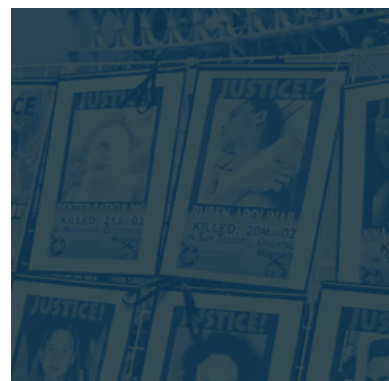


POLICY BRIEF

Reframing Security: Transforming the Anti-Terrorism Act into a Rights-Based Policy towards Peacebuilding

This policy brief is an outcome of the 2024 research grant program of SHAPE-SEA, developed as part of its commitment to advancing evidence-based policy and practice in the region.

Policy Recommendations on
Aligning Counterterrorism with
Human Security and Democratic
Freedoms in the Philippines

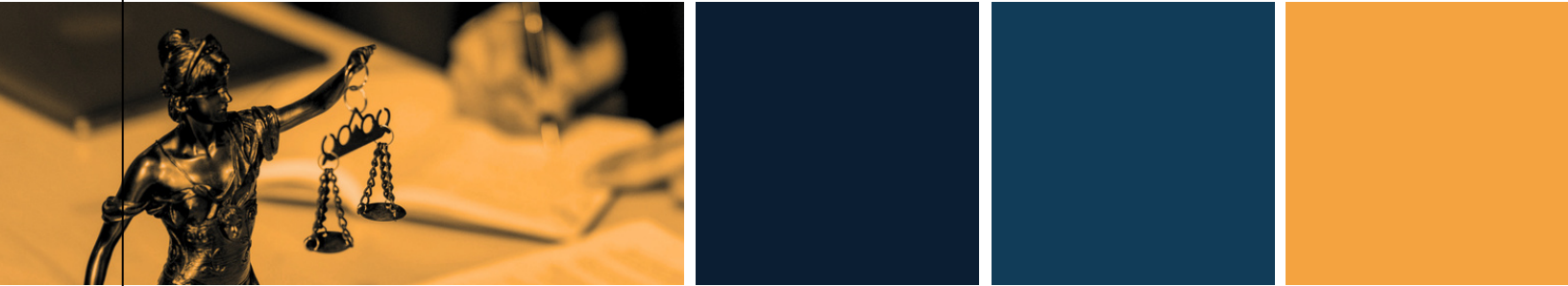


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In a state where human rights advocacy is increasingly terrorized and criminalized, the question arises: ***Who stands up for victims of state-sanctioned violence?*** Human rights advocates and workers are not lawbreakers, but defenders of justice and dignity, often vilified for opposing the repressive policies of regimes. The Anti-Terrorism Act (ATA) of 2020, framed to enhance national security, paradoxically perpetuates a climate of "white terror," instilling fear among activists and marginalized communities.

Executive Summary



The ATA was enacted to strengthen national security but, in practice, has expanded the state's coercive reach—blurring the line between activism and terrorism. Drawing on a narrative inquiry with 20 respondents comprising 10 human rights defenders (HRDs), 5 legal experts, and 5 civil society organization (CSO) representatives, this brief reveals how the ATA's vague definitions, unchecked powers, and administrative processes have been weaponized to suppress dissent and shrink democratic space. Respondents consistently describe how the law's ambiguity and selective enforcement undermine civil, political, socio-economic, and psychological rights, creating a pervasive chilling effect on advocacy and public participation. The research situates these findings within international human rights norms, arguing that security policies must uphold, not erode, fundamental freedoms. This brief calls for legislative amendments, institutional reforms, and regional cooperation to ensure that the Philippines' counterterrorism framework supports both peace and human rights.

Background



Since its passage in 2020, the ATA has been widely criticized for its vague language and overbroad definitions of terrorism and incitement. The law grants extensive powers to the Anti-Terrorism Council (ATC)—including surveillance, administrative designation, and asset freezing—without prior judicial authorization. These

provisions echo global patterns of 'lawfare' where counterterrorism is used to delegitimize civic dissent. In the Philippines, this dynamic is intensified by long-standing counterinsurgency approaches that embed security logic into civilian governance, eroding accountability and endangering HRDs.

