students”.<sup>113</sup> In May 2024, a Kabataan representative reported that members of the Armed Forces of the Philippines held a mandatory seminar at a high school in Rizal and distributed pamphlets warning against CPP-NPA recruitment in schools, at rallies and amongst government critics.<sup>114</sup>

City councillors in Baguio City reported that military officers had shown school groups presentation slides red-tagging student organizations and displaying graphic images of bodies of alleged NPA fighters killed by the army.<sup>115</sup> Following an intervention by the councillors, the graphic content was reportedly removed, but the military’s interventions in schools and on university campuses continue, despite student leaders’ protests.<sup>116</sup>

## 5.3 ONLINE PROFILING AND OFFLINE SURVEILLANCE AND INTIMIDATION

In its 2020 human rights impact assessment of Meta’s products and services available in the Philippines, Article One, a consulting firm hired by Meta, raised reports of online surveillance of human rights defenders:

*“HRDs engaged by Article One reported that their online activity was being monitored by government agents who used the information to raid offices and bring staff in for questioning. According to one HRD, “Each day, we see more and more cases of people being picked up by police because they have posted their opinion on Facebook.””<sup>117</sup>*

Also in 2020, at the height of the online protests against the Anti-Terrorism Act, students at the University of the Philippines reported a sudden wave of fake Facebook accounts impersonating them, ultimately leading to 200 reports relating to 300 fake accounts being registered by the Department of Justice.<sup>118</sup> The National Bureau of Investigation was reported to have speculated without evidence that

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111 Facebook post by Anakbayan Lipa including images of the slides, posted on 5 August 2021.

112 Northern Dispatch, “Baguio City councilors to law enforcers: Stop red-tagging”, 20 April 2023, <https://nordis.net/2023/04/20/article/news/baguio-city-councilors-to-law-enforcers-stop-red-tagging/>

113 See for example: Facebook post by the 59th Infantry Battalion, 22 May 2024, <https://www.facebook.com/ProtectorBattalion/posts/pfbid02r7xKkmPM69FU3QtrMKwNjXbshqfAk13sMvkNxxv29LFsAUED2chfeNiAzsayq7WsLI>

114 GMA News, “Group blasts ‘AFP-led seminar’ for handing out red-tagging pamphlets at Taytay SHS”, 25 May 2024, <https://www.philstar.com/headlines/2024/05/25/2357880/group-blasts-afp-led-seminar-handing-out-red-tagging-pamphlets-taytay-shs/amp/>

115 Research interview held in Baguio City, 9 March 2024; Northern Dispatch, 20 April 2023 (previously cited).

116 Northern Dispatch, 20 April 2023 (previously cited).

117 Article One, “Assessing the human rights impact of Meta’s Platform in the Philippines”, Executive summary published by Meta, 2020/2021, [https://about.fb.com/wp-content/uploads/2021/12/Meta-Philippines\\_HRIA\\_Executive-Summary\\_Dec-2021.pdf](https://about.fb.com/wp-content/uploads/2021/12/Meta-Philippines_HRIA_Executive-Summary_Dec-2021.pdf)

118 Vice, “The Philippines Saw a Sudden Surge of Fake Facebook Accounts. Here’s Why Everyone Is on Edge.”, 24 June 2020, <https://www.vice.com/en/article/philippines-fake-facebook-accounts-freedom-speech-democracy/>

this was due to a technical glitch, whereas the head of the National Privacy Commission stated that evidence of these fake accounts reaching out to other Facebook users “suggests that there is some human intervention behind such attempts to communicate.”<sup>119</sup>

Young human rights defenders interviewed by Amnesty International researchers in early 2024 similarly suspected that they were being monitored by state security agencies on Facebook, that fellow activists had been contacted by accounts attempting to impersonate them and that this online surveillance facilitated further offline surveillance by plain clothes officers.

A 20-year-old human rights defender from Batangas told Amnesty International that she found other Facebook accounts impersonating her and adding friends and acquaintances of hers, apparently trying to gather information.<sup>120</sup> Ana, a 26-year-old student activist from Southern Luzon had received friend requests from accounts she suspected of belonging to military or intelligence agents.<sup>121</sup> A former youth activist, who now lives abroad, reported to Amnesty International that the chilling effect of online surveillance and red-tagging on Facebook extends into the migrant community, leading to self-censorship out of fear for families and friends at home and potential repercussions upon returning to the Philippines.<sup>122</sup>

A student journalist, Sophia, reported that one day three military officers followed her all the way to her hometown and presented photos of her at local rallies to city officials, which she covered as part of her journalism work. They claimed that she was a potential CPP recruit.<sup>123</sup> The officials alerted her family to the incident. “I was really terrified at that time. I even needed to move houses, sleep at my grandmother’s place. Because everyone was getting really worried.”<sup>124</sup> Despite her fears, she eventually returned from her hometown to the university town to continue her studies. She filed a report with the Commission on Human Rights but had not been given any substantive response at the time of her interview in March 2024. Amnesty International wrote to the CHR in July 2024 requesting information about the CHR’s investigation but did not receive a response to this request.

A Southern Luzon-based activist told Amnesty International that fellow activists had been intimidated by visits of military or plain clothes officers to their family homes.<sup>125</sup> This is echoed by recent findings from the National Union of Journalists of the Philippines who found eight cases of student journalists being intimidated through a “drop-by”, usually in the form of military personnel visiting the family of the young person and accusing them of being suspected NPA recruits.<sup>126</sup>

In January 2023, the Commission on Human Rights expressed “serious alarm” after the youth-led organization Anakbayan, which has been repeatedly red-tagged by state actors, reported a break-in into their office, which they connected to the “unusual presence of police mobiles [vehicles] near their national office” on the following day as well as separate incidents of Anakbayan activists being followed and photographed after protests in Manila.<sup>127</sup>

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119 Vice, “The Philippines Saw a Sudden Surge of Fake Facebook Accounts. Here’s Why Everyone Is on Edge.”, 24 June 2020 (previously cited).

120 Research interview, Manila, 2 March 2024.

121 Research interview, Laguna, 16 March 2024.

122 Remote research interview, 30 August 2024.

123 Focus group discussion with youth activists, 9 March 2024.

124 Focus group discussion with youth activists, 9 March 2024.

125 Research interview, Laguna, 16 March 2024.

126 National Union of Journalists of the Philippines, “No tag: press freedom for pluralism”, 2024, <https://nujp.org/wp-content/uploads/2024/05/NO-TAG-COLORED-final.pdf>

127 Philstar, “CHR seriously alarmed by ‘surveillance,’ ‘forced entry’ into Anakbayan office”, 21 January 2023, <https://www.philstar.com/headlines/2023/01/21/2239231/chr-seriously-alarmed-surveillance-forced-entry-anakbayan-office>

## 5.4 MISUSE OF THE JUSTICE SYSTEM: WEAPONIZING THE ANTI-TERROR ACT AGAINST YOUTH ACTIVISTS

***“Those legal harassments are actually clearly baseless, and its purpose is to demoralize and to stop our advocacy work for human rights.”***

May, 24-year-old activist, Southern Luzon

President Duterte’s 2017 decree designating the CPP and the NPA as “terrorist organizations” and the passing of the Anti-Terror Act (ATA) in 2020 have provided state actors with new tools for their playbook of intimidation and repression of human rights defenders and civil society organizations. Adding weight to their online attacks, red-tagging has now been merged with “terrorist-tagging” through which state actors can baselessly accuse young activists and others of being “terrorists” in the context of their supposed advocacy for the communist cause. In 2019, the Interior Secretary suggested that “leftist groups should be banned for being subversive”.<sup>128</sup> The proposal was swiftly rejected by the Justice Secretary, but it was indicative of key state actors’ attempts to suppress and criminalize left-leaning political views as well as the expression of such views through campaigning and advocacy.

The case of young Southern Tagalog human rights defender Hailey Pecayo, described in more detail below, is emblematic of the weaponization of the Anti-Terror Act by state security forces. In August 2022, representatives of the 59<sup>th</sup> Infantry Battalion filed complaints under the ATA against Pecayo and later also against student leader John Peter Angelo Garcia claiming that they had participated in an NPA firefight with the army in Batangas in July 2022. These and other baseless complaints against more than a dozen human rights defenders filed by the military were thrown out by prosecutors in November 2023.<sup>129</sup> These included two other young activists, Jasmin Rubia and Kenneth Rementilla, who shared a car with Hailey Pecayo on the day they attended a wake for a local girl, Kyllene, who was killed under disputed circumstances (further details in the case study below). The Rizal Associate City Prosecutor dismissed this equally baseless complaint, pointedly stating that “[t]he alleged act of the respondents in providing an ‘organized transportation’ to Hailey Pecayo in going to the wake of Kyllene is not per se providing material support to a terrorist, because going to a wake in itself is not an act of terrorism as defined and enumerated in Section 4 of [the ATA].”<sup>130</sup> After the dismissal of the case against Pecayo, the military filed a motion for reconsideration that was subsequently dismissed in January 2024.

Whilst prosecutors did not take the cases any further, the military’s evident misuse of an already overly broad anti-terror law, which is incompatible with international human rights law, shows the state security apparatus’ hostility towards community-based human rights advocacy (also evident in their online communications, see Facebook post below) and has sent a clear and chilling signal to activists and others critical of the authorities in the region.

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128 Rappler, “Año: Communism should be illegal”, 13 August 2019, <https://www.rappler.com/philippines/237647-ano-says-communism-should-be-illegal/>

129 Philstar, “Laguna prosecutors junk terrorism, murder raps vs human rights advocate, 15 others”, 23 November 2023, <https://www.philstar.com/headlines/2023/11/23/2313673/laguna-prosecutors-junk-terrorism-murder-raps-vs-human-rights-advocate-15-others>

130 Philstar, “‘Lack of probable cause’: Rizal prosecutor junks Anti-Terror Law charges vs 2 activists”, 23 November 2023, <https://www.philstar.com/headlines/2023/11/23/2313721/lack-probable-cause-rizal-prosecutor-junks-anti-terror-law-charges-vs-2-activists>



## CASE STUDY

### Hailey Pecayo: “We cannot sit still in the face of human rights violations being committed in front of us”<sup>131</sup>

Hailey Pecayo was 17 when the Covid-19 pandemic forced her school to close. Realizing how many students like her did not have access to laptops or smartphones to learn online, she began to take an interest in human rights and to post about inequality in the Philippines’ education system. She joined the Southern Luzon-based human rights organization *Tanggol Batangan* after the arrest of Lino Baez, spokesperson of the civil society group *Bagong Alyansang Makabayan – Batangas*, and the “Bloody Sunday” raids, which resulted in the death of nine activists.<sup>132</sup> Undeterred, she gave up her studies to run rapid response missions, documenting local human rights violations and joining rallies. In July 2022, Hailey, then 19, and fellow activists went to visit the family of *Kyllene Casao*, a nine-year-old girl, who *Tanggol Batangan*<sup>133</sup> and other human rights activists<sup>134</sup> say had been killed by members of the Armed Forces of the Philippines, a claim disputed by the military, which maintains that NPA fighters had shot the girl.

Within this context, a military officer accused Hailey of being an NPA member and allegedly sexually harassed her.<sup>135</sup> That same month, the 59<sup>th</sup> Infantry Battalion operating in Batangas claimed Hailey had been part of a rebel group who had engaged in a shootout with the military, filing complaints against her under the Anti-Terrorism Act. When the complaints became public, Hailey was further red-tagged and smeared on digital pro-government TV station *Sonshine Media Network International (SMNI)* and on Facebook troll pages. The intimidation and the legal harassment have had a profound impact on her and her fellow activists. “We break down and it’s traumatic. It’s not a normal thing to be facing at our age.” She says the community and “bond of fighting for what is right” keeps them going.

Prosecutors dismissed the criminal complaints in 2023, but Hailey reported that the harassment, online impersonation and threats continue in 2024. “They are framing us as deceivers of the youth”, Hailey explained showing *Amnesty International* examples of Facebook posts with pictures of her embedded in posts stating that “terrorists” like her deserve to die. She says the Anti-Terror Act remains a key threat, being “so vague it can be used against any progressive, any youth activist; it’s really a state-sponsored weapon against progressive groups.”

Human rights defenders face criminalization in the form of spurious charges in multiple other ways. “We [HRDs in Southern Tagalog] are being used as lab rats”, May told *Amnesty International*, with the military “either filing cases against activists for the illegal possession of firearms and explosives or if it doesn’t work, they will use the ATA and if that doesn’t work, they will use financing terrorism [to persecute activists]... it was truly demoralizing and it’s fearful for us even now.”<sup>136</sup>

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131 Research interview, Manila, 2 March 2024.

132 *Amnesty International*, “Philippines: Ensure justice for ‘Bloody Sunday’ killings and other attacks against activists”, 25 January 2023, <https://www.amnesty.org/en/documents/asa35/6377/2023/en/>; *Rappler*, “Rights groups slam killings of activists in Calabarzon raids”, 7 March 2021, <https://www.rappler.com/philippines/rights-group-statement-activists-killed-calabarzon-raids-march-7-2021/>

133 Research interview, Manila, 2 March 2024.

134 *Karapatan*, “Rights group slams wrongful implication of another youth leader in Southern Tagalog in terror law case”, 4 September 2023, (previously cited).

135 Research interview, Manila, 2 March 2024.

136 Online research interview, 14 March 2024.

← 59th infantry "protector" battalion, X

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30 Jul 2022

GRUPO NG KARAPATAN BATANGAS, NANGGULO SA BRGY SAN MARCELINO, TAYSAN, BATANGAS

Walang pakundangang nagtungo ang higit kumulang limampung miyembro ng KARAPATAN BATANGAS sa tahanan ng kaanak ng batang napatay ng mga NPA sa gitna ng engkwentro laban sa mga kasundaluan nuong 18 July 2022. Nagtungo sila ruon at nagdulot ng kaguluhan sa nasabing lugar, at higit na ginambala ang mga mamamayan ng Barangay San Marcelino.

Mismong mga kaanak na ng batang nasawi ang nakikiusap na lumisan na ang mga taong ito sa kanilang tahanan sapagka't labis na silang naapektuhan at takot lamang ang naidudulot ng mga ito sa kanila. Ilang beses na nakiusap ang pamilya, subalit kahit ano pang pagpupumilit ay ayaw pa rin talaga nilang umalis duon. Walang kahihyan at walang konsiderasyon pa rin silang nagpupumilit na makausap ang mag-anak kahit pa malinaw na ayaw silang harapin ng mga ito.

Dagdag pa, kahit pa pinakitaan at binasahan na ang mga ito ng barangay resolution na nagsasabing ang sinumang hindi kilalang personalidad ang magtungo sa nasabing barangay ay kailangang makapagpakita ng valid government ID at makakuha ng permit mula mismo sa kapitan, wala pa rin silang pake at nagpatuloy sa panggugulo sa mga mamamayan ng Brgy San Marcelino. Walang kahihyan pa silang nagsagawa ng rally sa may harapang kalsada ng bahay habang nagpapakalat ng kanilang mga bulok na propaganda. Ginamit pa nila ang mukha ng siyam na taong gulang na biktima ng engkwentro sa kanilang mga masasamang hangarin. Ayon pa sa lolo ng batang yumao, kabastusan ang kanilang ginagawang pangagamit sa litrato ng kanyang mahal na apo nang wala man lang kanilang pahintulot.

