

Philippine Human Rights Act

One-Pager

ANTI-TERRORISM ACT

Passed into law in the Philippines on July 3, 2020, the [Anti-Terrorism Act](#) broadly redefines terrorism and terroristic activities and supplants the originally applicable Human Rights Security Act of 2007.

By broadening definitions of terrorism in the bill, sections of the law allow for the prosecution of individuals who engage in “advocacy, protest, dissent, stoppage of work, industrial or mass action, and other similar exercises of civil and political rights” if it interferes with “serious risk to public safety.” Similar to other anti-terrorism legislation globally, the ATA’s “public safety” exception swallows the rule and allows law enforcement to categorize politically protected speech as terroristic activity. Further, the drafting of the ATA makes the law applicable on a global scale, meaning US based activists can be charged with terrorism charges in the Philippines for First Amendment protected speech.

Enforcement and implementation of the ATA is carried out by the Anti-Terrorism Council, a presidentially appointed body that designates individuals and organizations as terrorists and initiates investigations with no judicial oversight. This structure guarantees that the Anti-Terrorism Council is answerable only to Duterte and security officials he has appointed.

Explicitly, the ATA removes prior constitutional limitations on the amount of time persons can be detained without warrant, evidence necessary for placing individuals under surveillance, and the ability for wrongfully detained individuals to be automatically awarded compensatory damages from the government. Implicitly, it is understood that the ATA is the legal codification of a long practiced tactic of [“red-tagging”](#) critics of the government, marking them for harassment and even death.

Responses to the ATA

Since enactment, the ATA has met fierce criticism domestically. [Over 30 petitions have been filed in the Supreme Court of the Philippines challenging the new law on a variety of constitutional bases.](#) Among the challengers to the law are a range of civil society organizations, legal advocacy groups, and ex-Supreme Court Justices. To date it is the most challenged law in Philippine history. There has also been heavy pushback on those legally challenging this law, [including a vicious attack on a petitioner.](#)

Internationally, the response has also been overwhelmingly critical. In the United States, Representative Jan Schakowsky, along with 49 other members of the U.S. Congress, [authored a letter to Ambassador Jose Manuel Romualdez](#) requesting the repeal of “this repressive legislation.” Similarly, the ATA has been criticized [by UN High Commissioner for Human Rights Michelle Bachelet](#), [Amnesty international](#), [Human Rights Watch](#), and [U.S. labor unions](#).

As pressure against the ATA and the Duterte regime has built up, the government of the Philippines has taken to targeting Filipino-American activists. In response to the [“red-tagging” of Filipino-American activist Angelica Lim by the Duterte administration](#), Senator Jeff Merkley personally reached out to Philippines Ambassador Jose Manuel Romualdez. Responding to Senator Merkley, [Ambassador Romualdez penned an op-ed defending red-tagging](#) and signalling how the ATA will be used against critics of the government globally if it survives constitutional challenges in the Supreme Court of the Philippines.

Why We Need the PHRA

The Duterte administration’s latest weaponization of legal mechanisms to carry out the repression of political opponents and critics through the ATA demonstrates Duterte’s disregard for human rights. It is guaranteed that the implementation this legislation will not combat terrorism but only sow more fear against those who engage in legitimate dissent. Passing the Philippine Human Rights Act and barring all forms of security assistance to the Philippines until substantial steps are taken to address human rights violations will force the Duterte administration and his allies to reconsider enacting and implementing such flagrantly dangerous legislation as the Anti-Terrorism Act.