TERRORISM, COUNTERTERRORISM, AND HUMAN RIGHTS ADVOCACY WORK

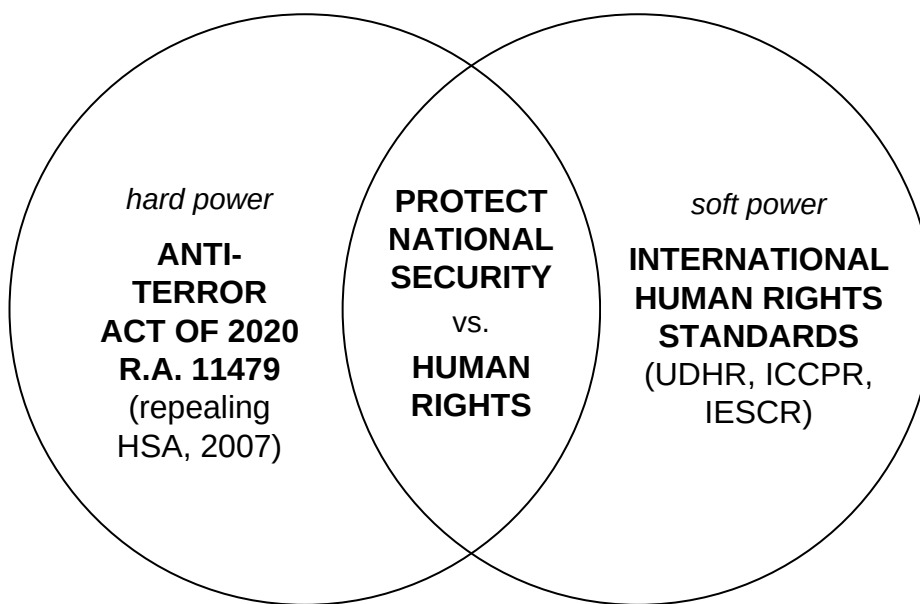
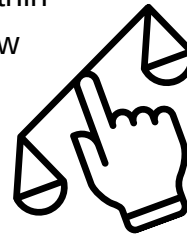


Figure 1

Balancing National Security and Human Rights



Contemporary counterterrorism measures (CTM) have produced a range of unintended consequences that undermine the very security they aim to achieve (Quiros-Fons & Kruiper, 2023). Within the United Nations system, Security Council resolutions, such as UNSC 1373 and 1566, have prioritized state-centric security responses, often overshadowing the human rights frameworks upheld by the Human Rights Council. This imbalance has contributed to the dominance of intra-state counterterrorism practices, where governments invoke national security to justify repression against internal dissent rather than addressing genuine inter-state threats. In the Philippine context, these global dynamics manifest through the extensive powers granted to the Anti-Terrorism Council (ATC), which operates with minimal judicial oversight and few accountability mechanisms. As noted by Conti (2024), the removal of sanctions for abuse within the ATA enables a culture of impunity, exposing how counterterrorism governance—when detached from human rights safeguards—can perpetuate systemic insecurity instead of preventing it.



Methodology

This policy brief is based on narrative inquiry and qualitative content analysis of 20 in-depth interviews conducted between March and July 2025. Respondents include: 10 HRDs (HA01– HA10), 5 Legal Experts (LE01–LE05), and 5 Civil Society Organization Representatives (CS01–CS05). Triangulating these perspectives ensures that findings capture both lived experience and institutional insight. Interviews were coded under major themes addressing **two core research questions**:



1. How does the Philippines' 2020 ATA violate international human rights standards, particularly in relation to the civil, political, and psychological well-being of human rights workers?
2. How can the lived experiences of those charged under the ATA inform and transform counterterrorism policy in the Philippines?





Key Findings

I. Weaponization of the ATA

Across all respondent groups—HRDs, legal experts, and civil society representatives—there was broad agreement that the ATA functions as a mechanism of repression rather than protection. They emphasized that the law’s vague and expansive definition of “terrorism” enables the authorities to

“*The ATA makes activism appear criminal by design.*”

equate peaceful dissent with extremism, making its abuse systemic rather than incidental. Legal experts linked this to the country’s long-standing counterinsurgency framework, where national security discourse has seeped into civil governance and normalized militarized control. As one expert observed, “The ATA makes activism appear criminal by design.” Although a 2023 Manila court decision rejecting

the CPP-NPA’s terrorist designation was cited as a rare institutional correction, most respondents viewed it as an exception that only underscored the law’s enduring structural bias against rights-based advocacy.

II. Selective Prosecution and the Chilling Effect

Participants across all respondent groups identified a persistent pattern of selective enforcement under the ATA. Activists, journalists, and humanitarian workers who challenge state policies are disproportionately targeted through surveillance, arrests, or judicial harassment, while violations by state-aligned actors remain largely unpunished. This asymmetry creates a climate of impunity on one side and intimidation on the other, normalizing fear as a tool of



governance. HRDs described how this imbalance erodes their willingness to engage publicly—many reported withdrawing from protests, avoiding media exposure, or limiting their community involvement to minimize the risk of being “red-tagged.” As one HRD shared, “I dwindled in my political participation because I feared being charged. That’s the silent impact of the ATA.”