Makalipas ang ilang oras na patuloy na panggugulo ng nasabing grupo, mismong ang kapitan ng barangay na ang nagtaboy sa mga hindi kilalang personalidad. Subalit ang mga bastos na miyembro ng KARAPATAN BATANGAS ay patuloy pa rin sa pagpupumilit na makipagtalaktakan sapagka't diumano'y nais raw nilang magsagawa ng imbestigasyon. Subalit ang grupong ito'y wala namang awtoridad na magsagawa. Labis ang galit ng kapitan ng barangay sapagka't hindi man lang nila ginalang ang resolusyong ibinaba ng sanggunian.

Kahiya-hiyang KARAPATAN BATANGAS! Hindi na naawa at nahiya sa pamunuan ng Barangay San Marcelino. Abot-abot na ang panggugulong ginagawa ng mga hindi lehitimong organisasyon na ito! Takot na lamang ang kanilang idinudulot sa mga mamamayan ng barangay.

KARAPATAN BATANGAS, [Tanggol Batangan](#), [Mothers and Children for the Protection of Human Rights](#), [Church-Peasant Solidarity Batangas Gabriela Southern Tagalog Gabriela Youth Batangas](#) kayo'y pinagtatabuyan na ng barangay dahil tunay na kahiya-hiya ang inyong mga ginagawa. Maawa na kayo sa pamilya ng biktimang napaslang ng NPA.

#59thInfantryProtectorBattalion  
#YourArmyInQuezonAndBatangas



748 275 comments • 1.2k shares

Like Comment Send Share

← ↑  
Excerpt from a 30 July 2022 Facebook post by the 59<sup>th</sup> Infantry Battalion, Philippine Army, delegitimizing [Tanggol Batangan's](#) mission in the wake of [Kyllene Casao's](#) killing:

"They shamelessly conducted a rally on the front road of the house while spreading their rotten propaganda [...] After hours of continuous disturbance of the said group, it was the barangay captain who drove away the unknown personalities. But the rude members of KARAPATAN BATANGAS are still insisting to negotiate because they allegedly want to conduct an investigation. Yet this group has no authority to act. The barangay captain is so angry because they did not even respect the resolution brought down by the council.

Shame on KARAPATAN BATANGAS! No longer pity and ashamed of the leadership of Barangay San Marcelino. The chaos these illegitimate organizations are doing is out of hand! They are only causing fear to the citizens of the barangay.

KARAPATAN BATANGAS, [Gabriela Youth Batangas](#), [Tanggol Batangan Gabriela Southern Tagalog Church-Peasant Solidarity Batangas](#) you are already being pushed away by the barangay because what you are doing is really shameful. Have mercy on the family of the victim who was killed by the NPA.  
#59thInfantryProtectorBattalion  
#YourArmyInQuezonAndBatangas"

The post was shared more than 1,000 times.

Another example of questionable and unfair legal proceedings brought against activists is the case of the “Tacloban 5”, community journalist Frenchie Mae Cumpio, Mariel Domequil from the Rural Missionaries of the Philippines, People Surge Network Spokesperson Marissa Cabaljao, Mira Legion from Bagong Alyansang Makabayan-Eastern Visayas and Karapatan National Council member Alexander Philip Abinguna. Following Cumpio’s red-tagging and a few days later, an alleged illegal raid of their offices in 2020, these five people were arrested and charged with illegal possession of firearms.<sup>137</sup> To date, there has been no substantive investigation into the activists’ allegation that the evidence against them was fabricated.<sup>138</sup> Frenchie Mae Cumpio turned 25 in prison in early 2024. She is still being unjustly held together with Domequil and Abinguna, whilst the trial continues to be dragged out. Cabaljao and Legion have been released on bail. The UN Special Rapporteur on the right to freedom of expression visited Cumpio, Domequil and Abinguna in Tacloban City Jail in January 2024, asking on X, formerly Twitter, “how long must they wait to be free?”



Screenshot of Special Rapporteur Irene Khan’s X post published on 27 January 2024

In 2023, community and environmental activists Miguela Peniero and Rowena Dasig, a youth volunteer, were arrested based on an allegation of the illegal possession of firearms, whilst carrying out research on the impact of a planned power plant project on farmers and fisherfolk communities in Quezon. Peniero was also red-tagged on Facebook by the 85th Infantry Battalion, posting an arrest warrant from 2019 for rebellion that had since been dismissed by a court in an apparent effort to smear her and to build a false narrative to generate public support for the arrest. Both activists continue to be the targets of red-tagging posts on Facebook. In a written communication to the Government of the Philippines, the UN Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the issue of human rights obligations relating to

the enjoyment of a safe, clean, healthy and sustainable environment expressed “serious concern in response to the alleged arbitrary arrest and detention of Ms. Peniero and Ms. Dasig, and the falsified allegations against them, which occurred whilst they were carrying out their peaceful and legitimate human rights activities in communities whose livelihoods and health have reportedly been and are likely to increasingly be detrimentally affected by the environmental impact of the proposed power plant” and warned that “the alleged arbitrary arrest of human rights defenders who are promoting and protecting the rights of others to a clean, healthy and sustainable environment is furthermore concerning as it contributes to a chilling effect on civic space in the Philippines.”<sup>139</sup>

137 IAWRT, “UN Special Rapporteur visits jailed Filipino journalist Frenchie Mae Cumpio”, 27 January 2024, <https://iawrt.org/un-special-rapporteur-visits-jailed-filipino-journalist-frenchie-mae-cumpio/>

138 Amnesty International, “Philippines: Further information: Fears of unfair trial for ‘Tacloban 5’”, 29 June 2020, <https://www.amnesty.org/en/documents/asa35/2618/2020/en/>

139 OHCHR, “Philippines: arbitrary detention of environmental WHRDs Miguela Peniero and Rowena Dasig (joint communication)”, 25 January 2024, <https://srdefenders.org/philippines-arbitrary-detention-of-environmental-whrds-miguela-peniero-and-rowena-dasig-joint-communication/>

Rowena Dasig was supposed to be released in August 2024 after a regional court granted her motion for a demurrer to evidence (a motion to dismiss the case based on insufficient evidence). A day after the jail refused to comply with the court order to release her, Dasig's lawyers were told that she had been released but she has since been missing, leading her legal team to express fears that she may have been abducted by the military.<sup>140</sup>

In 2024, Indigenous rights defenders in Cordillera, two dozen community activists in Cebu City and two youth activists, Fritz Labiano and Paul Tagle, acting as paralegals for a group of imprisoned activists including Rowena Dasig, have had complaints filed against them by the military or the Department of Justice under the Terrorism Financing Prevention and Suppression Act of 2012.<sup>141</sup> The case against the youth activists Fritz Labiano and Paul Tagle has since been dismissed by a Batangas court citing lack of evidence. The court decision represents some rare good news amidst a spree of baseless complaints against activists.<sup>142</sup>

According to Karapatan, “more than a hundred human rights defenders, political activists and other dissenters have been unjustly and arbitrarily accused, indicted or charged under the two anti-terrorism laws [the ATA and the Terrorism Financing Prevention and Suppression Act].”

The above examples illustrate how Philippine authorities are implementing an Anti-Terrorism law that is incompatible with international human rights law and standards and that is weaponized to stifle dissent and discourage youth activism. The security forces are displaying a blatant disregard for the rights of young human rights defenders, stretching the ATA far beyond its already vague limits to target and harass young activists. The allegations of falsifying evidence to illegally arrest and prosecute the Tacloban 5 and the lack of meaningful independent investigations into such allegations demonstrate that the State is failing to hold security forces to account and to ensure they comply with their obligations to respect human rights under domestic and international law.

## 5.5 THE COUNTER-REVOLUTION WILL BE TELEvised: DISAPPEARANCES, COERCION AND STAGED RESURFACING

Enforced disappearances are yet another way in which the authorities have sought to suppress dissent in the Philippines. Human rights groups have documented up to 13 enforced disappearances since 2022, in addition to numerous extrajudicial executions of activists.<sup>143</sup> Young human rights defenders have been amongst the targets of enforced disappearances, including the headline-grabbing case of Jhed Tamano and Jonila Castro, 22 and 21 years old at the time of the events.<sup>144</sup>

On 2 September 2023, the two environmental protection workers were forcibly disappeared near Manila whilst preparing for consultations with local fisherfolk about a development project in Manila Bay. Their fate and whereabouts were unknown until the military presented the two women at a press

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140 Inquirer, “Group alarmed as youth activist remains missing”, 28 August 2024, <https://newsinfo.inquirer.net/1977212/group-alarmed-as-youth-activist-remains-missing>

141 Al Jazeera, “What happens when activists are branded ‘terrorists’ in the Philippines?”, 24 March 2024, <https://www.aljazeera.com/news/2024/4/24/what-happens-when-someone-is-branded-a-terrorist-in-the-philippines>; Philippine Star, “‘Terrorism financing’ cases filed vs activists”, 25 May 2024, (previously cited).

142 Philippine Collegian, 22 June 2024, “Two Quezon Activists Cleared of Trumped-up Terrorism Financing Charges”, <https://phkule.org/article/1247/two-quezon-activists-cleared-of-trumped-up-terrorism-financing-charges>

143 Amnesty International, “Annual Report 2023/2024: Philippines”, 23 April 2024, <https://www.amnesty.org.ph/amnesty-report-2023-24-philippines/>; Amnesty International, “Philippines: Ensure justice for ‘Bloody Sunday’ killings and other attacks against activists” (previously cited); Human Rights Watch, “Enforced Disappearances Still a Scourge in Philippines”, 11 October 2023, <https://www.hrw.org/news/2023/10/11/enforced-disappearances-still-scourge-philippines>; Karapatan, “2023 Year-End Report on the Human Rights Situation in the Philippines”, 12 March 2024, (previously cited).

144 Amnesty International, “Annual Report 2023/2024: Philippines” (previously cited).

conference on 19 September, saying that they had been held in a “safe house” after they had sought help from the authorities and surrendered as NPA rebels.<sup>145</sup> Tamano and Castro, however, publicly accused the military of abducting them, coercing them to secure an affidavit attesting to their surrender, and filed a petition with the Supreme Court requesting protection from the police and other government agencies. The military subsequently filed perjury charges against them.



## CASE STUDY

### The disappearance of Gene Roz Jamil “Bazoo” de Jesus

Gene Roz Jamil de Jesus, called “Bazoo” by his friends and fellow human rights activists, had just turned 27 when he was last seen together with fellow Indigenous Peoples’ rights defender Dexter Capuyan in April 2023.<sup>146</sup> Bazoo had been a student leader whilst studying journalism at the University of the Philippines in Baguio City, advocating for the right to free education. After his graduation, he became a staff member of the Philippine Task Force on Indigenous Peoples Rights, remaining a strong voice in the vibrant young activist community in the city.

Red-tagging of student leaders and young activists, including Bazoo, became rampant during the pandemic, with tarpaulins in public spaces and posts on Facebook smearing them as communist recruiters.<sup>147</sup> Even the university itself has been discredited as a recruiting ground for the NPA, young activists interviewed by Amnesty International said.<sup>148</sup> Dexter Capuyan, 56, had been listed together with 600 individuals in the Department of Justice’s petition to declare the CPP-NPA a terrorist organization. His name was later taken off the list and the petition was dismissed in court, but a bounty was put out for Capuyan for his arrest for two counts of murder of which his family believes he was not made aware of.

Capuyan and Bazoo’s family received credible information that the two were forcibly taken by individuals who had previously identified themselves as working for a police agency, but no authority has acknowledged having them in custody.<sup>149</sup> Despite search attempts and protest actions from their relatives and fellow activists, their fate and whereabouts have been unknown since they were last seen in April 2023.

The enforced disappearances of Capuyan and Bazoo have had a profound impact on other young activists in the city. A group of young student leaders, local activists and journalists told Amnesty International researchers how difficult it was to process the disappearance of someone many of them had known personally.<sup>150</sup> After months of pleas to reveal the fate and whereabouts of Bazoo and Dexter Capuyan, one young activist said he could not help but think about the possibility of the same also happening to other people close to him.<sup>151</sup>

Young human rights activists have said they have been forced to adjust their daily lives in response to multiple recent disappearances, for example by not going out alone and concealing

145 Amnesty International, “Annual Report 2023/2024: Philippines”, 23 April 2024, (previously cited).

146 Amnesty International, “Urgent action: Indigenous rights activists reported missing: Dexter Capuyan and Gene Roz Jamil “Bazoo” de Jesus”, 17 May 2023, <https://www.amnesty.org/en/documents/asa35/6791/2023/en/>

147 Inquirer, “Baguio court stops cops from Red-tagging student activists”, 27 March 2021, <https://newsinfo.inquirer.net/1411841/baguio-court-stops-cops-from-red-tagging-student-activists>; Northern Dispatch, “Barangay officials urge Magalong to put red-tagging prohibition on “black and white””, 1 April 2022, <https://nordis.net/2022/04/01/article/news/barangay-officials-urge-magalong-to-put-a-red-tagging-prohibition-on-black-and-white/>

148 Focus group discussion with seven young activists between the ages of twenty-two and twenty-six held in person in Baguio City on 9 March 2024.

149 Amnesty International, “Urgent action: Indigenous rights activists reported missing: Dexter Capuyan and Gene Roz Jamil “Bazoo” de Jesus”, 17 May 2023 (previously cited).

150 Focus group discussion with seven young activists between the ages of twenty-two and twenty-six held in person in Baguio City on 9 March 2024.

151 24-year-old male participant within focus group discussion between young human rights defenders in Baguio City on 9 March 2024.



their location as much as possible when posting online. Whilst the group remains determined to remain active, many other young people have abandoned their activism, they said, because of the toll the constant threats take on the young people's mental health. Some also felt compelled to leave because their parents reportedly threatened to transfer them to different universities. Those who stayed and spoke to Amnesty International said they hope that Baguio City will soon pass a local ordinance to send a strong signal that activists' rights must be protected.

Enforced disappearances violate a range of human rights, including the right not to be subjected to torture or other ill-treatment, the right to be free from arbitrary detention, the right to legal personality, the right to fair trial, and others. Enforced disappearances are absolutely prohibited under international law and no exceptional circumstance whatsoever can justify them, whether a state of war, internal political instability or any other public emergency. Even if the Philippines have not yet signed or ratified the International Convention for the Protection of All Persons from Enforced Disappearance, they are still bound by the obligation not to subject any person to enforced disappearance because this is a violation of multiple rights that the Philippines is obliged to respect. Moreover, the landmark Anti-Enforced or Involuntary Disappearance Act, passed in 2012, incorporates into domestic law the definition of enforced disappearance contained in the International Convention, prohibiting state actors from abducting individuals and setting a maximum penalty of life imprisonment.<sup>152</sup> And yet, in 2023, the support organization Families of Victims of Involuntary Disappearance (FIND) "said no person had been held accountable for the recorded disappearances of 183 people since the law's implementation in 2012", as reported by Rappler.<sup>153</sup>

## 5.6 DROWNING OUT CRITICAL VOICES WITH TECH: CYBER-ATTACKS ON MEDIA AND HUMAN RIGHTS GROUPS

Since at least 2018, media organizations and human rights groups, many of which rely on student volunteers to boost their capacity, have faced additional challenges to their reporting on human rights violations and abuses in the form of coordinated cyber-attacks on their websites.

