

**Forum:** Human Rights Commission

**Issue:** The human rights situation in the Philippines

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## Introduction

In June 30th, 2016, Rodrigo Duterte assumed the presidency of the Philippines and within one day of being President, he introduced what is known as the “Drug on Wars”. Police brutality is not abnormal nowadays in the Philippines, since Duterte has advocated for a vicious crackdown against drug addicts and traffickers, and to the accused (innocent or not), were imprisoned, tortured or even killed (Human Rights Watch, n.d.)(US News, 2018)(The Guardian, 2018).

According to Human Rights Watch (n.d.), the “War on Drugs” has caused the death of around 12000 Filipinos, and a significant amount of those were caused by the national police, whom has been investigated by HRW due to suspicious killings with false evidence of drug use and dealing. Moreover, the “War on Drugs” is not the only human rights violation issue, religion plays an important role in the problem since a significant amount of Filipinos are Catholic and are being harassed by the same president that runs their country, Rodrigo Duterte.

The current situation reveals the impunity that the president and the Philippines National Police have. The lack of accountability and investigations into extra-judicial killings added to the capacity of dismantling the political opposition by arbitrary arrests seem to show that legal justice has been replaced by some kind of vigilante justice system in which anyone suspicious of a drug-related crime can be killed without any consequence for the perpetrator.

## Definition of Key Terms

### Extrajudicial killings (EJKs)

According to the US Legal (2009), it is the *deliberate killing not authorized by a previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples*. A significant amount of these killings had been performed over and over again in the Philippines, this kind of violation to the law and the human rights are no surprise to the Filipinos due to the ongoing issue. The somewhat positive

aspect is the recognition of Duterte of those killings and the demonstration of shame and preoccupation to solve it, which may be key if the issue is to be solved (EURAD, n.d.).

### Philippine Drug Enforcement Agency (PDEA)

Agency with the responsibility of enforcing the anti-drug laws, they are evidently key in order to solve the issue since the root cause are drug offenders.(PDEA, n.d.). It was the main body in charge of the “Drug on Wars” for a short period of time.

### Bureau of Jail Management and Penology (BJMP)

The BJMP was created due to the unorganized jails in the Philippines. The Bureau is an essential tool in order to tackle the issue, since a significant amount of Filipinos are being arrested with no solid proof, therefore, making jails lack solid organization (BJMP, 2010).

### Arbitrary Deprivation of Life

The right to life is one of the most basic human rights, in some cases killing would be justified (i.e.: death penalty, self-defense, etc.), but in some cases it is arbitrary. Arbitrary deprivation of life is a subtle way of saying impulsive murder with no justification whatsoever (Icelandic Human Rights Center, n.d.).

### Arbitrary Detention

According to the Trial International (2019), an arbitrary detention is *the violation of the right to liberty. It is defined as the arrest and deprivation of liberty of a person outside of the confines of nationally recognized laws or international standards.* Unlike the “arbitrary deprivation of life”, the victims are not killed, but they are tortured and psychologically damaged. In the Philippines, arbitrary detentions are one of the main issues that interfere with the Filipinos’ basic human rights.

### Bureau of Corrections (BuCor)

A Correctional System with the finality of “reforming” and keeping safe people under custody, for example try to make prisoners avoid commit any further crimes. BuCor can help with solving the ongoing issue, by preventing drug offenders commit any further crime, therefore diminishing the duration of the “War on Drugs” (BuCor, n.d.).

### Libel/Slander laws

Article 353 of the Philippines' Penal Code states that they are *a public and malicious imputation of a crime, or of a vice or defect, real or imaginary, or any act, omission, condition, status or circumstance tending to cause dishonor, discredit or contempt of a natural or juridical person (...)*. The term is relevant due to the fact that Filipino police officers falsely accuse citizens of drug use and traffic (Kelly Warner Law, n.d.).

### Writ of Amparo

The Writ of Amparo is a legal resource which protects people from violations of their Constitutional Rights by government officials or institutions. It may also be used when a threat occurs but the violation does not happen. The writ is submitted to the Supreme Court or a regional court and can grant protection or other types of remedy to those affected. It can be used in order to prevent extrajudicial killings and enforced disappearances (Daytec, 2013).

### Martial Law

*The law administered by military forces that is invoked by a government in an emergency when the civilian law enforcement agencies are unable to maintain public order and safety* (Merriam Webster, n.d.). Ferdinand Marcos (past President and Dictator of the Philippines), imposed a Martial law in 1972, and Duterte was very much inspired of his presidency. Some areas of the Philippines have martial law, whose main purpose is to avoid a threat group from Mindanao (a Filipino island) to keep recruiting people (Philstar, 2019).