“ I dwindled in my political participation because I feared being charged.”

Civil society representatives (CS01–CS05) confirmed that this pervasive fear reverberates across networks, weakening collective action and disrupting solidarity work. Legal experts further explained that the problem is institutionalized through prosecutorial discretion and poorly defined evidentiary standards, which effectively invert the burden of proof. In this context, the ATA not only criminalizes dissent but also cultivates psychological control—transforming fear into a mechanism of political regulation that undermines both civic participation and democratic accountability.

3. Violations of Civil and Political Rights

Respondents consistently linked the implementation of the ATA to systematic violations of civil and political rights guaranteed under the International Covenant on Civil and



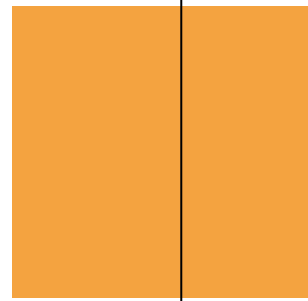
Political Rights (ICCPR). They recounted instances of unwarranted surveillance, restrictions on movement, and the suppression of peaceful assembly—rights that lie at the core of democratic participation. HRDs, especially those working in rural or conflict-affected areas, described being followed by security personnel, harassed at

checkpoints, or living in constant fear of arbitrary arrest. As one respondent put it, these daily constraints amount to “a slow suffocation of civic space.”

Many have resorted to self-censorship, avoided public speaking engagements, or sought refuge in safer communities as protective measures. Checkpoints, travel bans, and blacklisting have also obstructed



humanitarian and advocacy work, particularly in rural zones where state surveillance is most pervasive. These findings affirm the broader critiques raised in Petition 18 (Santos, 2021) and Amnesty International (2017), both of which warn that the ATA endangers legitimate civil and humanitarian action by collapsing the distinction between dissent and terrorism.



IV. Socio-Economic and Psychological Harm

Beyond its legal and political implications, the implementation of the ATA has generated deep socio-economic and emotional repercussions.

Respondents described how being associated with activism or human rights work now carries material and reputational costs. Several reported losing jobs, being forced to resign, or finding themselves blacklisted from professional opportunities and donor-funded projects. Others faced asset

“The line between advocate and accused has become so blurred that I’ve started censoring myself, afraid I’ll be next.”

freezes, bank monitoring, or the public stigma of being labeled as “terrorists.” Civil society organizations likewise experienced funding withdrawals and exclusion from government partnerships, underscoring the broader structural marginalization of rights-based actors. The psychological toll of these conditions was universal across all 10 primary respondents. HRDs recounted persistent anxiety, burnout, and emotional fatigue, often describing trauma and isolation as normalized aspects of their advocacy. As one paralegal explained, “The line between advocate and accused has become so blurred

that I’ve started censoring myself, afraid I’ll be next.” In the absence of institutional mechanisms for psychosocial care, respondents relied heavily on peer circles and family networks for emotional support.

V. Institutional Gaps and Governance Deficits

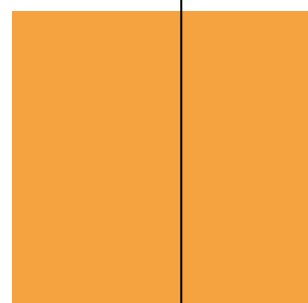
Legal experts (LE01–LE05) underscored that the lack of judicial oversight in implementing the ATA enables systemic abuse. The ATC’s unchecked authority to designate individuals or organizations as “terrorists” permits punitive actions—such as surveillance, asset freezes, and arrests—without prior court approval. This executive concentration of power, respondents argued, undermines due process and erodes the rule of law. With no independent review or grievance mechanism in place, those accused are left virtually defenseless, institutionalizing impunity within the counterterrorism framework. To restore accountability, respondents called for the creation of an independent oversight body akin to a human rights commission and the inclusion of a sunset clause to limit extraordinary powers. Absent such safeguards, the ATA risks entrenching authoritarian practices under the rhetoric of national security.



Table 1
Policy Recommendations

Category	Key Actions	Intended Outcomes / Rationale
A. Legislative Amendments (Congress)	1. Clarify Section 4 to exclude legitimate advocacy and humanitarian work. 2. Require prior judicial authorization for designations, freezes, and surveillance. 3. Insert a sunset clause and regular review of ATA’s necessity. 4. Establish explicit humanitarian and HRD protection clauses. 5. Penalize red-tagging and provide remedies for wrongful accusations.	Strengthen due process and ensure ATA aligns with ICCPR obligations; prevent misuse of terrorism charges against HRDs and civil society.