Between December 2018 and February 2019, media websites Bulatlat, PinoyWeekly, and Kodaio reported sustained DDOS (distributed denial-of-service) attacks, in which websites are flooded with automated requests to the point of becoming so overloaded that they become inaccessible.<sup>154</sup> Baguio City-based media outlet Northern Dispatch reported similar attacks in April 2020.<sup>155</sup>

In 2021, Qurium Media Foundation conducted a digital forensic investigation of DDOS attacks launched between May and June 2021 on two alternative media, Bulatlat and Altermydia, as well as human rights organization Karapatan. The Qurium investigation identified evidence of automated vulnerability scans and hacking attempts launched against the Bulatlat website in May 2021, from an

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152 OHCHR, "Philippines passes landmark law criminalizing enforced disappearances", 25 January 2013, <https://www.ohchr.org/en/stories/2013/01/philippines-passes-landmark-law-criminalizing-enforced-disappearances>

153 Rappler, "Families of the disappeared seek justice through implementation of landmark law", 30 August 2023, <https://www.rappler.com/philippines/families-call-proper-implementation-anti-enforced-involuntary-disappearance-act-desaparacidos/>

154 International Federation of Journalists, "Several news websites targeted in cyber-attacks in the Philippines", 7 February 2019, <https://www.ifj.org/media-centre/news/detail/category/asia-pacific/article/several-news-websites-targeted-in-cyber-attacks-in-the-philippines>

155 Northern Dispatch, "Northern Dispatch under cyber-attack", 30 April 2020, <https://nordis.net/2020/04/30/article/news/northern-dispatch-under-cyber-attack/>

IP address Qurium attributes to the Philippine Army.<sup>156</sup> The automated scans were launched in close succession to an initial DDOS attack campaign targeting Bulatlat and Karapatan.<sup>157</sup>

Karapatan was then targeted again in July and August 2021, during its online solidarity campaign #StopTheKillingsPH, which marked the first anniversary since the killing of Karapatan staff member Zara Alvarez and a global call from human rights organizations for an end to extrajudicial executions in the Philippines.<sup>158</sup>

Karapatan Secretary General Cristina Palabay was quoted at the time, “these new series of cowardly cyber-attacks against our website were obviously made to prevent the public from accessing our reports on the worsening state of human rights in the Philippines — and we know whose interests these attacks serve.”<sup>159</sup> News outlet Rappler, known for its critical reporting and as a factchecking partner of Meta (Facebook), also reported worsening cyber-attacks in 2022 linked to its political reporting.<sup>160</sup>

The 2021 Qurium report outlines clear evidence suggesting state involvement in attempted cyber-attacks against an independent media website, including vulnerability scans and DDOS attacks, which represent a clear violation of the right to freedom of expression. DDOS attacks are also illegal under the Philippines’ e-commerce law.<sup>161</sup> In late 2021, an NTF-ELCAC spokesperson nevertheless publicly endorsed the hacker group “Pinoy Vendetta” in a Facebook post over its illegal DDOS takedown of the web presence of the Communist Party of the Philippines. “Pinoy Vendetta” had also appeared to celebrate and even acknowledge its role in DDOS attacks on Philippine media outlets that year.<sup>162</sup>

In a further concerning development, Recorded Future’s Insikt Group published research in 2024 indicating that Predator, a powerful spyware tool that has been used to hack and surveil civil society actors and journalists around the world,<sup>163</sup> has been exported to an unknown customer in the Philippines.<sup>164</sup> Such tools are usually marketed at government agencies for use in national security operations. However, as research has shown, they also pose a critical threat to human rights defenders as they violate their right to privacy and to freedom of expression, often facilitating further serious human rights violations. Amnesty International and other human rights organizations have called for a global ban of highly invasive spyware such as this.<sup>165</sup>

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156 Qurium Media Foundation, “Investigation of DDOS attacks against independent media shows links to Philippine government and army”, 1 July 2021, <https://www.qurium.org/press-releases/investigation-of-ddos-attacks-against-independent-media-shows-links-to-philippine-government-and-army/>

157 Qurium Media Foundation, “Human rights group under intensive DDOS attack”, 18 August 2021, <https://www.qurium.org/press-releases/philippine-human-rights-group-under-heavy-and-sustained-ddos-attack/>

158 Qurium Media Foundation, “Human rights group under intensive DDOS attack”, 18 August 2021, <https://www.qurium.org/press-releases/philippine-human-rights-group-under-heavy-and-sustained-ddos-attack/>

159 Qurium Media Foundation, 18 August 2021 (previously cited).

160 Committee to Protect Journalists, “Three Philippine media outlets face latest in a string of cyberattacks”, 1 February 2022, <https://cpj.org/2022/02/three-philippine-media-outlets-string-of-cyberattacks/>

161 International Federation of Journalists, “Philippines: CNN Philippines hit by cyberattack during presidential debate”, 4 March 2022, <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/philippines-cnn-philippines-hit-by-cyberattack-during-presidential-debate>; Philippines, Republic Act NO. 8792, 14 June 2000, [https://lawphil.net/statutes/repacts/ra2000/ra\\_8792\\_2000.html](https://lawphil.net/statutes/repacts/ra2000/ra_8792_2000.html)

162 Rappler, “Hacker group mounts DDOS attacks vs PH news outlets, hailed by government”, 24 February 2022, <https://www.rappler.com/technology/ntf-eltcac-ddos-attacks-endorsement/>

163 Amnesty International, “Global: ‘Predator Files’ spyware scandal reveals brazen targeting of civil society, politicians and officials”, 9 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/global-predator-files-spyware-scandal-reveals-brazen-targeting-of-civil-society-politicians-and-officials/>

164 Recorded Future, “Predator Spyware Operators Rebuild Multi-Tier Infrastructure to Target Mobile Devices”, 1 March 2024, <https://www.recordedfuture.com/predator-spyware-operators-rebuild-multi-tier-infrastructure-target-mobile-devices>

165 See for example Amnesty International, “The Predator Files: Caught in the Net” (ACT 10/7245/2023), 9 October 2023, <https://www.amnesty.org/en/documents/act10/7245/2023/en/>

## 5.7 STATE VIOLENCE AND THE HARMS INFLICTED ON YOUNG HUMAN RIGHTS DEFENDERS AND PHILIPPINE SOCIETY



The effects of violence used by state officials to stifle dissent, both tech-facilitated and offline, are deeply felt across societies. Human rights research has repeatedly demonstrated the chilling effects, which extend beyond the immediate target of such violence, silencing families, colleagues, potential allies, whistleblowers and whole communities.<sup>166</sup>

Young human rights defenders, who spoke to Amnesty International researchers, highlighted how the state-sponsored vilification of youth activism has seeped into public discourse and everyday interactions with their parents, extended family members, church groups and friends. May, 24, explained: “Activists have been receiving lots of red-tagging and threats by random people, families, the military and police, especially during the time of Duterte, where red-tagging has become more prevalent.”<sup>167</sup>

Multiple young human rights defenders spoke about hiding their online activism from their parents or other family members due to their families’ critical stance towards student activism or their fear for their relatives’ safety.<sup>168</sup>

166 ICFJ, “The Chilling: A global study of online violence against women journalists”, 2 November 2022, [https://www.icfj.org/sites/default/files/2023-02/ICFJ%20Unesco\\_TheChilling\\_OnlineViolence.pdf](https://www.icfj.org/sites/default/files/2023-02/ICFJ%20Unesco_TheChilling_OnlineViolence.pdf); Amnesty International, “Being ourselves is too dangerous”: Digital violence and the silencing of women and LGBTI activists in Thailand (Index: ASA 39/7956/2024), 16 May 2024, (previously cited).

167 Remote interview, 14 March 2024.

168 Focus group discussion in Manila, 12 March 2024, interview in Laguna, 16 March 2024.

Ana said, “I have to hide my [Facebook] posts from my parents or from my family because my family is really not that supportive. It’s out of concern for my safety and security.”<sup>169</sup>

A student journalist and member of the College Editors Guild of the Philippines explained: “We really do not blame our parents for having views that are opposed to us. It is because of how every government has built this systemic public distrust against student activists.”<sup>170</sup>

Activists and journalists of different ages told Amnesty International about the struggle to mobilize volunteers and the increasing silence they are met with, especially by members of rural communities, out of fear of state surveillance and potential acts of retribution for sharing information with journalists.<sup>171</sup> Previous research has highlighted the manifold threats to media freedom in the Philippines, amongst which red-tagging and online harassment play a prominent role.<sup>172</sup> Amnesty International’s interviews with student journalists underline the threat posed by the constant attacks on student media to the future of independent journalism in the Philippines. If young people are discouraged from gaining crucial experience as student reporters, independent reporting on youth issues and future talent contributing to a pluralistic media landscape is lost.

Speaking about similar concerns for the future of human rights activism in the Philippines, Southern Luzon-based student activist Ana, 26, said: “When you’re harassed online or when you’re posted online, that makes you a target. It’s letting people know that this person is a target, that you should not get close to this person [...] Of course, if you’re not yet organized, it would make you think that you wouldn’t want to be an activist because your life would be put in danger.”<sup>173</sup>

Some of the young people interviewed for this report acknowledged that they, too, had been scared to join activist groups at first, because they knew about the dangers faced by human rights defenders in the Philippines. Jacob, a 19-year-old activist from Southern Luzon who has been joining rallies for two years, explained how a friend had introduced him to political activism: “She introduced me to this whole idea of speaking out about the oppression of others. I was really scared for her safety, but as time goes by, I think I’ve accepted the fact that we can’t just be scared by the system. We really have to do something about it as well. Through that I’ve gained the confidence to do it as well.”<sup>174</sup>

Not all young human rights defenders, however, decide to continue their activism in the face of constant state-sponsored threats and attacks. Young human rights groups in Baguio City and Batangas lost members because they feared for their safety and liberty, especially in the wake of the passing of the Anti-Terror Act and its weaponization against young activists.

Ana, the 26-year-old community activist in Southern Luzon, who has engaged in human rights defence since she was 17, explained: “When you see it [a red-tagging post], there’s that crippling feeling of “am I a target to the military?” When you give out relief that could be misconstrued as giving material support to terrorists under the Anti-Terrorism Act, so things like that run through my mind.”<sup>175</sup>

The recent series of red-tagging incidents in schools and universities was further highlighted by many young human rights defenders as a particularly damaging development for student activism and academic freedom in the Philippines.<sup>176</sup> Universities were historically perceived as comparatively safe

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169 Research interview, Laguna, 16 March 2024.

170 Focus group discussion in Manila, 12 March 2024.

171 Research interviews with two journalists based in Baguio, 9 and 10 March 2024, research interview with a student journalist, Manila, 11 March 2024, expert interview, Manila, 12 March 2024, remote focus group discussion with four activists from different rural regions, held on 12 March 2024.

172 ICFJ, “The Chilling: A global study of online violence against women journalists”, 2 November 2022, (previously cited); National Union of Journalists of the Philippines, “No tag: press freedom for pluralism”, 2024, (previously cited).

173 Research interview, Laguna, 16 March 2024.

174 Remote interview conducted on 13 March 2024.

175 Research interview, Laguna, 16 March 2024.

176 Focus group discussion with young human rights defenders in Baguio, 9 March 2024, focus group discussion with young human rights defenders and student journalists in Manila, 12 March 2024, research interview, Manila, 14 March 2024.

spaces for young people to think freely and to express their views safely. However, with the dissolution of the agreement between the government and University of the Philippines campuses and an increasing number of red-tagging incidents during forums held by the security forces in schools and universities, young activists now feel that the military is closing in on these spaces, too.

Fear and insecurity are taking a terrible toll on young activists' mental health. Young human rights defenders based in Baguio and Batangas reported creating buddy systems to cope with the mental and emotional strain, which was evident in many of Amnesty International's interviews, and amending their daily routines to have a greater sense of security. Some suspected that members of their communities were suffering from post-traumatic stress disorder (PTSD) and other mental health issues due to the threats and harassment they faced as student media and activist groups.<sup>177</sup> Experiences of online harassment have previously been linked with "psychological distress, depression, and increased risk of suicide, especially among youth and young adults".<sup>178</sup> A lack of accessible and affordable mental health care services<sup>179</sup> is worsening the already dire situation, according to the young human rights defenders.<sup>180</sup>

Red-tagging and related forms of state violence are actively undermining young people's activism and human rights reporting at a critical time in the fight for human rights in the Philippines. As this chapter has shown, the increased targeting of young human rights defenders under the presidencies of Rodrigo Duterte and Ferdinand Marcos Jr. is deliberately attempting to silence critical voices. Young people have historically played a crucial role in mobilizing people's movements against repressive forces, and they continue to do so, albeit amidst ever greater threats to their right to freedom of expression, their health and their liberty and security.

## 5.8 GENDER-BASED VIOLENCE IN THE CONTEXT OF STATE-SPONSORED DISCRIMINATION AND VIOLENCE

***"We have a saying: we have hate speech for breakfast, discrimination for lunch and a little bit of midnight snack of some online harassment."***

Alex, 20, LGBTI activist

The different forms of state violence described in this report are intricately linked with gender-based discrimination and violence, compounding their silencing effect and mental health toll on girls and

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177 Focus group discussion with young human rights defenders in Baguio, 9 March 2024, research interview with a student journalist, Manila, 11 March 2024; remote interview with a 24-year-old human rights defender based in Southern Luzon, 14 March 2024.

178 Seunghyun Kim, Afsaneh Razi and others, "Assessing the Impact of Online Harassment on Youth Mental Health in Private Networked Spaces", 2024, *Proceedings of the International AAAI Conference on Web and Social Media*, 18(1), p. 826.

179 Nicholle Mae Amor Tan Maravilla and Myles Joshua Toledo Tan, "Philippine Mental Health Act: Just an Act? A Call to Look Into the Bi-directionality of Mental Health and Economy", *Front Psychol.* 2021; 12, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8334355/>; see also Amnesty International, *Driven into Darkness: How TikTok's 'For You' Feed Encourages Self-Harm and Suicidal Ideation*, 7 November 2023, <https://www.amnesty.org/en/documents/POL40/7350/2023/en/>, p. 19.

180 Focus group discussion with young human rights defenders in Baguio, 9 March 2024, remote interview with a 24-year-old human rights defender based in Southern Luzon, 14 March 2024.

young women as well as members of the LGBTI community. Young human rights defenders interviewed as part of this research underlined that activist groups are deeply affected by prevailing discriminatory attitudes towards women and LGBTI people in the Philippines, which have been actively amplified and legitimized by former President Duterte and other leaders, including in the context of red-tagging.