## Background Information

### Basic information about Philippines

Philippines is an archipelago composed of many islands located in Southeast Asia with a population of 106 million. It is a former Spanish and American colony, they gained complete independence from the latter in 1946 but remained being heavily influenced. Its recent history shows widespread violence and corruption, many uprisings by different militias and a surprising amount of failed and achieved coups. Filipinos lived for many years under a dictatorship and nowadays have the biggest income gap among developing countries in Asia.

## War on Drugs

The “War on Drugs”, began the very next day Rodrigo Duterte assumed the presidency of the Philippines. Before his presidency, Philippines’ situation was not better, poverty, corruption and drug issues were spread throughout the country, Duterte worsened the situation by trying to solve it in a brutal way (Washington Post, 2016).

It has been analyzed that Duterte is following Dictator Ferdinand Marcos’ guideline, but, what happened during said dictatorship? Ferdinand Marcos assumed the presidency in 1965, there were several violations of the human rights by the military, whom were strategically used for intimidation (Official Gazette, n.d.). One of Duterte’s ways of expressing his admiration towards Ferdinand Marcos, was through the “martial law”, as previously mentioned Marcos used the military as a way of controlling and intimidating the population, and it has been registered in Mindanao that the military are trying to avoid recruits into the threat groups. However, they are intimidating also innocent individuals, making that a violation towards their right to safety.

Ever since the start of the “War on Drugs”, around 12000 individuals, including children, were murdered, almost a third of those by police officers. Aside from the human right violations through murder, the authorities are not investigating them, diminishing the importance of those individuals, therefore violating rights even more (Borgen Project, 2018)(HRW, 2018). The Filipino government aims to take political credit from the killings conducted by the police. By alleging that the only ones to have been killed fought back and implanting evidence of drug dealing and consumption beneath the corpses, PNP have successfully tried to justify their actions and make them seem legal. Through the campaign called “#RealNumbersPH” the PDEA along with the national police have made public figures about the “War on Drugs” as a mean to show the success of their work.

However, Duterte's anti-drug policy does not come as a surprise for the Filipinos. Before becoming president, he was the mayor of the city of Davao. From 1998 until his assumption in 2016, Human Rights groups collected evidence of 1,400 executions by who they call “Davao Death Squads”. (Reuters, 2016). These squads have mainly targeted drug users, petty criminals and poor boys and have enjoyed complete impunity. It has been suggested that the Davao Police has given the targets to the killers. (Human Rights Watch, 2009; cited by Reuters, 2016).

Although it has not been proven that Duterte was involved in the executions, he actively supported them, as shown in the following declaration he gave to the press in 2009: “If you are doing an illegal activity in my city, if you are a criminal or part of a syndicate that preys on the innocent people of the city, for as long as I am the mayor, you are a legitimate target of assassination.” The seemingly untouchable Death Squads were barely investigated, and with the former mayor rising to the presidency, all investigations were stopped and charges were dropped. (Reuters, 2016)

During his presidential campaign, he made no efforts to hide the killings that took place in Davao. Instead, his most important promise was to scale up his relentless crime fighting methods. Considering these factors, it should come as no surprise to hear that a survey conducted in September 2017 shows an approval rating of about 70% for the “War on Drugs” currently conducted. These figures do appear striking when it is showed that on the same survey, more than half did not believe that those killed had fought back and 70% also feared of becoming a victim of the EJKs or that one of their relatives would (Social Weather Stations, 2017; cited by Rappler, 2017).

### Repression of critics

One of the most anti-democratic characteristics of Duterte’s mandate has been the repeated attempts to silence and humiliate the harshest critics of the “War on Drugs” policy. The news outlet Rappler, which has published extensive reports on the topic, has been targeted through threats of revoking its licence and by accusing its CEO of groundless tax evasion offences. Senator Leila de Lima, a political opponent of the president who had began an investigation into the EJKs committed by the police and “unidentified gunmen” with the goal of unveiling the circumstances in which they happened, was jailed in February 2017. Charges were made for receiving money from drug criminals during her term as Minister of Justice but she did not receive a fair trial. Even the Commission on Human Rights, an independent State agency created by the Constitution, received threats to be abolished because of releasing statements detailing the Human Rights violations involved in the anti-drug war. The conclusion can be reached that freedom of press and freedom of speech are not being respected.