B. Institutional Reforms (Executive & Judiciary) 	6. Create an Independent Oversight Panel with CHR participation. 7. Reform ATC composition and require transparency in decisions. 8. Develop DOJ charging guidelines to avoid ATA misuse when ordinary laws suffice. 9. Establish rapid reparation and delisting mechanisms. 10. Fund psychosocial care, legal aid, and HRD security training.	Enhance accountability, transparency, and protection mechanisms for HRDs; institutionalize safeguards against abuse.
C. Applying Conflict Transformation & Peacebuilding 	11. Apply Lederach's four-circle approach (personal, relational, structural, cultural) to address ATA's social impacts. 12. Integrate socio-economic reforms and inclusive governance into security policy.	Shift the counterterrorism paradigm from coercion to dialogue and peacebuilding; address root causes of conflict.
D. Regional Cooperation (ASEAN) 	13. Advocate ASEAN peer review of counterterrorism laws for human rights compliance. 14. Develop regional HRD protection mechanisms (legal aid, relocation, psychosocial support).	Promote human security-based regional standards and collaborative protection for defenders.





From Harm to Transformation: Integrating Lederach's Conflict Transformation with Renard's Counterterrorism as a Public Policy

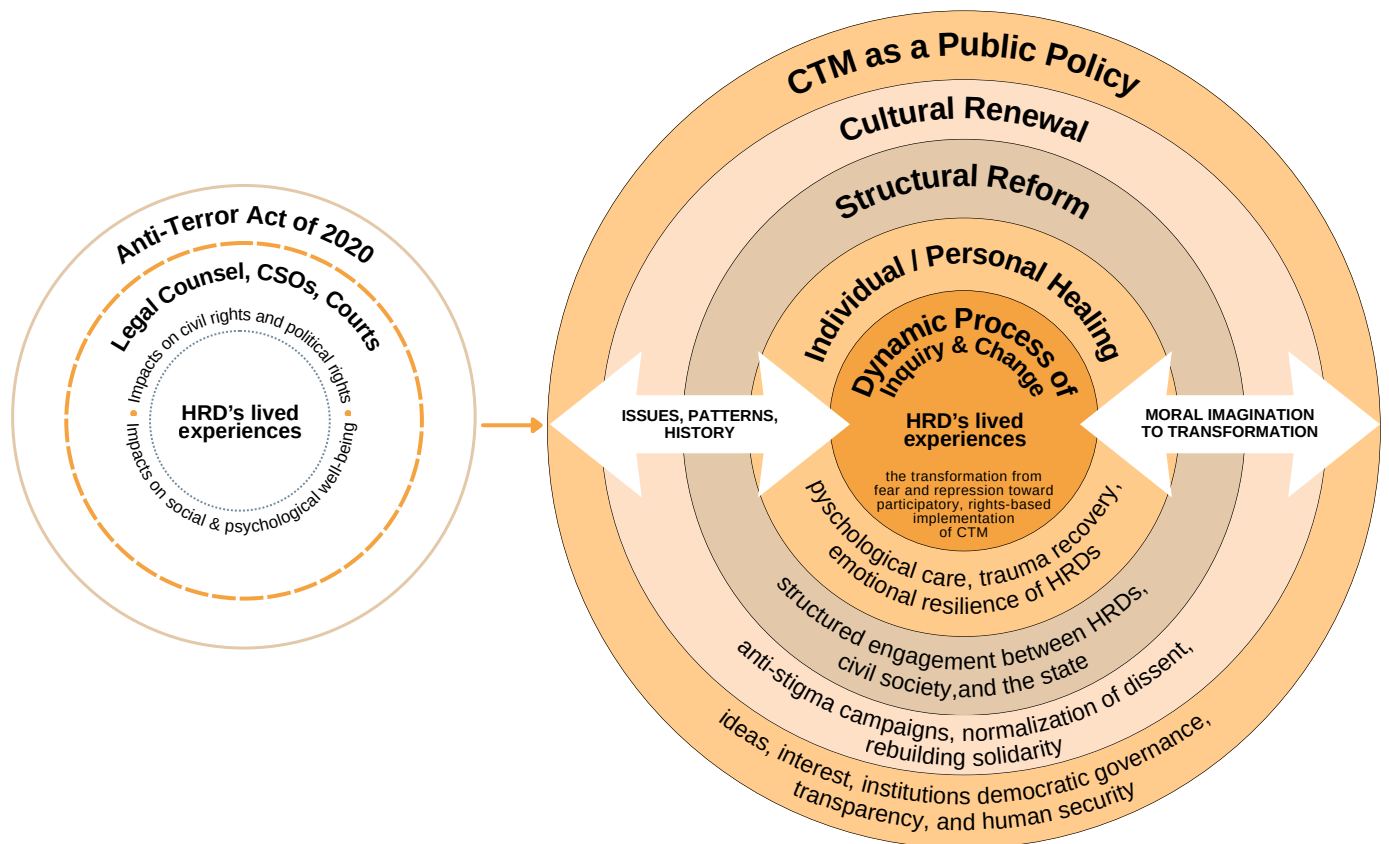


Figure 2
Integrative Framework for ATA Reform as
Conflict Transformation and Public Policy



Building on Lederach's (2003) model of conflict transformation, this brief situates ATA reform within a dynamic process of inquiry and change. The presenting situation—marked by legal overreach, psychological harm, and institutional mistrust—

emerges from historical counterinsurgency patterns and international counterterrorism pressures. The horizon of the future envisions a governance system where counterterrorism protects, rather than endangers, human rights. The framework illustrates how HRDs' lived experiences inform a dynamic process of change, moving from analysis of harm under the ATA ("issues, patterns, history") toward a vision of participatory, rights-based counterterrorism governance ("moral imagination to transformation"). As such, reform must unfold across four interrelated dimensions evident in respondents' experiences: personal healing, reflected in the need for psychosocial care and recovery from trauma; relational dialogue, seen in calls for engagement between HRDs and state institutions; structural reform, emphasizing judicial oversight and legislative accountability; and cultural renewal, addressing stigma, red-tagging, and the erosion of solidarity. Integrating Renard's (2021) conception of counterterrorism as public policy, this framework underscores that sustainable peace and human security require governance grounded in rights, transparency, and public participation. Doing so transforms counterterrorism from a coercive instrument into a rights-based public policy framework that advances both human security and sustainable peace.



Thomas Renard

*Photo taken at the Eradicate Hate
Global Summit 2022*



John Paul Lederach

*Photo taken as he accepts the
