

LAWASIA STATEMENT OF CONCERN ON THE CONTINUING VIOLENCE AND THREATS OF VIOLENCE TO LAWYERS IN PHILIPPINES

LAWASIA, the law association for Asia and the Pacific, expresses deep concern over the continuous violence and threats of violence faced by legal professionals in Philippines over the last two years and calls on the government to play a stronger role in protecting members of the legal profession.

LAWASIA notes reports of thirty-four legal professionals killed over the last two years in the Philippines, a list which includes three judges and seven prosecutors. The most recent being the reported death of attorney Benjamin Ramos on 6 November 2018, who was murdered in the Philippines by unnamed gunmen as he was leaving his workplace. As a founding member of the National Union of People's Lawyers, Benjamin Ramos was engaged in pro-bono work for environmentalists, activists and political prisoners, and the families of those alleged to be targeted by the police, soldiers and other authorities.

LAWASIA considers any assault on members of the legal profession to be a direct affront to the Rule of Law and to the administration of justice. The rights and duties of members of the legal profession to perform their professional functions and work towards protecting and promoting the rule of law, administration of justice and human rights is fundamental to any justice delivery system.

LAWASIA draws attention to Articles 16 and 17 of the United Nations Basic Principles on the Role of Lawyers,¹ which state:

'16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.'

LAWASIA also draws attention to the right to life and security of person guaranteed by Article 3 of the Universal Declaration of Human Rights (UDHR),² as well as by Article 6 of the International Covenant on Civil and Political Rights (ICCPR),³ to which Philippines has been a party since 1986. Under the

¹ United Nations, *Basic Principles on the Roles of Lawyers*, 7 September 1990, available at: <https://www.ohchr.org/en/professionalinterest/pages/roleoflawyers.aspx>.

² UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <http://www.un.org/en/universal-declaration-human-rights/>.

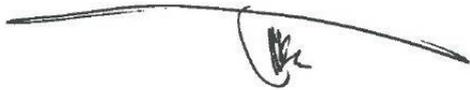
³ UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

ICCPR, the 'obligation of States parties to respect and ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life'.⁴

LAWASIA also notes the obligation under the United Nations Declaration on Human Rights Defenders that States guarantee the adequate protection of human rights defenders.⁵ Namely, States must act to 'ensure the protection by the competent authorities of [human rights defenders] ... against any violence, threats [or] retaliation ... as a consequence of his or her legitimate exercise of the rights referred to in the [Declaration on Human Rights Defenders].'⁶

LAWASIA applauds the exemplary courage displayed by members of the Integrated Bar of the Philippines in discharging their duties to uphold the Rule of Law in adverse circumstances.

LAWASIA calls on the authorities in Philippines to take immediate action against these killings, including establishing a prompt and impartial investigations to ensure that the perpetrators are brought to justice and, above all, to ensure that the security and safety of legal professionals and human rights defenders in the country is safeguarded.



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⁴ UN Human Rights Committee, *General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life* (Advance unedited version), 30 October 2018, CCPR/C/GC/36, para 7, available at https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/GC/36&Lang=en

⁵ UN General Assembly, *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* ('Declaration on Human Rights Defenders'), 8 March 1999, A/RES/53/144, available at:

<https://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>.

⁶ *Ibid*, art 12(2).