

**Forum:** First Human Rights Council

**Issue:** Protecting the rights of citizens affected by the drug war in the Philippines

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## Introduction

The drug war in the Philippines refers to the ongoing drug policy initiated by President Rodrigo Duterte to prohibit drug trafficking and manufacturing with strong legislative measures. After the inauguration on July 30, 2016, President Rodrigo Duterte vehemently vowed that the country would be free from drug issues, allowing the Philippine National Police to kill the criminals and drug dealers if they resist to the police forces. This so-called “shoot-to-kill” policy gave police rights to kill suspected



*Activists are lighting candles during vigil for victims of extrajudicial execution*

criminals without proper judicial proceedings. The strong regulations and taking hard-line against criminals certainly made great success to the public peace in some places: the overall crime rate has decreased, and many drug offenders have been arrested. However, the ongoing controversy regarding the rights of citizens and national police's abuse of power has sparked the international interest and concerns, with widespread condemnations arising. With the variation of death tolls, human rights organizations condemned the Philippine government with allegations of extrajudicial executions and insisted the violation of human's rights from the police forces, which were criticized of being extremely violent; nevertheless, the Philippine government continuously dismissed suspicions of misconducts and professed that there were no abuse of powers from the national police force. The Philippine drug enforcement agency gave the number of deaths from 2016 to November 2018 as 4,948, but the exact numbers of fatalities are still unknown. Some major UN human rights organizations, including the International Criminal Court (ICC), recently tried to set up investigations to take a coordinated and systematic approach. Still, with conflicts in international relations, current frameworks failed to examine this issue comprehensively. Because the president Duterte declared war against drugs throughout his entire term of presidency, it is expected that more people will be falling victims without having their basic human rights guaranteed.

## Definition of Key Terms

### Extrajudicial execution

Extrajudicial execution means killing from the government or state agents without proper judicial process. This type of execution is not legally authorized and is usually condemned by the public in its brutality and ferocity. This instantaneous and arbitrary execution can target vulnerable citizens with the government's acquiescence.

### Human rights

Human rights are fundamental rights given to all people regardless of their ethnicity, sex, race, and religion. They include the freedom from torture, rights to life and liberty, and rights to a fair trial. Human rights are inalienable and they should be guaranteed for everyone.

## Background

### Start of the Drug War

Violation of human rights in Philippines was not a recent phenomenon as it dates back to 1965. The Marcos administration in 1965 gave armed force rights to suppress any kinds of insurrections. The Arroyo administration and Benigno Aquino administration also experienced similar process of suspicions in violating human rights. Over the past few decades, problems and concerns about drugs addicts emerged in the Philippines. In 2002, Prime Minister Gloria Macapagal Arroyo defined drug menace as a “threat to national security” in response to serious drug crimes. With these problems, citizens demanded strict regulations for drug addicts, and many political agendas emerged as the government paid serious attention to this issue. Recent polls show that the majority of citizens are overwhelmingly satisfied with Duterte's bloody war against drugs.



*Drug enforcers in Philippine are seizing drugs*



*Onlookers are looking at the site of the killing of a man attacked by unknown armed forces*

The start of the drug war in the Philippines date back to 2016 June 30, when Rodrigo Duterte won the presidential election and became the 16th president of Philippine. Before being elected in the election, Duterte promised that he would kill thousands of criminals and eliminate corruption in the society. After the election, Duterte swiftly initiated the policy by declaring war against drugs and urging people to kill the drug addicts. The National Police Forces had the right to kill suspected criminals when they resist against the police forces.

As the policy proceeded, questions about the legitimacy and human rights emerged as reports continuously noted killing by unknown armed forces. Several eyes have witnessed abuse of powers from the national police force, asserting that the cops are involved with the extrajudicial executions. Human rights records in the Philippines have significantly deteriorated due to Duterte's strong stand against drug addicts.

### Concerns about Human Rights

In January 2017, Amnesty International published a report about the violation of human rights in the Philippines and disclosed how the citizens are affected by the systematic and deliberate killing of drug addicts. They emphasized the possibility of the police forces fabricating false evidence, justifying their targeting toward civilians. Human rights organizations such as human rights watch published a report stating that the PNP has planted ammunition and drugs so that they can implicate them in drug activities. Several suspicions with arbitrary arrests and detentions without trials made Philippine's human rights crisis to deteriorate.