### Duterte’s Criticism Towards Religion

Aside from the War on Drugs, Duterte violated several rights through the criticism towards the Catholic Church. Albeit a Catholic, Duterte has openly criticized priests, cataloguing “most” of them as “gay” and urging the Catholic church to remove celibacy and allow them to have “boyfriends”. Furthermore, these declarations come only a month after Duterte stated “These bishops that you guys have, kill them. They are useless fools. All they do is criticize.” Duterte is not only insulting priests, but it has been recorded that three of them were murdered in 2018, therefore another form of rights violation (Daily Mail, 2019)(Washington Post, 2018).

## Major Countries and Organizations Involved

### Philippines

Rodrigo Duterte's administration has seen the Philippines National Police carry out thousands of extra judicial killings and arbitrary arrests in addition to the deaths whose perpetrators were not identified since the launch of the “War on Drugs” back in 2016. The right to fair trial and the right to life have been violated repeatedly.

Along with president Rodrigo Duterte and his party, the Philippines National Police is responsible for the execution of the “War on Drugs”. Accusations have been made against officers for implanting evidence and lying about the circumstances in which civilians died during raids. However, only a few have gone to trial, which shows that the judiciary power is not completely independent.

The toughest opposition to Duterte and his anti-drug policy has been encountered in the Senate. Senator Leila de Lima was imprisoned in 2017 as a consequence of alleged connections to illegal drugs. Strikingly, she had launched an enquiry intended to discover the circumstances of the unlawful killings. The lack of evidence of the crimes for which she was arrested proved that it was an attempt to eliminate political opposition. (Human Rights Watch, 2018)

### International Criminal Court

On February 8th, 2017, the International Criminal Court announced that it would conduct a preliminary investigation into the situation in the Philippines because of possible crimes against humanity being committed since the assumption of Duterte, on June 30th, 2017. In

order to develop such investigation, there should not be impunity for the extra-judicial killings of the “War on Drugs” and the government should be blocked from having those unlawful actions. The action taken by organisations as relevant as the International Criminal Court can pressure the government to stop its current policy.

### Human Rights Watch

Human Rights Watch is a NGO which seeks to investigate Human Rights violations around the world and raise awareness about the situations in which they are not respected through reporting of the issues and collaborative work with other agencies, including the UN. In Philippines, the Human Rights Watch has informed about many police wrongdoings, including implanting drugs and weapons to justify extra-judicial killings. Extensive documentation has been provided for these cases. The NGO has also condemned the war on drugs and begged for it to be stopped.

### Rappler

Rappler is a Filipino news outlet that has denounced in numerous occasions the atrocities committed by the government and the police as part of the “War on Drugs”. Throughout 2018, its CEO, Maria Ressa, has received several accusations of tax evasion which threatened to close Rappler. She is now in a trial, despite the call by NGOs such as Human Rights Watch for the charges to be dropped. Along with the aforementioned arrest of two senators, this represents an attempt by Duterte to undermine his opposition and restrict freedom of press and expression.

### Commission on Human Rights

The Commission on Human Rights is an independent institution of the Filipino government. Created by the 1987 Constitution, it seeks to expose Human Rights violations in the country and monitor its respect by the government. It has on many occasions criticised the current “War on Drugs” policy for disrespecting the right to a fair trial and the right to life. In April 2018, when the Philippines Drug Enforcement Agency threatened to reveal the names of public officers who were allegedly involved in drug related crimes, the commission issued a statement remarking the violation to the presumption of innocence and the right to due process. Previously, Duterte had threatened to abolish the commission.

## United States

The United States have aided Philippines for a long time through USAID in health, education and other development issues as well as being trade partners. (USAID, 2018) Both countries have also cooperated in matters of security, with the US providing funds and training for the Philippines National Police. During the Obama administration, Rodrigo Duterte's "War on Drugs" was heavily criticised and instead of continuing the support for the PNP, they shifted their focus to maritime security. When the Trump administration took office, a more positive view on the current policy was adopted, with the Deputy Assistant Secretary for International Narcotics and Law Enforcement at the State Department starting in January 2018 that he was "cautiously optimistic" about the situation and that their Human Rights training was working. (Rappler, 2018)

## Timeline of Events

Date	Description of event
1965-1986:	Ferdinand Marcos' Presidency/Dictatorship.
June 30th, 2016:	Rodrigo Duterte assumes the presidency of Philippines.
July 1st, 2016:	Philippines National Police (PNP) launches the first project of the "War on Drugs".
August 24th, 2016:	The Senate holds its first hearing on EJKs.
January 29th, 2017:	All operations are suspended as a consequence of the connections of the police with the killing of Jee Ick Joo, a South-Korean businessman.
February 24th, 2017:	Senator Leila de Lima is imprisoned because of crimes related to illegal drugs allegedly committed during her period as Minister of Justice.