Gender-based violence is common in the Philippines: Seven out of ten girls and young women are exposed to online harassment, according to a 2020 survey by Plan International,<sup>181</sup> and one out of six women (aged 15 to 49) surveyed in the 2017 Philippine National Demographic and Health Survey said they had experienced physical violence since age 15.<sup>182</sup> The Plan International study also found that girls and young women from an ethnic minority, identifying as LGBTI or persons with disabilities are even more likely to experience online harassment. Women who face intersectional forms of discrimination and are subject to structural barriers, including state neglect and harassment from law enforcers, are less likely to seek help from or report violent incidents to the police.<sup>183</sup>

While in office, President Duterte reinforced and legitimized gender-based violence through his frequent deeply derogatory remarks about women.<sup>184</sup> During a campaign event in 2016, Duterte joked about the gang-rape of a woman in Davao City.<sup>185</sup> In 2018, he encouraged soldiers to shoot female rebels “in the vagina” to make them “useless”.<sup>186</sup> In 2021, he said he had advised his daughter not to run for president because women did not possess “the emotional setup”.<sup>187</sup> Women’s rights organizations in the Philippines have repeatedly warned about the societal impact of the then President’s normalization of such remarks.<sup>188</sup>

Duterte’s sexism and misogynistic remarks have already been echoed by high-ranking members of the security forces who wove it into their red-tagging attacks on civil society. An army general was cited by the Manila Times in 2020 stating that “the NPA now uses sexily clad recruiters, i.e. young girls in short-shorts, in enticing youths, particularly young men, to take up such innocent sounding issues such as the protection of the environment”.<sup>189</sup> Mitzi Tan, a leading young environmental activist, reacted to this in a post on X, formerly known as Twitter, calling out the “direct attack on the lives of anyone who fits that description”, which in turn saw her exposed to renewed red-tagging messages from social media users echoing the general’s comment.<sup>190</sup>

Mitzi Tan’s experience is emblematic of a wider trend. A recent analysis by the Ateneo Human Rights Center (AHRC) of publicly reported red-tagging attacks between January and June 2024 found that 16% of the attacks targeted women, compared with 5.7% targeting men (the remainder of the attacks either targeting organizations or the gender of the target not having been recorded).<sup>191</sup> “Many women

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181 Plan International, “7 in 10 girls and young women in PH experience online harassment – Plan International study”, 16 October 2020, <https://plan-international.org/philippines/news/2020/10/16/7-in-10-girls-and-young-women-in-ph-experience-online-harassment-plan-international-study/>

182 Philippine Statistics Authority, “Philippines National Demographic and Health Survey 2017. Quezon City and Rockville, Maryland, United States”, 2018, <https://www.dhsprogram.com/pubs/pdf/FR347/FR347.pdf>

183 Isabel Kristine M. Valdez and others, “Violence against women in the Philippines: barriers to seeking support”, *The Lancet Regional Health*, Volume 23, 100471, June 2022, [https://www.thelancet.com/journals/lanwpc/article/PIIS2666-6065\(22\)00086-4/fulltext](https://www.thelancet.com/journals/lanwpc/article/PIIS2666-6065(22)00086-4/fulltext)

184 Isabel Kristine M. Valdez and others, June 2022, (previously cited).

185 Rappler, “Timeline: How Duterte normalized sexism in the Philippine presidency”, 21 June 2022, <https://www.rappler.com/newsbreak/in-depth/timeline-how-duterte-normalized-sexism-misogyny-philippine-presidency/>

186 Guardian, “Philippines: Rodrigo Duterte orders soldiers to shoot female rebels ‘in the vagina’”, 13 February 2018, <https://www.theguardian.com/world/2018/feb/13/philippines-rodrigo-duterte-orders-soldiers-to-shoot-female-rebels-in-the-vagina>

187 Rappler, “Timeline: How Duterte normalized sexism in the Philippine presidency”, 21 June 2022, (previously cited).

188 Time, Women in the Philippines Have Had Enough of President Duterte’s ‘Macho’ Leadership”, 23 July 2018, <https://time.com/5345552/duterte-philippines-sexism-sona-women/>

189 Manila Times, 2020, cited in ABC News, “The Philippines is the most dangerous country in Asia to defend the environment, Global Witness report says”, 26 September 2023, <https://www.abc.net.au/news/2023-09-27/philippines-most-dangerous-in-asia-for-environmental-activists/102891938>

190 ABC News, 26 September 2023, (previously cited).

191 Rappler, “Red-tagging in the Philippines targets women more than men – study”, 9 July 2024, <https://www.rappler.com/philippines/red-tagging-targets-women-more-than-men-ateneo-study/>

activists reported having been threatened with rape or other forms of sexual assault. This suggests that red-tagging might also be used as a tool for gender-based persecution, reflecting deeper societal biases,” added the AHRC’s Anti-Red Tagging Monitoring Project.

Gender-based discrimination and violence also deeply affects LGBTI people, exposing many LGBTI activists to intersecting forms of harassment, threats and violence, including red-tagging. At least 50 transgender or non-binary people have been killed between 2010 and 2021 amidst a climate of widespread discrimination and violence against LGBTI individuals, although the real number is likely to be much higher.<sup>192</sup> While LGBTI activists in the Philippines have been mobilizing for many years, anti-LGBTI groups have been equally vocal, launching verbal attacks and spreading misinformation in Congress, on social media and on the television network SMNI.

In 2022, SMNI red-tagged LGBTI organization Bahaghari and its spokesperson multiple times on air.<sup>193</sup> In 2023, one of SMNI’s hosts, who is also a former NTF-ELCAC spokesperson, directed one of her many red-tagging attacks on civil society members against LGBTI rights defender Irish Inoceto.<sup>194</sup> Also in 2023, Zamboanga-based LGBT organization Mujer-LGBT faced red-tagging by the National Intelligence Coordinating Agency (further detail in section 5.2).

Whilst an anti-discrimination bill, which LGBTI organizations have been demanding for two decades, continues to languish in Congress, state institutions continue to engage in discriminatory practices against young LGBTI people. Schools force students to dress based on the sex they were assigned at birth rather than the gender they identify with and support for victims of bullying remains lacking.<sup>195</sup> The National Police of the Philippines has been accused of discrimination, violence and false arrests of young Pride protesters.<sup>196</sup>

Young human rights defenders who spoke to Amnesty International explained how misogyny and gender-based discrimination affect their day-to-day lives.

Alex, 20, an LGBTI activist who started posting about LGBTI rights in 2021 and is an active member of the LGBTI student organization UP Babaylan, said: “We really have a very distinct experience with hate speech, with discrimination, precisely because a big part of our existence is still left unrecognized. It’s still left unwanted and for a lot of people our existence is just a mere cosplay. It’s just a mere presentation, when in fact this is our lived experience.”<sup>197</sup>

Reflecting on red-tagging of LGBTI activists, Alex added that in the context of the new Anti-Terror Act, “a lot of people have equated our advocacy for gender equality as a form of inciting terrorism”,<sup>198</sup> leading his organization to take a “gentler approach” compared with the “fierce” advocacy they used to engage in and that this was “counterproductive”. Alex explained that not all members of the group felt comfortable identifying themselves as “activists” or “advocates” and not all felt comfortable publicly speaking out about LGBTI issues in the context of rampant online harassment and red-tagging.

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192 The Fuller Project, “‘I’m scared every damn day’: In the Philippines, violence shadows trans lives”, 7 January 2021, <https://fullerproject.org/story/im-scared-every-damn-day-in-the-philippines-violence-shadows-trans-lives/>

193 Bulatlat, “UN Human Rights Committee urges Philippine government to stop red-tagging”, 9 November 2022, <https://www.bulatlat.com/2022/11/09/unhrc-stop-red-tagging/>

194 Time, “Southeast Asia’s Most Gay-Friendly Country Still Has No Law Against LGBT Discrimination”, 30 June 2023, <https://time.com/6290762/philippines-pride-lgbt-discrimination-sogie-equality-bill/>

195 Human Rights Watch, “Philippines: LGBT Students Face Bullying, Abuse”, 21 June 2017, <https://www.hrw.org/news/2017/06/21/philippines-lgbt-students-face-bullying-abuse>

196 ABS-CBN, “Detention, misgendering, sexual violence: The case of Pride 20”, 30 June 2021, <https://news.abs-cbn.com/news/06/30/21/pride-month-2021-lgbtq>

197 Remote interview, 12 March 2024. Amnesty International has documented persistent discrimination of LGBTI people in the Philippines, including deadly violence against trans people. There are currently no avenues for legal gender recognition in the Philippines. Amnesty International, *Pandemic or not, we have the right to live*, 14 November 2022, <https://www.amnesty.org/en/latest/news/2022/11/asia-pacific-pandemics-transgender-rights/>

198 Quote edited for clarity.

Alex observed that the harassment faced by many fellow LGBTI activists, including hateful messages, threats and misgendering, had a wider impact on the activist collective with the emotional and mental toll of such harassment being borne by the group. This testimony echoed the 2017 findings of the Special Rapporteur on the right to health on the close interconnection between discrimination and harms to affected people's mental health. Discrimination and incitement to hatred deeply affect people's relationships, deny them the supportive environment needed to maintain their well-being and mental health and create barriers to seeking help and support. In legitimizing and spreading TfGBV, the Philippine State is denying targeted young activists' right to health.

Meanwhile, even progressive student organizations and activist groups do not always present safe spaces for women and LGBTI people. Julie, a 24-year-old queer activist based in Manila, observed that "there's a lack of intersectional care even within [rights/social] movements" in the Philippines, adding that other student organizations "would sometimes belittle LGBTIQ organizations because they would think that gender is superficial, or that it just isn't the primary source of struggle for most Filipinos".<sup>199</sup>

Nora, a 25-year-old activist, similarly voiced frustrations with often male-led progressive youth organizations dismissing women's voices and disregarding issues relating to gender equality. "Women activists experience another layer of threats and oppression just because we are women. Women's work or care work is underpaid, undervalued, unrepresented. So, women, queer and LGBTI human rights activists face another layer of issues on top of their human rights threats."<sup>200</sup>

Daniel, an environmental activist from Negros Occidental, pointed to challenges faced by young activists in the province, who simultaneously battle economic inequality, the already apparent impact of climate change on the Philippines, the challenge of making concerns from the provinces heard in national conversations, the dismissive stance of many observers towards young people's concerns and intersectional forms of discrimination.<sup>201</sup>

Whilst these challenges are connected and mutually reinforcing, activists like Julie and Nora feel that their struggles for equality are instead too often deprioritized and dismissed even by fellow activists, reflecting wider societal issues of discrimination and harassment and adding to the personal cost attached to their struggle for human rights.

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199 Interview held in Manila on 11 March 2024.

200 Remote focus group discussion with four activists who are all active in the same human rights collective, held on 12 March 2024.

201 Remote focus group discussion with four activists who are all active in the same human rights collective, held on 12 March 2024.



# 6. STATE HUMAN RIGHTS MECHANISMS WITHOUT TEETH

A closer look at the remedies available to targeted young human rights defenders reveals the shortcomings of existing human rights protection mechanisms paired with large gaps in terms of domestic legal protections, in addition to state actors' deliberate attacks on human rights defenders and the institutions that are meant to protect them.

The Commission on Human Rights (CHR) acts as the central independent constitutional body with investigatory powers in relation to grievance reports by human rights defenders. It publishes regular reports on the situation of human rights defenders in the country and has repeatedly spoken out about the threat posed by red-tagging.<sup>202</sup> Many of the young human rights defenders to whom Amnesty International spoke have filed cases with the CHR, but voiced frustrations with the bureaucratic process, in which they put little faith of securing clear outcomes or long-term change. The CHR itself has called out the lack of cooperation of state officials and government departments with its investigations into serious human rights violations, especially in the context of the “war on drugs”.<sup>203</sup> When calling for a charter to clarify and extend its mandate and to ensure its political and financial independence, CHR’s leadership acknowledged that it was at times seen as a “toothless tiger”.<sup>204</sup>

Speaking to Amnesty International, human rights groups criticized CHR for failing to take a victim-centric approach.<sup>205</sup> Some argued that staff in certain regional offices lacked capacity or interest to clearly hold state actors to account, at times failing to make use of their constitutional powers for example to visit military detention camps without waiting for permission from the military authorities.<sup>206</sup> CHR itself has said that it lacks capacity, training and powers to investigate online red-tagging.<sup>207</sup> CHR told Amnesty International that it “sees significant potential for an expansion of its mandate and powers in investigating human rights violations, including red-tagging, through proposed legislative measures in both the House of Representatives and the Senate”, which would “broaden the CHR’s mandate by explicitly granting it the authority to investigate not only violations of civil and political rights but also

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202 Commission on Human Rights, “Statement of the Commission on Human Rights on the attempt to trivialize and justify the dangers of red-tagging”, 11 April 2022, <https://chr.gov.ph/statement-of-the-commission-on-human-rights-on-the-attempt-to-trivialize-and-justify-the-dangers-of-red-tagging/>; Commission on Human Rights “Report on the situation of human rights defenders”, 2020, <https://chr2bucket.storage.googleapis.com/wp-content/uploads/2020/07/08165055/CHRP-2020-Report-on-the-Situation-of-Human-Rights-Defenders.pdf>

203 Rappler, “More power, independence: Can a charter give CHR more teeth?”, 26 September 2023, <https://www.rappler.com/newsbreak/in-depth/things-to-know-commission-human-rights-own-charter-more-power-independence-teeth/>

204 Rappler, “More power, independence: Can a charter give CHR more teeth?”, 26 September 2023, (previously cited).

205 Research interview, Manila, 12 March 2024.

206 Research interview, Manila, 12 March 2024; research interview, Laguna, 16 March 2024; focus group discussion with young HRDs, Baguio, 9 March 2024.

207 Rappler, “Red-tagging cases mount in Cordillera despite court order, CHR resolution”, 12 December 2021, <https://www.rappler.com/philippines/red-tagging-cordillera-despite-court-order-commission-human-rights-resolution/>

economic, social, and cultural rights. This expansion would allow the CHR to comprehensively address a wider range of human rights concerns, including complex issues like red-tagging, which often involve multiple dimensions of rights violations.”<sup>208</sup>

Although CHR’s powers are ultimately limited in the current situation, interviewees did underline the value of public findings of human rights violations by CHR, for instance in filing for writ of amparo in the courts to secure a protective order against state security forces.<sup>209</sup> Baguio-based youth activists for instance told Amnesty International how filing such a case had led to a respite from red-tagging attacks when the court ordered local police to refrain from publishing any red-tagging materials, though they eventually increased again over the course of the year.<sup>210</sup>

President Marcos Jr. has sought to portray himself as a more rights-respecting leader, part of which was the announcement in May 2024 of a new “super body to champion human rights”.<sup>211</sup> Amnesty International has criticized the move as “a superfluous addition to an already convoluted justice system” and warned about the composition of the Special Committee,<sup>212</sup> given that it includes government agencies, which have contributed to the very human rights violations, which the body is meant to address:

“A “super body” with no political will or decision-making authority will only result in issues being entangled in a web of red tape and get lost in the maze of bureaucratic confusion. Addressing a human rights crisis does not need window-dressing, true change needs to be more than just a facelift.”<sup>213</sup>

At the heart of this necessary change is the call for binding legal protections for human rights defenders at risk, which could institute a mechanism to issue protection mechanisms when individuals face threats and attacks due to their work defending human rights. Different draft versions of the Human Rights Defenders Protection bill, which would provide for such mechanism, have been in discussion for years.<sup>214</sup>

In essence, the law aims to strengthen the legal framework for the protection of the right to defend human rights, emphasizing the obligations of the State in protecting and fulfilling the rights and freedoms attached to it, including the duty of government and state officials not to engage in red-tagging or unlawful surveillance, subject to legal penalties in case of violations. Precedents for the law at the national level have been set by several city councils that have passed local ordinances acknowledging the legitimacy of human rights advocacy and implementing protection mechanisms for human rights defenders. Another local ordinance to this effect is undergoing public consultation in Baguio City at the time of writing.<sup>215</sup>

The official response by the Commander of the Joint Task Group (JTG) Baguio and representative of the Armed Forces of the Philippines to the consultation, in which he decried the ambiguity of the

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208 Written response from CHR, dated 21 August 2024, to research questions sent by Amnesty International.