#### *Extrajudicial executions and Vigilantes*

One of the major human rights crisis consistently found in several reports is enforcement of extrajudicial executions. The annual report from the Philippine Drug Enforcement Agency (PDEA) revealed that around 5,000 suspected drug users were killed by the operation from the police forces.

Statistics from the PNP states that approximately 22,983 people were killed since the drug war began in 2016, including vigilante-style killings. Giving excuses and pardon to the police forces, President Duterte has made repeated calls for the civilians to kill the suspected drug crims during his exhortation, inciting the unknown armed forces and vigilantes to exercise violence. It was reported from Amnesty International that the DDS group, known as Davao Death Squad, killed more than 1,000 people and street children without a legal basis; the origin of the relationship between DDS and Duterte goes back to 1990s.



**Protesters stage a "die-in" campaign**



**Protesters calling for the end of the drug war**

On March 2017, after initial denials, Duterte finally admitted that DDS existed. Exact statistics of casualties are unknown since the government has failed to address and disclose the official documents, and in some cases, the killings have not been investigated. Some statistics, therefore, contradict each other, and there is a high level of suspicions in its credibility. Extrajudicial execution is a serious violation of human rights to freedom from execution and it was publicly condemned since the International Covenant on Civil and Political Rights (ICCPR) has declared that “the right to be free from

executions also contains the freedom from deprivation of life,” showing that the government of each nation has obligations to guarantee the rights of citizens by following international norms.

Poor urban dwellers, including children, are the primary victims of these deaths. On July 30, 2019, a three-year-old girl in Rizal Province was shot by police during the raid targeting her father. The police department issued a manifesto saying that the father was using the child as a "shield." Human rights organizations publicly condemned the Philippine national police and urged the UNHRC's intervention. Duterte has consistently denied and refused to refrain his policy, and a permanent resolution for this issue is required.

## **Major Parties Involved**

### **Philippine Drug Enforcement Agency (PDEA)**

PDEA is a government agency in charge of preventing, investigating, and combatting illegal drugs in the Philippines, with the vision of creating a drug-free country. They are leading the anti-drug campaign, enforcing and implementing laws to combat illegal drugs. Bear in mind that the PDEA code of professional conduct and ethical standards state “All PDEA members must respect and protect human dignity and man's inalienable rights to life, liberty and property”.

### **Philippine National Police (PNP)**

PNP is an armed civilian national force in the Philippines created to serve and protect Filipinos with justice and maintenance of peace. They stated that they are following the Human Rights-Based Policing (HRBP) to follow international human rights standards and comply in law enforcements. Billions in government funds have been given to PNP, according to president Duterte, for drug war intel work. Recently, the former head of PNP, General Oscar Albayalde, stepped down as he faced accusations regarding alleged resale of confiscated drugs.

### **International Criminal Court (ICC)**

The International Criminal Court (ICC), has a close relationship with the current issue in the Philippines. After the outbreak of the “drug war,” ICC announced a preliminary examination, accusing president Duterte of the violation against human rights and dictatorship. Duterte, denying all kinds of accusations, decided to make a strong and unprecedented stand against ICC: officially withdrawing from the ICC. Philippines is now no longer member states of the ICC as they also informed the UN in their decision on March 2018. Because ICC is a judicial institution established as a non-governmental organization, ICC does not possess its military forces. On September 2018, after the ICC’s accusation, president Duterte addressed that the only sin he made is extrajudicial execution and has consistently refused the investigation from the ICC coordinators. Still, delegates should be aware that execution and killings were never part of the Philippine constitution.

### **People’s Republic of China (PRC)**



China consistently expressed its full support in the “drug war” policy, making a firm statement with Philippine to fight against drugs. The Republic of Philippines Foreign Service Institute revealed that China established four mega drug rehabilitation and treatment center: two in Luzon and one each in Visayas and Mindanao. China also provided 100 million RMB, which is approximately 14 million dollars, to the Philippine, encouraging implementations of campaigns and law enforcement to combat illegal drugs. China and the Philippine have been cooperating for the past few years to reinvigorate their relationship by building a fundamental basis for cooperation.