36th Niwano Peace Prize in 2019*



Monitoring Indicators



These monitoring indicators serve as crucial accountability tools that can help lessen the negative impacts of the ATA by promoting transparency, oversight, and rights-based governance, and can ensure the law’s rights-based implementation—should it not be immediately junked or repealed—in alignment with constitutional and international standards.



Table 2
Monitoring Indicators and Purposes

Indicator	Purpose
% of ATA designations with prior judicial approval	Tracks adherence to due process safeguards
Average time to delist or unfreeze accounts	Measures efficiency of remedy mechanisms
Number of red-tagging cases investigated	Assesses government response to stigmatization
HRD well-being index (baseline vs. follow-up)	Evaluates psychosocial impacts and protection outcomes
Score card on public trust in justice institutions post-reform	Gauges broader institutional legitimacy and reform success

Conclusion



Findings from twenty respondents comprising HRDs, legal experts, and civil society representatives highlight a clear policy paradox: **a law designed to enhance security has instead generated insecurity and**

public mistrust. The ATA's broad powers and vague definitions have weakened democratic accountability, constrained civic participation, and eroded confidence in state institutions. As a State Party to the ICCPR and other core human rights treaties—including the Convention against Torture and the International Covenant on Economic, Social and Cultural Rights—the Philippines bears binding legal obligations to uphold and protect fundamental freedoms. These include the rights to life, liberty, security of person, and freedom of expression, association, and peaceful assembly.

Under Articles 2 and 40 of the ICCPR, the Philippines must respect, protect, and fulfill these rights and report to the UN Human Rights Committee on measures taken to comply with its commitments. When laws such as the ATA result in violations of these rights—through arbitrary arrest, surveillance, or suppression of dissent—the State is required to justify its actions before international monitoring bodies and demonstrate that any restrictions are lawful, necessary, and proportionate to a legitimate security aim.

Failure to provide such justification or to ensure effective domestic remedies may constitute a breach of treaty obligations, reinforcing global concerns about the erosion of civil liberties under the ATA. Thus, beyond domestic reform, the Philippines must also account internationally for the ATA's implementation and align its counter-terrorism framework with international human rights standards. Security measures that disregard fundamental liberties create the very conditions of fear and instability they are meant to prevent. Reframing the ATA within a rights-based and accountable framework is therefore essential, not only to safeguard defenders but to build a form of peace grounded in justice, transparency, and public trust. As respondents affirmed:

“Security without rights is just another form of fear.”



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