209 Focus group discussion with youth activists, Baguio, 9 March 2024.

210 Rappler, “Baguio court orders Cordillera police to stop red-tagging youth activists”, 26 March 2021, <https://www.rappler.com/philippines/baguio-court-orders-cordillera-police-stop-red-tagging-youth-activists/>; focus group discussion with youth activists, Baguio, 9 March 2024.

211 Rappler, “Marcos creates human rights ‘super body’”, 12 May 2024, <https://www.rappler.com/philippines/marcos-creates-super-body-champion-human-rights/>

212 Civicus, “Philippines: Accountability Is the Solution to Human Rights Abuses, Not Marcos’ ‘Super Body’”, 21 May 2024, <https://www.civicus.org/index.php/media-resources/news/7043-philippines-accountability-is-the-solution-to-human-rights-abuses-not-marcos-super-body>

213 Amnesty International, “HR super body superfluous, Amnesty urges Marcos to adhere to UN recommendations”, 12 May 2024, <https://www.amnesty.org.ph/2024/05/hr-super-body-superfluous-amnesty-urge-president-to-adhere-to-un-recommendations/>

214 Amnesty International, “Human Rights Defenders Protection (HRDP) Bill Salient Points”, 12 April 2024, <https://www.amnesty.org.ph/2024/04/hrdp-bill-salient-points/>

215 Good Morning Baguio, “Baguio City’s battle: human rights defenders vs. military opposition”, 14 May 2024, <https://goodmorningbaguio.com/baguio-citys-battle-human-rights-defenders-vs-military-opposition/>

term “human rights defender” and reportedly argued that members of the Philippine Army should be considered HRDs, underscores the need for clear legal boundaries to state actors’ interference with human rights activism and effective penalties to ensure observance of such a law.<sup>216</sup>

Many of the human rights defenders whom Amnesty International interviewed for this report felt that a holistic and long-term solution to the profound insecurity they face requires broader societal change, including a peace agreement and the cessation of the conflict between the Philippine State and the New People’s Army. They argued that the conflict was a symptom of the stark economic inequality prevailing in the Philippines and that without addressing the root causes and the militarization accompanying the conflict in many provinces, human rights advocacy would continue to suffer and be equated with support for the NPA.

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216 Good Morning Baguio, “Baguio City’s battle: human rights defenders vs. military opposition”, 14 May 2024, (previously cited).

# 7. FACEBOOK'S ROLE IN SPREADING AND AMPLIFYING RED-TAGGING AND HARASSMENT

*“It's very difficult to demand accountability because they [Meta] would just say “we have community guidelines”. But how do we hold anyone accountable for these red-tagging posts?”<sup>217</sup>*

Miguel, 26-year-old youth activist, Baguio

## 7.1 META'S HUMAN RIGHTS DUE DILIGENCE AROUND RED-TAGGING IN THE PHILIPPINES

The focus of this report is on the State's role in creating a hostile climate for young human rights activists in the Philippines, which is further having a chilling effect across society. This research would be incomplete, however, without a closer look at the digital environment, in which state actors use non-state-owned mediums to directly broadcast and amplify their messages to constituents and influence public discourse and opinion in a way that can lead to human rights violations.

Meta's Facebook platform is the leading social media network in the Philippines, with 95% of social media users logging into Facebook each month, compared for example with 52% logging into X, formerly known as Twitter.<sup>218</sup> Estimates of the number of Facebook users in the Philippines vary, with different sources counting between 84 to 95 million profiles (with the possibility of one

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217 Focus group discussion with youth activists, Baguio, 9 March 2024.

218 Meltwater, “Social Media Statistics in the Philippines [Updated 2024]”, 3 May 2024, <https://www.meltwater.com/en/blog/social-media-statistics-philippines>

user maintaining multiple profiles) in 2022.<sup>219</sup> 87 million individuals are estimated to be using the internet in the Philippines in 2024.<sup>220</sup> Meta's dominance in the market has its roots in its "Free Basics" initiative, through which Meta and local mobile providers offered free access to a limited number of web services, connecting many as yet unconnected Filipinos to the internet and effectively turning Facebook into the default gateway to the internet in the process.<sup>221</sup> Facebook founder Mark Zuckerberg called the initiative a "home run" at a conference in 2014.<sup>222</sup>

Facebook now plays a central role in almost every aspect of many peoples' lives in the Philippines, from connecting with friends and family to seeking entertainment, consuming news media and finding products to buy, leading people in the Philippines to spend an average of three-and-a-half hours across different social media platforms every day. Whilst many of the young people Amnesty International interviewed increasingly also use platforms like Instagram and TikTok, which they associate more closely with their generation, Facebook remains an indispensable platform in daily life and is seen as a critical platform for advocacy due to its wide reach. This also makes Facebook a main digital vehicle for red-tagging and online harassment.

### **7.1.1 FACEBOOK'S HUMAN RIGHTS IMPACT ASSESSMENT IN THE PHILIPPINES IDENTIFIES RED-TAGGING AS AN URGENT AND SEVERE THREAT**

As part of its human rights due diligence efforts, Meta commissioned a human rights impact assessment (HRIA) by the consulting firm Article One in 2020. While the full HRIA is not publicly available online and was not shared with Amnesty International despite requests, excerpts found online echo the findings of Amnesty International's interviews with young activists:

"Of particular importance for Meta in the Philippines is the degree to which its platforms expand the dissemination and reach of speech that incites hatred and violence. During the assessment, stakeholders largely reported the involvement of government officials—whether directly posting on Facebook, making statements through official government Facebook pages, or being quoted in news articles—in inciting violence. According to OHCHR, statements by Duterte and other political leaders amounted to "incitement to violence." [...] Many HRDs engaged by Article One reported being attacked on Facebook with threats of death and rape. One powerful tool is the tactic of "red-tagging" HRDs who have been critical of the administration's human rights abuses."<sup>223</sup>

In a 2021 update of the HRIA based on research on the impact of the Covid-19 pandemic, published as part of the publicly available executive summary, Article One further states that "[r]esearch on 20 red-tagging cases in 2020 and 2021 conducted by Article One and Meta did not find conclusive evidence that red-tagging on Facebook, alone, is correlated with imminent arrest or murder. However, the killings of several individuals that had been red-tagged both online and offline indicates that red-tagging remains an urgent and severe threat to HRDs and one that can infringe on the right to life and security of person."<sup>224</sup>

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219 Datareportal, "Digital 2022: The Philippines", 15 February 2022, <https://datareportal.com/reports/digital-2022-philippines> and NapoleonCat stats, "Facebook users in Philippines", January 2022, <https://napoleoncat.com/stats/facebook-users-in-philippines/2022/01/>

220 Meltwater, 3 May 2024, (previously cited).

221 Article One, "Assessing the human rights impact of Meta's Platform in the Philippines", 2020/2021, (previously cited).

222 BuzzFeed, "How Duterte Used Facebook To Fuel The Philippine Drug War", 4 September 2018, <https://www.buzzfeednews.com/article/daveyalba/facebook-philippines-dutertes-drug-war>

223 Article One, "Assessing the human rights impact of Meta's Platform in the Philippines", Executive summary published by Meta, 2020/2021, (previously cited).

224 Article One, 2020/2021, (previously cited), p. 14.

In relation to online surveillance, Article One's HRIA further explains that "HRDs engaged by Article One reported that their online activity was being monitored by government agents who used the information to raid offices and bring staff in for questioning. One HRD interviewed by Article One expresses the increasing nature of this pattern: "Each day, we see more and more cases of people being picked up by police because they have posted their opinion on Facebook."<sup>225</sup>

Recognizing the severity of these human rights risks, Article One's HRIA recommended that Meta "[i]ncrease capacity to address red-tagging, including: building awareness among local civil society of Meta's red-tagging policies, expanding the trusted partner program, and taking steps to review red-tagged content in a timely manner, consistent with the threat of life."<sup>226</sup>

## 7.1.2 META'S RESPONSE TO ITS HUMAN RIGHTS IMPACT ASSESSMENT ON FACEBOOK IN THE PHILIPPINES

Meta issued two public responses to its HRIA in 2021 and 2023. In its 2021 response, Meta acknowledged the presence of red-tagging on its platform and responded to Article One's HRIA recommendations:

"We seek to continue our strong work prohibiting content that targets specific at risk groups, including red-tagging. The latter is an adversarial practice with constantly evolving dynamics, present across the entire media ecosystem. We will continue to adapt our handling practices as content dynamics evolve."<sup>227</sup>

Meta's broad response falls short of its responsibility to respect human rights under international human rights standards, which require companies to provide clear and transparent public information on how the company addresses the identified risks posed by red-tagging, including information on the relevant content moderation standards and its human content moderation capacities, how affected HRDs can report and seek removal of red-tagging posts and how content moderation decisions can be challenged. As the International Commission of Jurists points out in its analysis of Meta's response to the Article One HRIA: "Meta's response, however, stopped short of implementing the Rabat Plan of Action's six-part test into their policies, with Meta citing that it was "operationally infeasible". Further, Meta's response was conspicuously silent on its efforts to increase its capacity to review red-tagged content in a timely manner in line with human rights law and standards."<sup>228</sup> Meta's response thus remained superficial, falling short of concrete information and commitments on specific steps to address the identified risks to human rights in a manner consistent with the UN Guiding Principles.

Two years later, in 2023, Meta provided an update on its progress in implementing Article One's recommendations and marked its work to "increase capacity to address red-tagging" as "complete", stating:

"We seek to continue our strong work prohibiting content that targets specific at-risk groups, including red-tagging. Since 2019, Meta has reviewed and enforced upon content threatening and accusing individuals of being communist ("red-tagging") as a violation of our Coordinating Harm & Promoting Crime Policy [...] In 2022, we briefed members of the Armed Forces of the Philippines about Meta's Community Standards and also provided a digital literacy session focused on critical thinking online."<sup>229</sup>

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<sup>225</sup> Article One, 2020/2021, (previously cited), p. 7.

<sup>226</sup> Article One, 2020/2021, (previously cited), p. 15.

<sup>227</sup> Meta, "Meta Response: Philippines Human Rights Impact Assessment", December 2021, [https://about.fb.com/wp-content/uploads/2021/12/Meta-Response\\_Philippines-Human-Rights-Impact-Assessment.pdf](https://about.fb.com/wp-content/uploads/2021/12/Meta-Response_Philippines-Human-Rights-Impact-Assessment.pdf), p. 34.

<sup>228</sup> ICJ, "Danger in Dissent: Counterterrorism and Human Rights in the Philippines", January 2022, [https://icj2.wpenginepowered.com/wp-content/uploads/2022/01/ICJ\\_PhilippinesRedTagging\\_270122.pdf](https://icj2.wpenginepowered.com/wp-content/uploads/2022/01/ICJ_PhilippinesRedTagging_270122.pdf)

<sup>229</sup> Meta, "Meta Update: Philippines Human Rights Impact Assessment", September 2023, <https://humanrights.fb.com/wp-content/uploads/2023/09/September-2023-Philippines-HRIA-Meta-Update.pdf>, p. 26.

Amnesty International asked Meta in a research letter sent in July 2024 if the company had taken additional mitigation measures, to which the company responded by pointing to further information from the aforementioned 2023 progress update on initiatives to support human rights defenders, including a change to the Bullying and Harassment Policy extending unspecified greater protections to human rights defenders and journalists against bullying and harassment compared with public figures as well as training support to the fact-checking community and the launch of a “Human Rights Defenders’ and Journalists’ Fund”. It is unclear however how these initiatives address the core issue of the threat posed by red-tagging posts and ads shared and amplified on Facebook.

As Amnesty International’s interviews with human rights defenders and civil society organizations underline, cited in more detail below, their lived reality contrasts sharply with Meta’s assessment of its progress. Meta may state that it has increased its capacity to address the human rights risks posed by red-tagging, but affected human rights defenders report that red-tagging posts remain common, and that flagging red-tagging does not necessarily lead to the removal of such posts. Explicitly asked about removal rates by Amnesty International, Meta also stated that it does not “collect and report removal rates of “red-tagging” content (which might violate multiple policies)”,<sup>230</sup> indicating that the company does not track the effectiveness of a key risk mitigation measure.

### 7.1.3 COMMUNITY GUIDELINES AND CONTENT MODERATION

Community guidelines are internally developed standards detailing what content is permitted on a social media platform, acting as a corporate rulebook, enforced through a platform’s content moderation processes. They are often drafted to reflect the specificities of the platform in response to various domestic political or legal concerns, reputational concerns, and of course a desire to maximize profit as social media companies as advertising businesses rely on growing customer and audience numbers. They may nonetheless also be one means through which social media platforms can fulfil their responsibility to respect human rights, particularly the human rights to freedom of expression, security of person and the right to non-discrimination. To fulfil this responsibility, community guidelines should be clearly aligned with international human rights law to ensure that content moderation neither fails to address potential threats to human rights, nor contributes to undue restrictions of the right to freedom of expression.

The content moderation process, through which these guidelines are enforced, should also be consistent and adequate in addressing the threat to human rights in a timely manner, which is proportionate to the threat, to which an individual or group is being exposed. In practice, however, largely automated content moderation processes are often inadequate in addressing these challenges, as they fall short of human moderators’ ability to take nuance, intention and the context of a post into consideration.<sup>231</sup> Meta’s “Community Standards Enforcement Report” for instance reveals that, in the second quarter of 2024, 96% of content violating the platform’s community standards on “hate speech” was proactively detected by Meta, rather than identified through user reports, relying on machine learning tools to detect and remove this content, which Meta says it balances with (unspecified levels of) human review.<sup>232</sup> More specific data on content moderation in the European Economic Area, made available by Meta to comply with requirements under the EU’s Digital Services Act, shows that 2.6 million out of the total 2.8 million pieces of content deemed to violate Facebook’s “hate speech” guidelines between April and September 2023 were removed by automated tools, rather

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<sup>230</sup> Meta’s response dated 15 August 2024 to a research letter sent by Amnesty International on 24 July 2024.