*Duterte met President Xi in Beijing*

### United States of America (USA)

Before the Duterte administration, U.S. maintained strong relationships with Philippine, predominantly because they share collective commitments to democracy and human rights. After Duterte inaugurated in 2016, the Obama administration expressed full concern in extrajudicial execution. U.S.-Philippine relationship especially deteriorated when the Obama administration withheld financial aids to the Philippines in December 2016. Tensions ran high when Duterte aligned with China, saying “it is time to say good-bye to U.S.” and referring president Obama as “son of a whore”, but when the Trump administration took office in January 2017, Trump called the drug dealers to be executed, stating that the only way to solve the drug issue is toughness. Trump remains one of the most active supporters of Duterte. U.S. has praised China and Singapore for their support of Duterte’s drug policy, and Trump and his administration boasted the “great relationship” between the U.S. and Philippines through financial support and endorsements.

### Timeline of Events

Date	Description of event
<b>June 30, 2016</b>	Duterte won the presidential election, and declared war against drug crimes
<b>August 18, 2016</b>	The United Nations human rights experts urged Philippine to suspend extrajudicial execution
<b>September 2~3, 2016</b>	Duterte announced “state of emergency in Mindanao” after the bombing in Davao city
<b>October 13, 2016</b>	ICC chief prosecutor Fatou Bensoda expressed full concern with extrajudicial execution
<b>December 8, 2016</b>	The Committee on Justice and Human Rights insisted that DDS really exists
<b>January 31, 2017</b>	Amnesty International published reports about violation of human rights in Philippine
<b>March 2017</b>	Duterte admits the existence of DDS

<b>August 16, 2017</b>	17 year old boy named Kian Delos Santos died in anti-drug operation in Caloocan.
<b>June 19, 2018</b>	Member states of UNHRC released a collective statement about violation of human rights in the Philippines
<b>December 5, 2018</b>	ICC released a report on Preliminary Examination Activities
<b>July 11, 2019</b>	UNHRC passed resolution A/74/53-41/2.

## Previous Attempts to Resolve the Issue

The “drug war” in the Philippines is a recent affair, and previous attempts to resolve the issue also started recently. In order to investigate the alleged crime of Duterte, ICC released a preliminary examination on December 5, 2018. The report focuses on allegations that Duterte promoted executions of purported drug dealers, and it revealed that “over 12,000 people had been killed due to mistaken identity”. This investigation is still ongoing, and ICC is expected to further record allegation of crimes committed in the Philippines. The first response from the UNHRC came on June 19, 2018, when member states of HRC published a collective manifesto, urging president Duterte to stop the extrajudicial execution and power abuses. Iceland, on behalf of 38 member states, managed to make this statement, calling Philippine to provide and meet the basic norms of human rights. Almost after one year, on July 11, 2019, the United Nations Humans Rights Council adopted a resolution about “the promotion and protection of human rights in the Philippines(A/74/53).” This resolution, proposed in the forty-first session, focuses on the rising killings in the Philippines, as well as the influences of Duterte’s drug war. The resolution urged the Philippine government to “take all necessary measures to prevent extrajudicial execution” following the international norms. With 18 votes for, 14 against including China and Philippines, and 15 abstentions, this resolution is expected to provide foundations for the investigation about the violation of human rights in the Philippines. This resolution calls for the investigation and cooperation of the Philippine government to investigate the extrajudicial execution, but this is only a temporary solution. More permanent resolution, answering how and in what ways the rights of citizens will be protected, is needed. Delegates should not propose exact same ideas with this resolution but may build upon these ideas.

## Possible Solutions

- The concern of human rights violations in the Philippines emerged when extrajudicial execution initiated. Delegates should be aware that possible solutions should not be an infringement to the national sovereignty. To halt the extrajudicial execution, a comprehensive, useful, and binding resolution is needed. International society repeatedly urged the government of the Philippines to stop extrajudicial killing, but no improvements have been made until today.
- Involvement of a neutral inspector regarding law enforcement in the Philippines can be one way to solve this issue. For the past few years, the safety of journalists and human rights defenders in the Philippines were not guaranteed. However, inspectors dispatched by NGO, free from government intervention, can

have their safety ensured by the organizations. The role of these inspectors will be investigating whether proper judicial processes are taking place in the Philippines with compliance in human rights law.