March 6th, 2017:	Operations are resumed.
May 1st, 2017:	During the Universal Periodic Review, 45 out of 47 members of the UNHRC express their concern about the EJKs taking place in Philippines.
May 17th, 2017:	Through the “Real Numbers PH” campaign, the government admitted that 2,999 people had been killed in anti-drug operations.
October 10th, 2017:	Duterte orders the PDAE to take charge of the operations.
November 22nd, 2017:	PNP resumes its participation in the “War on Drugs” after an order is issued by the president.
February 8th, 2018:	The International Criminal Court announces that it will conduct a preliminary examination of the situation in the Philippines as crimes against humanity might have occurred.
May 2018:	A change in the chief of the PNP sees the “drug-related” murder rate increase by approximately one hundred percent.

## Relevant UN Treaties and Events

- National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, May 2017(A/HRC/WG.6/27/PHL/1)

- Report of the Human Rights Council on its thirty-sixth session, 14 June 2018, (A/HRC/36/2)
- International Covenant on Civil and Political Rights
- Implementation of the joint commitment to effectively addressing and countering the world drug problem with regard to human rights, 14 September 2018, (A/HRC/39/39)

## Previous Attempts to Solve the Issue

Most of the internationally recognised Human Rights advocacy NGOs have disapproved the arbitrary detentions and the unlawful killings perpetrated in the “War on Drugs”. In May 2017, the Universal Periodic Review of the Philippines showed it as the main concern regarding the country. Consequently, a statement was released by Iceland during the 36th Session of the Human Rights Council, supported by 37 other countries, condemning the Human Rights situation in Philippines. Furthermore, many recommendations were issued on how to put the extra-judicial killings and arbitrary detentions to an end, however, a large amount were rejected. The Filipino delegation denied multiple times to have a State-sponsored policy of EJKs and denied all Human Rights violations of which they were accused.

The preliminary investigation started by the International Criminal Court may be the most effective way to stop, at least temporarily, Rodrigo Duterte's “War on Drugs”. The possibility of facing a trial for crimes against humanity should at least persuade him not to continue with his current policy while the investigation is being carried out. Regardless of whether it is stopped or not, Duterte’s judgement could help end impunity in this case.

## Possible Solutions

Firstly, the current “War on Drugs” should be ended. An assessment of it as a whole could then be released as a way to have a reliable account of executions, arbitrary detentions, the cost of the policy and its actual effectiveness in tackling the issue of drug trafficking and consumption.

A more comprehensive plan to fight drug-related crimes should be launched, which avoids the wrongdoings of the previous, respecting people's rights to life and a fair trial. Police officers should be discouraged from shooting to kill and carrying out executions. The plan

should follow the recommendations established by the [Implementation of the joint commitment to effectively addressing and countering the world drug problem with regard to human rights.](#)

Impunity is unacceptable and must not happen in this issue. Therefore, it is crucial for the officers of the Philippines National Police to be judged and condemned when deemed appropriate. This has barely happened in the recent past and without an effective judicial power protecting citizens' rights, they will continue to be violated. It is also essential that a law is created in the Philippines that defines EJKs as a different crime from murder, considering the substantial variations between one and the other.

Measures must also be taken in regards to the families of victims. An investigation of the circumstances of the death of every civilian must be conducted, as well as a trial to determine if it actually was a wrongdoing. Considering that the "Drug on Wars" has consistently targeted the poorest sector of the society, indemnisations could prevent the families of the victims from falling to greater poverty as a consequence of the loss of a relative who may have provided an essential part of the household income. This could partially be solved with a more effective implementation of the Writ of Amparo.

The attempts of silencing his critics that Rodrigo Duterte has made is another issue that has to be addressed. Freedom of speech has to be respected as it constitutes one of the pillars of democracy.

The role of the International Community should be to raise awareness about the issue and disapprove the current situation. Moreover, they should oversee that the aforementioned, or other, solutions take effect. For this reason, it could be helpful if the UN sent an envoy to monitor such process.

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## Appendix

- I. [A/HRC/39/39 - OHCHR](https://www.ohchr.org/EN/HRBodies/HRC/.../A_HRC_39_39.doc...)[https://www.ohchr.org/EN/HRBodies/HRC/.../A\\_HRC\\_39\\_39.doc...](https://www.ohchr.org/EN/HRBodies/HRC/.../A_HRC_39_39.doc...)