<sup>231</sup> The Markup, “How Automated Content Moderation Works (Even When It Doesn’t)”, 1 March 2024, <https://themarkup.org/automated-censorship/2024/03/01/how-automated-content-moderation-works-even-when-it-doesnt-work>

<sup>232</sup> Meta, “Community Standards Enforcement Report: Hate Speech”, 2024, <https://transparency.meta.com/reports/community-standards-enforcement/hate-speech/facebook/> (accessed on 29 August 2024).

than human content moderators.<sup>233</sup> Whilst social media companies laud this trend towards ever greater automation as a success, it likely also raises error rates and incentivizes companies to divest resources away from the more costly human content moderation, which enables a more nuanced analysis of content and its context, especially in less commonly spoken languages, for which fewer or no high-quality automated tools exist.<sup>234</sup>

Whilst Meta has not disclosed how many content moderators work on content in languages spoken in the Philippines, previous disclosures of the number of content moderators working in a given language other than English, and notably in conflict-affected regions, have shown that Meta has repeatedly failed to ensure adequate staffing levels in proportion to the risks of the unmoderated amplification of content and especially of posts that constitute advocacy of hatred.<sup>235</sup> Amnesty International wrote to Meta in August 2024 to ask how many content moderators it has working in languages spoken in the Philippines. In its response, Meta said that the company has content moderation capacity for

human review in Cebuano and Filipino, two of the most commonly spoken native languages, though representing just two out of some 170 languages spoken in the Philippines.<sup>236</sup> Other major languages such as Ilocano, spoken for instance in Baguio City and Northern Luzon, where some of the research for this report took place, are thus not covered by any content moderators employed to conduct reviews of content on Facebook. Meta added that it “leverage[s] a combination of technology and human review teams to detect and enforce on content that violates our policies.”<sup>237</sup> Meta did not disclose the number of content moderators employed who speak Cebuano and Filipino when asked about it in Amnesty International’s research letter.



Example of a red-tagging Facebook post reported by Karapatan, which remains visible on the platform. The post portrays Karapatan and other civil society and political groups as part of a “terrorist” recruitment pipeline.

233 Meta, “Regulation (EU) 2022/2065 Digital Services Act Transparency Report for Facebook”, 27 October 2023, <https://transparency.meta.com/sr/dsa-transparency-report-oct2023-facebook>

234 The Markup, “How Automated Content Moderation Works (Even When It Doesn’t)”, 1 March 2024 (previously cited); Thomson Reuters Foundation, “Online content moderation: Can AI help clean up social media?”, 20 December 2021, <https://news.trust.org/item/20211217152644-0521/>; Udupa, Maronikolakis and others, “Ethical scaling for content moderation: Extreme speech and the (in) significance of artificial intelligence”, *Big Data and Society*, <https://journals.sagepub.com/doi/full/10.1177/20539517231172424>

235 Amnesty International, *The social atrocity: Meta and the right to remedy for the Rohingya* (Index: ASA 16/5933/2022), 29 September 2022, (previously cited); Amnesty International, 14 December 2022, “Kenya: Meta sued for 1.6 billion USD for fueling Ethiopia ethnic violence”, <https://www.amnesty.org/en/latest/news/2022/12/kenya-meta-sued-for-1-6-billion-usd-for-fueling-ethiopia-ethnic-violence/>

236 Ethnologue, “Republic of the Philippines”, <https://www.ethnologue.com/country/PH/> (accessed on 30 August 2024).

237 Meta’s response dated 15 August 2024 to a research letter sent by Amnesty International on 24 July 2024.



## 7.1.4 CIVIL SOCIETY ENGAGEMENT IN CONTENT MODERATION AND HUMAN RIGHTS DUE DILIGENCE

In its response to Amnesty International's research letter, Meta did disclose that it has not commissioned any "additional stand-alone rights assessment" since the 2021 Human Rights Impact Assessment but maintained that the company "conduct[s] ongoing human rights due diligence, which can take many forms. We engage regularly with civil society, including Trusted Partners who bring local context to our policies and processes and have a special channel for reporting problematic content."

The response provided a list of activities that Meta undertakes periodically but lacked any specificity that could demonstrate human rights due diligence as set out in international business and human rights standards including the UN Guiding Principles on Business and Human Rights. The continuing high level of threats reported by human rights defenders and Meta's own publication of further takedowns of networks of "coordinated inauthentic behaviour" in 2022<sup>238</sup> underline the urgent need for regular in-depth risks assessments and greater transparency in relation to how human rights risks are identified and mitigated.

Meta's 2021 response to Article One and the 2023 update also pointed to the company's ongoing work with its "Trusted Partner Network" of civil society organizations as well as its implementation of an online security training programme for human rights defenders as key due diligence measures. Activists and some of the young HRDs told Amnesty International that they had spoken to representatives of Meta to advocate for more effective responses than these from the company to red-tagging and related threats. And yet these activists all voiced their frustrations about what they see as continued failures of content moderation, inadequate responses to reports from civil society organizations and a lack of cooperation in identifying the originators of red-tagging posts.<sup>239</sup>

Karapatan shared with Amnesty International in July 2024 that 41% of the red-tagging posts reported by the organization since 2020 remained on the platform, despite its elevated status as a well-known human rights organization with prior contact with Meta.<sup>240</sup>

Numerous human rights defenders interviewed by Amnesty International bemoaned the futility of reporting red-tagging and harassment incidents in addressing the systemic problem.<sup>241</sup> A young Baguio-based HRD explained that even organized collective mass reporting events held by a group of young activists had not led to a marked difference in red-tagging attacks: "We tried reporting these pages, but it just doesn't stop."<sup>242</sup>

Amnesty International asked Meta about the volume and rate of removal of flagged red-tagging posts in a research letter, to which Meta responded:

*"We assess allegations of red-tagging against a number of policies, including our Coordinating Harm and Promoting Crime policy. Under that policy, we will remove content that exposes the identity of someone who is alleged to be a member of an 'at-risk' group, where these allegations could lead to real life harm. As such, we do not collect and report removal rates of "red-tagging"*

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238 Meta, "Meta's Adversarial Threat Report, First Quarter 2022", 7 April 2022, <https://about.fb.com/news/2022/04/metas-adversarial-threat-report-q1-2022/>; Meta, "Meta's Adversarial Threat Report, Second Quarter 2022", 4 August 2022, <https://about.fb.com/news/2022/08/metas-adversarial-threat-report-q2-2022/>

239 Research interview, Manila, 12 March 2024 and focus group discussion with seven young activists between the ages of twenty-two and twenty-six held in person in Baguio City on 9 March 2024.

240 Karapatan shared evidence of red-tagging posts, which were flagged by the organization since 2020 but Meta failed to remove, with Amnesty International researchers.

241 Research interview, Manila, 2 March 2024; research interview, Baguio, 9 March 2024; research interview, Manila, 12 March 2024, remote research interview, 13 March 2024, two separate focus group discussions with young HRDs in Baguio, 9 March 2024.

242 24-year-old male participant in focus group discussion with young HRDs in Baguio, 9 March 2024.

*content (which might violate multiple policies). We can say that the volume of red-tagging reports coming from partners has decreased from 2022 (compared to previous years).<sup>243</sup>*

It is unclear what prompted the decrease in reports from partners and whether there is any correlation with the number of red-tagging posts targeting human rights defenders. Given the frustration voiced by many activists who spoke to Amnesty International about their experiences of reporting red-tagging posts on Facebook, the decrease could also be a symptom of civil society partners' diminishing trust in the content moderation process.

As Meta's own investigation and takedown operation of fake accounts with links to the Philippine military in 2020 demonstrates, human rights defenders have been confronted with a state-sponsored campaign of disinformation and harassment,<sup>244</sup> which has legitimized and likely encouraged further attacks from people who have seen such posts on Facebook, blending coordinated and "organic" attacks into an ecosystem of ongoing tech-facilitated violence, which Meta is failing to address.

In addition to failing to moderate red-tagging posts quickly and effectively, Meta may also have over-moderated and falsely flagged student media reporting relating to the New People's Army, according to two former editors of college publication Sinag, in a further example of the negative impact of inadequate content moderation that has hindered young people's right freedom of expression. The young editors told Amnesty International that their reporting on a rally, at which pro-NPA posters could be seen, appears to have led to a month-long suspension of Sinag's Facebook page and a marked long-term decline in reach.<sup>245</sup> In January 2023, two further student publications reported takedowns of their reporting in the wake of the death of CPP founder Jose Maria Sison.<sup>246</sup> In response to an Amnesty International research letter, Meta said that there were "currently no restrictions" on the student media's pages and that they were "unaware of having received any reports from these groups or civil society partners regarding these pages" but that "automated systems are imperfect and may flag non-violating content inadvertently".<sup>247</sup>

## 7.2 RED-TAGGING ADS ON FACEBOOK

Amnesty International also reviewed advertisements approved and published by Meta on its Facebook platform through Meta's Ad Library. Meta says that "[b]efore your ads run on Facebook or Instagram, we review them against Meta Advertising Standards. After you've created or edited an ad, the review process will start automatically."<sup>248</sup> Meta's "Community Standards serve as a baseline for [Meta's] ads policies" and are thus the basis on which ads are approved or rejected and removed.<sup>249</sup> According to its own information material, Meta "relies primarily on automated technology" to review advertisements, although it does "use human reviewers to improve and train our automated systems, and in some cases, to manually review ads."

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243 Meta's response dated 15 August 2024 to a research letter sent by Amnesty International on 24 July 2024.

244 Facebook, "Removing Coordinated Inauthentic Behavior", 22 September 2020, (previously cited).

245 Research interviews with two former student journalists, Manila, 11 March 2024.

246 Interaksyon, "'Chilling effect': Student publications slam troll attacks, censorship on Joma Sison death coverage", 6 January 2023, <https://interaksyon.philstar.com/trends-spotlights/2023/01/06/239143/student-publications-slam-troll-attacks-censorship-joma-sison-death-coverage/>

247 Meta's response dated 15 August 2024 to a research letter sent by Amnesty International on 24 July 2024.

248 Meta, "Meta Business Help Centre: About ads in review", accessed on 20 June 2024, <https://www.facebook.com/business/help/204798856225114?id=649869995454285>

249 Meta, "Policy details: Community Standards", <https://transparency.meta.com/en-gb/policies/ad-standards/community-standards/>, accessed on 20 June 2024.

Yet civil society researchers have repeatedly shown Meta’s ad review process to be dysfunctional, posing serious risks to human rights. The Myanmar military was allowed to “make use of Facebook’s boosting and ad features” during the 2017 atrocities against Rohingya Muslims.<sup>250</sup> In 2022, Global Witness found that Facebook approved ads inciting violence against US election workers<sup>251</sup> and in 2023, Ekō documented how Meta approved ads targeted at European Facebook that incited violence against politicians and called “for synagogues to be burnt”.<sup>252</sup>

Amnesty International has found evidence of similar failures of corporate due diligence in the high-risk context of the Philippines. For as little as PHP 100-199 (equivalent to USD 1.70-3.40), one account engaging in red-tagging through Facebook ads was able to reach audiences of up to six to seven thousand Facebook users at a time.<sup>253</sup> The below example shows an ad that clearly ‘terrorist-tags’ multiple political parties, including Kabataan, a party founded by numerous youth groups at the University of the Philippines that represents youth interests and currently holds a seat in the House of

Representatives, and Gabriela women’s party, a progressive party advocating for women’s interests. The ad was run on seven separate occasions by an account that is registered as belonging to a non-profit organization.

Another ad run by the same account and approved in March 2022 shows a photo of the mayor of Baguio, Benjamin Magalong, together with former Kabataan youth representative in the House of Representatives, Sarah Elago, brandishing the mayor a “traitor” and “mayor for CPP-NPA-NDF”. The mayor had been accused of “giv[ing] cover” to a “CPP NPA NDF front” by the NTF-ELCAC in a Facebook post published days before this ad was run, after he ordered police to remove red-tagging banners in the city. The NTF-ELCAC post was in turn reposted by a police officer that same day accompanied by a hardly veiled call to kill the mayor.<sup>254</sup> Sarah Elago has also been a regular target of red-tagging as a youth representative and outspoken critic of then President Duterte, attracting 14,000 Facebook posts mentioning her name in conjunction with the NPA in 2020 alone.<sup>255</sup>



 Screenshots of red-tagging ads approved by Meta.

250 Victoire Rio, 2020, “The Role of Social Media in Fomenting Violence: Myanmar”, cited in Amnesty International, *The social atrocity: Meta and the right to remedy for the Rohingya* (Index: ASA 16/5933/2022), 29 September 2022, <https://www.amnesty.org/en/documents/asa16/5933/2022/en/>

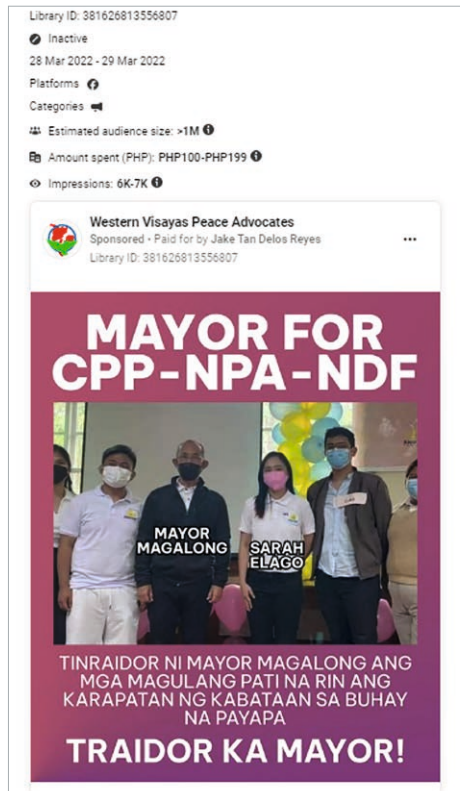
251 Global Witness, “Facebook failed to detect death threats against election workers ahead of US midterm elections”, 1 December 2022, <https://www.globalwitness.org/en/press-releases/facebook-failed-detect-death-threats-against-election-workers-ahead-us-midterm-elections/>

252 Engadget, “Meta approved hate-filled Facebook ads that called for violence in Europe”, 24 August 2023, <https://www.engadget.com/meta-approved-hate-filled-facebook-ads-that-called-for-violence-in-europe-030015537.html>

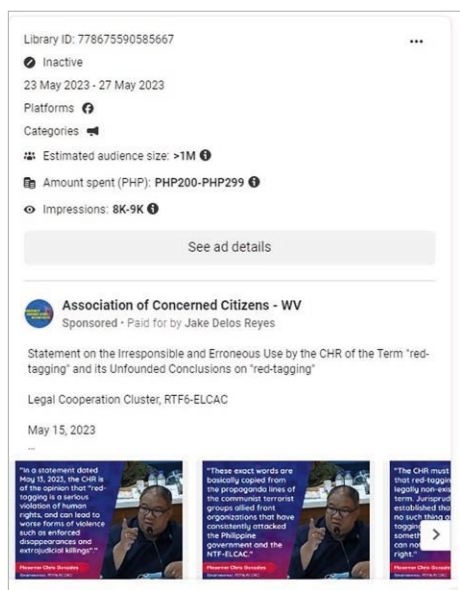
253 Meta’s Ad Library only shows individual impressions, which may not equate to the number of users, in case the same user viewed the ad multiple times.