- One of the problems of extrajudicial execution in the Philippines is that the police highly rely on hearsay evidence. Amnesty International revealed in their report that false accusations possibly killed many innocent people. Delegates should propose innovative resolutions such as improving the technique of gathering physical evidence which can actually prove the guilts. Drug issues obviously should be eliminated, but the punishments must be made under proper evidence with improvements of the police intelligence system. Cooperation of intelligence system with other neutral countries can also be considered.
- Member states can also encourage the government of the Philippine to focus on therapeutic community with the rehabilitation system rather than executions. Making drug addicts to go through obligatory rehabilitation system can guarantee the rights to live since killing and executions were never part of the Philippine constitution. Although prohibited by the law, President Duterte recently made a speech in July 2019, pushing for the return of death penalties to drug crimes. Be aware that the UN was trying to make progress in eliminating the death penalty by calling a moratorium in its use in 2007 by General Assembly resolution A/RES/62/149.
- The government of the Philippine should also show their best effort to reduce the power of unauthorized criminal groups, such as vigilantes in the Philippines. Vigilante groups were accused of killing innocent people and false accusations. Through mutual agreements, member states should work collaboratively and cooperatively so that the irregular armed forces and their threats can be eliminated. All people have their fundamental rights to live safely without menace to peace, and it is essential to note that the rights and safety of citizens are prior to all others.

## Bibliography

*Above the Law: Police Torture in the Philippines*. Amnesty International, 2014. <[https://www.amnestyusa.org/wp-content/uploads/2017/04/asa\\_350072014.pdf](https://www.amnestyusa.org/wp-content/uploads/2017/04/asa_350072014.pdf)>

“Annual Report.” Annual Reports 2018, Philippine Drug Enforcement Agency, <http://pdea.gov.ph/our-accomplishments/annual-reports>. <<https://drive.google.com/file/d/15vzyVy2Iz6es1xo0QRLKBD0t6ADihSdb/view>>

“Second Optional Protocol to the International Covenant on Civil and Political Rights.” OHCHR, United Nations Human Rights Council Office of the High Commissioner, <<https://www.ohchr.org/en/professionalinterest/pages/2ndopccpr.aspx>>,

“Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development Enable.” United Nations, United Nations, <<https://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.2.Add.8.pdf>>

**"If You Are Poor, You Are Killed": Extrajudicial Executions in the Philippines "War on Drugs."** Amnesty International Ltd, 2017. <[https://www.amnestyusa.org/files/philippines\\_ejk\\_report\\_v19\\_final\\_0.pdf](https://www.amnestyusa.org/files/philippines_ejk_report_v19_final_0.pdf)>

Kevin.town. “Methamphetamine Use on the Rise in East and South-East Asia.” United Nations Office on Drugs and Crime, United Nations Office on Drugs and Crime (UNODC), <<https://www.unodc.org/unodc/en/frontpage/2012/December/methamphetamine-use-on-the-rise-in-east-and-south-east-asia.html>>

“Cooperation with China on the Philippines' War on Drugs.” Foreign Service Institute, Republic of Philippines Foreign Service Institute, <<http://www.fsi.gov.ph/cooperation-with-china-on-the-philippines-war-on-drugs/>>

**“A/74/53 - E = A/74/53.” United Nations Human Rights Council Resolution, United Nations Human Rights Council, 11 July 2019, <https://undocs.org/A/74/53>. < <https://undocs.org/A/74/53>>**

“U.S. Relations With the Philippines - United States Department of State.” U.S. Department of State, U.S. Department of State, <<https://www.state.gov/u-s-relations-with-the-philippines/>>.

“Statement of Iceland on the Human Rights Situation in the Philippines.” IDPC, International Drug Policy Consortium, 25 June 2018, <<https://idpc.net/alerts/2018/06/statement-of-iceland-on-the-human-rights-situation-in-the-philippines>>

**“The Philippines.” International Criminal Court, International Criminal Court (ICC), <<https://www.icc-cpi.int/philippines>>**

“Put an End to the Death Penalty Now', Urges Guterres, Marking World Day | UN News.” United Nations, United Nations, <<https://news.un.org/en/story/2018/10/1022732>>.



“PHILIPPINES - Fidh.org.” The Observatory for the Protection of Human Right Defenders, OMCT SOS-Torture Network, <<https://www.fidh.org/IMG/pdf/rapport-philippines2019web.pdf>>

Roth, Kenneth. “World Report 2019: Rights Trends in Philippines.” Human Rights Watch, Human Rights Watch, 22 Jan. 2019, <<https://www.hrw.org/world-report/2019/country-chapters/philippines>>.