254 Internews, “Meta’s amplification of persecution: Red-Tagging in the Philippines”, 2022, <https://internews.org/wp-content/uploads/2023/01/Red-Tagging-in-the-Philippines.pdf>

255 AFP/Inquirer, “Philippine critics in firing line of anti-communist misinformation war”, 25 February 2021, <https://newsinfo.inquirer.net/1399985/philippine-critics-in-firing-line-of-anti-communist-misinformation-war>



Screenshots of red-tagging ads approved by Meta.



The example illustrates how a prominent state actor’s red-tagging post is amplified across Meta’s platform through ads as well as unpaid content. Meta’s approval of the red-tagging ad, which evidently incites hatred and violence and poses a threat to a public official’s security, stands in clear contrast to its responsibility and public statements in relation to its efforts to address red-tagging.

A search for the specific account shows close to 150 adverts in Meta’s Ad Library. At least 23 of the approved ads claim to identify progressive groups as “terrorist front organizations”, revealing evident flaws in Meta’s ad approval mechanism. In two instances identical copies of ads run by this advertiser, which were removed because they did not follow Meta’s advertising standards, were approved on later dates.

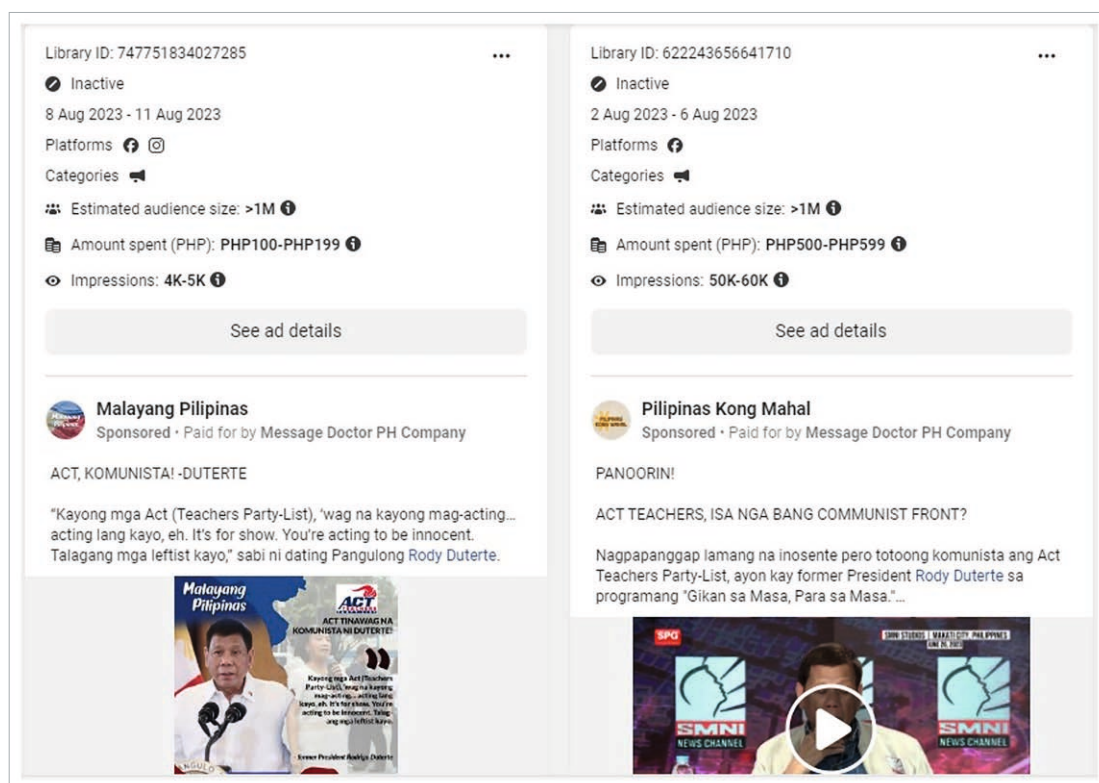
The account appears to be working in conjunction with another account, also registered as a non-profit organization, whose 66 ads were often paid for by the same person as the first account. The pattern and number of posts suggest a significant level of professionalism of the account holder.

This second account ran an ad in May 2023 amplifying a statement by the Western Visayas branch of the NTF-ELCAC accusing the Philippine Commission of Human Rights (CHR) of the “irresponsible and erroneous use” of the term red-tagging and of “cop[yl]ing] propaganda lines of the communist terrorist groups allied front organizations that have consistently attacked the Philippine government and the NTF-ELCAC”, thus red-tagging unnamed human rights groups within their very dismissal of CHR’s criticism of state actors’ red-tagging.

In another example of what appears to be coordinated activity across multiple Facebook accounts whose ads were paid for by the same organization, ads amplified former President Duterte’s statements, including on online television network SMNI, in which he red-tagged the teachers’ organization and party list ACT. One of the approved ads, which includes the word “communist front”, an easily recognizable term associated with red-tagging, reached fifty to sixty thousand impressions within five days at a cost of PHP 500-599 (around ten US dollars). SMNI’s television

programme “Gikan Sa Masa, Para Sa Masa”, included in one of the ads below, was suspended by the media regulator, the Movie and Television Review and Classification Board (MTRCB), in December 2023 after Duterte twice threatened the ACT teachers representative France Castro on air.<sup>256</sup>

256 Rappler, “MTRCB suspends SMNI shows of Duterte, Badoy following probe into violations”, 19 December 2023, <https://www.rappler.com/philippines/mtrcb-suspends-smni-shows-rodrigo-duterte-badoy-december-2023/>



Screenshots of red-tagging ads on Facebook approved by Meta

These examples provide further evidence that instead of addressing what Article One identified as “an urgent and severe threat to HRDs”<sup>257</sup> in 2020/2021, Meta’s failing ad approval mechanisms and its lack of adequate human rights due diligence in line with international standards have turned Facebook into an enabling environment for state officials to harass, intimidate and threaten human rights defenders.

## 7.3 FACEBOOK’S FAILING HUMAN RIGHTS DUE DILIGENCE POSES UNACCEPTABLE RISKS TO HRDS

The evidence Amnesty International gathered for this report through its analysis of state actors’ Facebook activity and red-tagging ads as well as the documentation and testimony provided by human rights defenders show that Meta continues to fail to conduct adequate human rights due diligence on its operations in the Philippines and to mitigate the serious risks, which the platform poses for human rights activists. Based on what is publicly available, Article One’s 2020/2021 Human Rights Impact Assessment should have been a wake-up call for Meta, and yet the company’s public disclosure of how it has “completed” its implementation of the HRIA’s recommendations represents a hollow diversion from the reality of its continued failure to adequately address the removal of red-tagging posts and its active amplification of red-tagging ad content.

Meta’s prohibition of red-tagging of human rights defenders through the change of its community guidelines was a critical step in the right direction but the company appears to be failing to effectively

257 Article One, 2020/2021, (previously cited), p. 14.

enforce its own rules. Red-tagging posts, which remain on the platform despite being flagged by the target or local human rights groups, pose an unacceptable risk to the life and security of the affected person and create wider harms for whole groups and communities who are discouraged from speaking out, from participating in rallies or from seeking the help and services of targeted human rights groups. Meta's additional failure to adequately scrutinize ads and remove paid red-tagging content before the company amplifies it to thousands of Facebook users is but the latest addition to a long series of civil society investigations into Meta's amplification of threats and other content that incites violence or discrimination putting individuals at risk. Far from "complete", Meta's lacking human rights due diligence is failing young human rights defenders and contributing to the state-led human rights violations documented in this report.

Consequently, the company must urgently review its content moderation and ad approval processes to mitigate the risks and prevent further abuse, to which its amplification of threatening content contributes. Meta should show how it ensures it continuously assesses human rights risks, disclose details of its systemic risk assessment processes and findings, and dramatically increase its staff capacity in terms of content moderation in local languages in the Philippines and worldwide, addressing also the well-documented grievances related to the precarious working conditions of content moderators employed by Meta and its subcontractors.<sup>258</sup> Meta should also engage civil society groups and young human rights defenders in more meaningful dialogue about ongoing human rights risks and mitigation measures. Beyond these urgent steps, which the company should take to fulfill its corporate responsibilities to respect human rights, only a full overhaul of the current profiling-based business model of Meta and its main competitors will lead to a rights-respecting platform industry, as Amnesty International's research has repeatedly shown.<sup>259</sup>

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258 BBC, "Facebook's parent firm Meta can be sued by ex-moderator, judge rules", 7 February 2023, <https://www.bbc.co.uk/news/technology-64541944>

259 See for example Amnesty International, *Surveillance Giants: How the Business Model of Google and Facebook Threatens Human Rights* (Index: POL 30/1404/2019), 21 November 2019, <https://www.amnesty.org/en/documents/pol30/1404/2019/en>; Amnesty International, *The social atrocity: Meta and the right to remedy for the Rohingya* (Index: ASA 16/5933/2022), 29 September 2022, (previously cited); Amnesty International, *Driven into Darkness: How TikTok's 'For You' Feed Encourages Self-Harm and Suicidal Ideation*, 7 November 2023, (previously cited).

# 8. CONCLUSION AND RECOMMENDATIONS

This report has shown how the Philippine government has weaponized digital spaces and anti-terror laws for almost a decade to stifle dissent and create a climate of fear and intimidation amongst a crucial generation of young activists standing up for human rights in the Philippines. As young people took their struggle against repressive laws and economic inequality online during a global pandemic, the State, too, shifted its focus and found new ways to harass, malign and monitor young human rights defenders online. Red-tagging has become an insidious, cheap and wide-reaching form of tech-facilitated violence, which overshadows all youth activism in the country and acts as a powerful deterrent in a society that tends to equate peaceful protest with rebellion and terrorism – and in the case of young progressives with the constant threat of state violence.

Red-tagging is not mere harassment, it is a way to incite violence against human rights defenders and to suppress the right to freedom of expression. It is also deeply interlinked with gender-based violence, intersecting with multiple forms of discrimination legitimized at the highest levels of government and by high-ranking members of the Philippine Army, who have mocked and undermined the struggle for gender equality and non-discrimination and targeted young women human rights leaders for speaking out against social and economic inequalities and a repressive State. Its societal impact is far-reaching, silencing not just the immediate targets but discouraging and demoralizing those who previously dared to speak up and others who might never do so for fear of reprisals. Red-tagging affects young activists' relationships, how they conduct their activism, which organizations they join, how they post online and how they move in the public sphere. Red-tagging is also deeply harming young human rights defenders' mental health and security.

Drawing on extensive documentation by many local human rights groups and independent media organizations who are themselves regularly targeted because of their work and the testimony of dozens of young student activists and human rights defenders across the country, this report has laid out how red-tagging all too often acts as a precursor to further serious human rights violations, from unlawful surveillance to criminalization and arbitrary detention and enforced disappearances. All of these and the lack of accountability for such violations is grounded in the destructive narrative promoted by red-tagging, which is aided by the lack of effective protection for human rights defenders at risk.

The rise of online red-tagging is also deeply connected to Meta's Facebook platform, through which the company wields enormous influence over public discourse but fails to mitigate the known risks and to prevent harm to human rights defenders in the country. Amnesty International's interviews with civil society representatives and its analysis of advertising content underline how, despite frequent warnings and a human rights impact assessment in 2020/2021, which warned of the urgent risks posed by online red-tagging, the company continues to fail to fulfil its corporate responsibility to respect human rights, contributing to and creating an enabling environment for state-led human rights violations.

Even in this bleak situation, courageous young human rights defenders persist and continue to speak up for diverse causes, fighting poverty, environmental destruction, political repression and discrimination. Their calls, echoed by international human rights institutions, for the Philippine Government to finally acknowledge the essential societal value of human rights defenders, to ensure that state actors cease these attacks and to abolish the NTF-ELCAC, the presidential task force that became a relentless source of red-tagging, must urgently be heard and implemented.

Amnesty International therefore makes the following recommendations:

## **RECOMMENDATIONS TO THE PHILIPPINE GOVERNMENT:**

- End the practice of state-sponsored red-tagging immediately and cease any form of intimidation, harassment, threats or attacks by state authorities, government officials and members of the security forces against human rights defenders.
- Abolish the NTF-ELCAC, carry out a prompt, independent, impartial and transparent investigation into the practices of the task force throughout the duration of its operations, and address impunity within the NTF-ELCAC.
- Repeal the Anti-Terrorism Act and review provisions of the Cybercrime Act, especially on libel, and ensure that any counterterrorism measures are not used to suppress the rights to freedom of expression and peaceful assembly.
- Carry out a prompt, independent, impartial and transparent investigation into abuses in the application of the Anti-Terrorism Act and related laws, including the Terrorism Financing Prevention and Suppression Act, especially against human rights defenders and media workers.
- Pass the Human Rights Defenders Protection Act as a first step towards recognizing the work of human rights defenders and include among its provisions the definition and penalization of red-tagging. These new protections must be sufficiently clear so as to pre-empt any potential abuse or interpretation to the detriment of human rights defenders. Ensure effective consultation of human rights defenders, including children and young people, so that protection mechanisms respond to their needs, are effective, do no harm and incorporate an intersectional lens.
- Respect and promote media freedom, including the rights of student publications to critically and independently report on government policy and the situation of human rights defenders.
- Establish and enforce codes of conduct on public communications for officials to ensure state actors do not engage in online harassment, including the use of gendered discrimination and disinformation, against women and LGBTI human rights defenders. Ensure effective capacity-building and training of all law enforcement bodies on red-tagging, online harassment and tech-facilitated gender-based violence and guarantee survivors' access to justice in line with international human rights law and standards.
- Improve the Commission on Human Rights' capacity to independently and effectively investigate reported human rights violations, including online harassment and red-tagging, ensuring the institution's independence, including through appropriate resources in accordance with the Paris Principles, as well as ensuring full cooperation from state authorities in CHR's investigations.
- Improve access to affordable mental health care services, especially in the provinces and for at-risk groups such as young human rights defenders.
- Proactively remove structural and systemic barriers to gender equality, including by undertaking legislative measures, social policies and educational programmes to eliminate gender stereotypes, negative social norms and discriminatory attitudes against women, girls and LGBTI people and create awareness about the phenomenon of tech-facilitated gender-based violence, its consequences and intersectional harms.



- Provide effective remedy in line with international human rights law and standards to survivors of tech-facilitated gender-based violence that are trauma-informed, survivor-centered and adopt an intersectional feminist approach, including by ensuring access to information about human rights abuses against them, guaranteeing equal and effective access to justice and providing appropriate reparations based on consultations with the survivors.

## **RECOMMENDATIONS TO LOCAL GOVERNMENTS:**

- Provide effective remedy in line with international human rights law and standards to survivors of tech-facilitated gender-based violence that are trauma-informed, survivor-centered and adopt an intersectional feminist approach, including by ensuring access to information about human rights abuses against them, guaranteeing equal and effective access to justice and providing appropriate reparations based on consultations with the survivors.
- Where these are not already in place, pass local ordinances at city councils on the protection of human rights defenders, putting in place mechanisms for the protection of human rights defenders at risk, including for red-tagging. These must be devised and implemented in consultation with human rights defenders to ensure that they are effective, respond to their needs and do no harm.
- Maintain dialogue with local security forces and the police to ensure that all state actors understand and respect the rights of human rights defenders and peaceful protesters.

## **RECOMMENDATIONS TO THE COMMISSION ON HUMAN RIGHTS:**

- Investigate reported threats and attacks on young HRDs, taking a survivor-centred approach, keeping survivors informed about relevant investigations and offering affected human rights defenders access to more meaningful redress and remedy based on consultations with the survivors, including for example by consistently holding responsible state actors to account, providing assistance and digital and offline security trainings to affected young HRDs and facilitating access to psychological support services.

## **RECOMMENDATIONS TO META:**

### *Human rights due diligence*

- Undertake a comprehensive review and overhaul of human rights due diligence at Meta, including by mainstreaming human rights considerations throughout all Meta platforms' operations, especially in relation to the development and deployment of its algorithmic systems, its content moderation and ad review.
- Ensure that human rights due diligence policies and processes address the systemic and widespread human rights impacts of Meta's business model as a whole and be transparent about how risks and impacts are identified and addressed.
- Elaborate internal professional standards that translate human rights responsibilities into guidance for technical design and operation choices for algorithms and other products and services.
- Reform the "Trusted Partner" programme in the Philippines, allowing civil society organizations and human rights defenders to have more meaningful input into human rights due diligence and content moderation processes.

### *Content moderation and resourcing*

- Ensure that content moderation guidelines, rules and practices are based on – and consistent with – international human rights law and standards and implemented on the basis of equality and non-discrimination.
- Increase capacity to review and remove red-tagging content in a timely manner consistent with the threat of incitement to violence for human rights defenders' security.
- Ensure reporting and appeals mechanisms are accessible to all users, sufficiently clear, responsive and timely.
- Ensure appropriate investment in local-language resourcing in content moderation in the Philippines and throughout the world, with a particular emphasis on resolving existing inequalities that disproportionately impact Global South countries.
- Ensure equality and consistency between jurisdictions in relation to the resourcing of content moderation, policy, and human rights teams globally.

### *Business model, ad review and algorithmic amplification*

- Radically improve the quality of ad reviews, ensure adequate resourcing for human review of ad content and put in place effective mechanisms to identify ad content that incites violence and puts human rights defenders at risk.
- End the practice of targeted advertising and embrace a less harmful alternative business model that is compatible with the right to privacy.
- Radically improve transparency in relation to the use of content-shaping and content moderation algorithms, ensuring that their mechanics are publicly available in clearly understandable terms.
- Enable independent researchers to access and review data, which is in the public interest, including data pertaining to algorithmic systems. Restore and maintain at least the same level of data access, functionalities and features previously provided to independent researchers through CrowdTangle.

## **RECOMMENDATIONS TO FUNDERS OF HUMAN RIGHTS GROUPS IN THE PHILIPPINES:**

- Ensure sustainable funding for human rights groups and social movements, including adequate funding to ensure the health, safety and well-being of human rights defenders in their communities.



August 15, 2024



Thank you very much for your letter of 24 July 2024. We appreciate the work of Amnesty International documenting human rights violations and abuses, including the use of red-tagging and other methods to target human rights defenders in the Philippines.

We are committed to ensuring that human rights defenders can operate on our platforms safely, and proud of the work that we have done to assess and address the human rights impacts of our products and policies in the Philippines.

Much of this work is documented in the findings of (and our response to) the independent [Human Rights Impact Assessment](#) that we published in December 2021. We published a further detailed update on the implementation of the HRIA's recommendations as an [annex to our Second Annual Human Rights Report](#) in September 2023.

In the interests of supporting this research, we have also endeavored to respond further to the questions raised in your letter, below grouped by your categories. If useful, we would also be happy to set up a meeting to discuss the issues.

Your Sincerely,



**Attached:** Response Details



## **Response Details**

### **Due diligence on operations in the Philippines**

Human rights due diligence is a key element of our [Corporate Human Rights Policy](#), and takes multiple forms including ongoing engagement with our policy and product teams at the global, regional and country-levels. It also encompasses work done with trusted partners, civil society and risk-specific research. All of this work informs our approaches in the Philippines, including our efforts to mitigate any harms that might arise from alleged red-tagging content.

Our overall approach to due diligence and the factors that we take into account when assessing human rights risk and prioritizing mitigations is guided by our Corporate Human Rights Policy (which has a section dedicated to [due diligence](#)). We disclosed findings from our Comprehensive [Human Rights Salient Risk Assessment](#) in our last annual report, including identifying our most salient risks and Meta's prevention and mitigation efforts.

We are proud of the work that we have done in the Philippines, reflected in the 2021 [Human Rights Impact Assessment](#) and [Response](#), as well as the recent [2023 Update](#). We will continue to integrate the findings from the HRIA and may report further upon the measures that we are taking in the Philippines - for instance, in preparation for the midterm elections in 2025. In addition to the measures that we disclose publicly, we have robust internal risk management and tracking systems in place to measure and assess the effectiveness of our mitigations.

### **Investigation of "coordinated inauthentic behaviour"**

Meta reported on CIB originating in or targeting the Philippines in September 2020. This activity was discovered based on an internal investigation building on reporting from Philippines civil society organizations and Rappler. The network was linked to the Philippine's military and police. Details on the investigation, attribution and enforcement action taken can be found [here](#).

Although we have not taken down additional novel CIB networks that we attributed to the Philippines government since the 2020 enforcement, we continue to use both automated tools and expert investigations to catch efforts by previously-removed networks to reconstitute on platform. We also train our automated systems on our takedown sets to better refine our detection. And while we are not always in a position to attribute new network activity given the scale and volume of enforcement, we have provided detail in our threat reports [here](#) and [here](#).

Regarding "Hands Off Our Children," we can't confirm specific assets that we have removed. When we enforce against CIB, we remove assets for violating behavior and links to fake account networks, and *not* because of the content they posted. Note that CIB networks may reuse content from legitimate users, and Pages run by authentic users uninvolved in CIB activity may remain active.

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### **Government requests**

We have [strict guidelines](#) for the review of government data requests. Data on such requests in the Philippines (for H2 2023) is available [here](#). Our review, compliance and notification processes are conducted consistent with our commitments as members of the Global Network Initiative, and in accordance with the GNI's [Implementation Guidelines](#). Our next transparency report will cover requests for H1 2024.

We have similarly rigorous [procedures in place](#) to review any government requests to restrict content based on violations of local law. This includes legal and human rights review consistent with our commitments as members of the Global Network Initiative. Data on content takedown requests for the Philippines is available in our Transparency Centre, [here](#).

### **Addressing risks to human rights defenders in the Philippines**

Our approach to human rights defender protections begins with our [Corporate Human Rights Policy](#), which dedicates an entire section to 'Protecting Human Rights Defenders' and adopts the broad definition in the UN Declaration on Human Rights Defenders.

The protections that we have put in place in the Philippines continue to be guided by the recommendations in the HRIA. Although we have not commissioned an additional stand-alone rights assessment, we conduct ongoing human rights due diligence, which can take many forms. We engage regularly with civil society, including Trusted Partners who bring local context to our policies and processes and have a special channel for reporting problematic content.

As part of our commitment to protecting HRDs, we provide a host of product protections (such as [Facebook Protect](#) and [locked profiles](#)). Our [recent update](#) on the implementation of the recommendations in the Philippines HRIA provides detail on other initiatives including changes to our Bullying and Harassment policies to extend greater protection to HRDs (Response, 2(d)); support to the Online Security and Resiliency Program and Human Rights Defender Fund (Response, 4(b)); training support to the fact-checking community (Response 9(b)); and support to digital literacy programs and journalism schools (Response 1(k)).

We assess allegations of red-tagging against a number of policies, including our Coordinating Harm and Promoting Crime policy. Under that policy, we will remove content that exposes the identity of someone who is alleged to be a member of an 'at-risk' group, where these allegations could lead to real life harm. As such, we do not collect and report removal rates of "red-tagging" content (which might violate multiple policies). We can say that the volume of red-tagging reports coming from partners has decreased from 2022 (compared to previous years). The HRIA Update details other measures that we've taken to address red-tagging (Response 9(c)).

Regarding human review, we have content moderation capacity in Cebuano and Filipino. We leverage a combination of technology and human review teams to detect and enforce on content that violates our policies. The technologies we use include a wide range of both language-specific and language-agnostic classifiers.

**Human rights and media content on Facebook**

Regarding the student media outlets identified in your letter, our investigations indicate that there have been no recent enforcement actions against, and there are currently no restrictions on, these pages. We are also unaware of having received any reports from these groups or civil society partners regarding these pages. That said, automated systems are imperfect and may flag non-violating content inadvertently (for instance, spam filters). If you are aware of anything that might have been removed in error, please provide details (URLs) and we will investigate.

We remain committed to supporting digital literacy and journalism in the Philippines, and have worked with student organizations around the country. For instance, in 2022, we supported the media organization FYT in delivering training for campus journalists in preparation for the elections to develop digital literacy, fact checking, and digital communications skills. Details about these and other efforts can also be found in the [Update](#) to our Philippines HRIA.

No action has been taken on our part that should result in restrictions or limitations on student publications, or on content posted by Amnesty International in the Philippines. Information about changes to how Meta algorithms treat political content globally can be found [here](#).

In relation to your question about how we distinguish between reporting about, and support of, designated organizations or individuals, our [DOI Policy](#) makes it clear that while we remove glorification and substantive support, we allow social and political discourse such as news reporting, human rights documentation and academic discussion. You can find out more about how this policy is applied [here](#).



REPUBLIC OF THE PHILIPPINES  
COMMISSION ON HUMAN RIGHTS

OED-L-21H2024- 241

21 August 2024

**Subject: Response to Amnesty International's Request for Information**

Greetings from the Commission on Human Rights (CHR)!

This letter pertains to Amnesty International's request for information on CHR's investigations into human rights violations against young activists and its promotion of respect for human rights activism in the country.

Regarding questions 1-6, these require specific data, and we are still in the process of collating the necessary information. Unfortunately, it has taken longer than anticipated, as we are still awaiting some crucial data from our regional offices.

Given the current situation, we kindly request an extension on the deadline for submitting our response to questions 1-6. We are making every effort to obtain and compile the data as quickly as possible and will submit the complete information as soon as it is available.

At this moment, we respectfully submit our responses to questions 7 and 8, as follows:

**7. What is the mandate, scope, and current status of the national inquiry on red-tagging led by the CHR?**

In conducting the national inquiry on red-tagging, the CHR exercises its constitutional mandate to investigate all forms of human rights violations, particularly those involving civil and political rights. Red-tagging is recognized as a serious violation of civil rights due to its severe consequences, including harassment, intrusion of privacy, unlawful arrests, enforced disappearances, physical harm, and even killings. As the country's National Human Rights Institution (NHRI), the CHR is tasked with examining the issue

comprehensively, identifying and defining red-tagging, and documenting its pervasive practice in society. The CHR's goal is to propose policies that safeguard human rights defenders and citizens from such violations and to hold accountable those responsible for these abuses.

The focus of the CHR's Red-Tagging Inquiry includes the following objectives:

1. Determine the specific acts or practices that constitute red-tagging or red-baiting and identify the systemic pattern of human rights violations associated with it.
2. Explore the concept of red-tagging from the perspectives of various sectors within society and assess the government's current actions to address this issue.
3. Surface existing mechanisms for holding perpetrators of human rights violations accountable, particularly those related to red-tagging.
4. Recommend additional redress mechanisms for victims of human rights violations resulting from red-tagging or red-baiting.

The first leg of the public inquiry was held on July 29-30, 2024, at the CHR Session Hall in Quezon City. This initial session brought together domestic and international experts in red-tagging, human rights, constitutional law, and international law. Moving forward, the CHR plans to conduct four additional inquiries: one in Cebu City, one in General Santos City, and two more at its Central Office in Quezon City.

Upon completion of these inquiries, the CHR will compile a comprehensive report outlining its findings and recommendations. This report will be submitted to the Government, civil society organizations, human rights defenders, the academe, state actors such as the military and police, and other relevant stakeholders. The aim is to provide a clear and actionable framework for addressing red-tagging, ensuring justice for victims, and strengthening the protection of human rights in the Philippines.

**8. Where does the CHR see potential for an expansion of its mandate or powers in investigating human rights violations, including red-tagging, and holding state actors to account?**

The CHR sees significant potential for an expansion of its mandate and powers in investigating human rights violations, including red-tagging, through proposed legislative measures in both the House of Representatives and the Senate. House Bill (HB) No. 9790, introduced by House Speaker Ferdinand Martin G. Romualdez and other representatives, along with Senate Bill (SB) No. 2440 authored by Senator Robinhood Padilla and SB No. 2487 filed by Senator Manuel "Lito" Lapid, aim to strengthen the CHR as the country's National Human Rights Institution (NHRI).

These legislative efforts seek to broaden the CHR's mandate by explicitly granting it the authority to investigate not only violations of civil



and political rights but also economic, social, and cultural rights. This expansion would allow the CHR to comprehensively address a wider range of human rights concerns, including complex issues like red-tagging, which often involve multiple dimensions of rights violations.

By extending its investigative powers, the CHR would be better equipped to hold state actors accountable for human rights abuses, ensuring a more robust protection and promotion of human rights across all sectors of society. This legislative push reflects a collective commitment by the government to champion human rights, grounded in the principles of justice, dignity, and equality, thereby strengthening the foundation of a nation that values and protects the inherent rights of its people.

We trust that the foregoing will be of assistance. We remain at your disposal for any further clarifications or additional information you may require. If you have any questions, you may send them to our email at [\[redacted\]](#)

Thank you very much.





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IS A GLOBAL MOVEMENT  
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TO ONE PERSON, IT  
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# “I TURNED MY FEAR INTO COURAGE”

## RED-TAGGING AND STATE VIOLENCE AGAINST YOUNG HUMAN RIGHTS DEFENDERS IN THE PHILIPPINES

This report documents how the two successive governments of President Duterte and President Marcos Jr. have weaponized digital tools, misinformation and a flawed anti-terrorism law to create a climate of fear and intimidation amongst young human rights defenders in the Philippines. The central element in this coordinated campaign of state violence is the practice of “red-tagging”, through which leading political figures and state security actors have vilified human rights defenders, student activists, teachers, journalists and others as “Communist rebels” and “terrorists”, inciting hatred and violence.

Red-tagging on Facebook, in schools, universities and in public spaces has served to legitimize further serious human rights violations against young activists, including arbitrary arrests and enforced disappearances. Building on the testimony of young human rights defenders, the report highlights the personal cost to those who persist in speaking out about diverse human rights issues as well as the collective chilling effect felt by activist groups across the country. The report also examines Meta’s role in allowing Facebook to become an enabling environment for state violence despite previous warnings. Echoing Amnesty International’s global campaign to “Protect the Protest”, this report is an urgent call to end to state actors’ attacks on young human rights defenders.