

Human Rights Crisis in the Philippines

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The current president of the Philippines, Rodrigo Duterte, has launched a war on drugs (and dissent) since his inauguration in 2016. Among many others, Duterte has signed controversial anti-terror legislation that allows warrantless arrests, longer detention without charges and extrajudicial killings, attacked human rights, and implemented authoritarian policies. The people of the Philippines have rescinded with decisive protests.

I. Introduction

The election of the current president of the Philippines, Rodrigo Duterte, brought not only an international human rights crisis but also an estimated total of 27,000 unlawful killings by police, including the murders of political activists, community leaders, and human rights defenders (BBC News). Official figures place the number of deaths at 8,000 (BBC News).

Known in the Philippines as the “war on drugs,” the crisis started after Duterte’s withdrawal from the International Criminal Court (ICC). This allowed Duterte to continue with his drug policy that is, according to the former Philippine National Police Chief Ronald de la Rosa, aimed at “the neutralization of illegal drug personalities nationwide” (Gavilan). Since the ICC investigates and tries criminals of the gravest crimes such as genocides, war crimes, and crimes against humanity, withdrawing gave Duterte the authority to give police permission to kill without consequences: a power that has been gravely abused (Amnesty International (b)).

In response to authorities (who are supposed to serve to protect) abusing their authorities with impunity, there has been significant backlash against Duterte, which he silences through restrictions, arrests, and extrajudicial punishment. The case of Senator Leila de Lima, a member of the Filipino Senate as well as a highly recognized human rights activist and critic of Duterte, is just one example of this. Her criticism was silenced in 2018, following the charge, arrest, and imprisonment on false, politically motivated accusations of drug use (Human Rights Watch (b)). To this day, de Lima is unlawfully detained (Human Rights Watch (b)). Duterte has silenced many more high-ranking officials and critics. Senator Antonio Trillanes IV was arrested due to his opposition to the drugs policy and Chief Justice Maria Lourdes Sereno was stripped of her title due to her criticisms (Human Rights Watch (b)).

As international pressure for accountability mounted, the United Nations Human Rights Council requested a comprehensive written report on the state of human rights in the Philippines in 2019, a move that was quickly responded to by the immediate suspension of negotiations for financial assistance with all 18 countries involved with the request (Special Rapporteurs). The report, presented this June, concluded definitively against the Duterte administrations and highlighted a number of unlawful actions by the politically empowered in the Duterte regime, of which only the beginning is silencing dissent (Special Rapporteurs).

II. Extrajudicial Killings

The Human Rights Watch (HRW), the leading international NGO researching and advocating for human rights, explains the rise of vigilante killings in the Philippines. Many are being killed by the police themselves, who know they will not be tried, as well as under the direct order of government authority. While the Philippine National Police claims that from the start of the hard-on-drugs policy regime, July 2016, to the time of the report, June 2019, only 5,526 suspects were killed, even the most conservative estimates using official records (not including the tens of thousands estimated to be killed with no reason to investigate or while unarmed) place the deaths above 8,000 (BBC News). When all is said and done, there are no trustworthy reports to

justify any of the figures given out by the Filipino government; all other reports place the number of arrests and killings much higher.

Unsurprisingly, this legacy of dishonesty pervades the police system. HRW has extensively documented the police failing to bring suspected drug users or distributors into custody, instead reporting them to have died while being restrained or due to self-defense by officers (c). HRW has also documented instances of planting weapons and altering the crime scene to portray that lethal force was justified (c). Indeed, justice was found only twice out of the thousands of cases of extrajudicial killings. First, in the case of 17-year old child Kian de los Santos. In August 2017, three police officers were found guilty by the Manila Court of the murder of de los Santos (Human Rights Watch (b)). Secondly, this September, a Bulacan court convicted former Major General Jovito Palparan and two other military men for the kidnapping and illegal detention of Karen Empeño and Sherlyn Cadapan (Human Rights Watch (b)). The two girls were abducted, raped, and tortured by the men for the sole crime of being vocal student activists. Tragically, they remain missing to this day. While both these cases sparked international outrage, thousands more like their stories go unreported.

Finally, it is important to note that the majority of the extrajudicial killings by police that continue today on a regular basis mostly affect impoverished urban areas such as the capital region, Metro Manila, and are also spreading outwards to other cities and provinces such as Cebu City and the Bulacan province (Human Rights Watch (c)). While the loss of life is indeed significant, Duterte's "war on drugs" has a hidden repercussion: the war on drugs contributes to the deprivation of the family members affected as well as damaging their psychological health. The UN High Commissioner on Human Rights writes that the police crackdown during COVID-19 has further destroyed the most vulnerable Filipino communities (Special Rapporteurs).

III. Violations of Human Rights

However, the human rights crisis under Duterte's rule does not stop at the drugs war policy. Duterte exhibits a consistently shocking disregard for human life. Duterte

reportedly told police forces to kill protesters calling for food aid during the pandemic (Billing). Even prior to COVID-19, workers striking against unfair labor, low wages, and restriction to benefits faced police forces, killings, unidentified and lost victims, arrests, and violent dispersals. Additionally, he called for Congress to reinstate the death penalty during his annual State of the Nation Address in July this year for drug and general convictions (Jha). The Asian Director of the International Drug Policy Consortium says that the death penalty has not contributed to the solution of the drugs war in any country and many politicians suggest that, during the COVID-19 pandemic, the penalty should not be a priority (Jha).

More worryingly, the reinstatement would violate obligations of the Philippines under the Second Optional Protocol to the International Covenant on Civil and Political Rights, which commits the country to never reinstating the death penalty (Iwasawa). Lastly, Duterte refused to certify the urgency of the SOGIE (Sexual Orientation, Gender Identity, and Expression) Equality Bill despite national outcry when a transgender woman was prohibited from using a women's bathroom and arrested for documenting the incident on her phone (Amnesty International (a)).

Furthermore, in March 2019, Duterte declared a “permanent termination” of peace negotiations between the Filipino government and the National Democratic Front of the Philippines, the Communist Party of the Philippines, and the New People’s Army, claiming that talks were “useless” (Roque). While Duterte reversed this in December, deciding to resume peace talks, political dissent is still highly risky in the Philippines (Merez). In October, security forces arrested 50 leftist activists during a raid of three organizations in Bacolod City on the wrongful charges of explosive and firearms training; over 40 were released after pail or being cleared, but seven are still being held on charges without bail (Amnesty International (a)). In another case, the former Education Director of the human rights alliance Karapatan, Zara Alvarez, was murdered in Bacolod on 19th August 2020 (Regencia). She was shot six times while walking home by an unidentified attacker (Regencia). The government promises to investigate the case but focuses on the fact she was a member of a “leftist group” as the main lead (Regencia). Her death came only a few days after speaking out against Duterte’s new anti-terror legislation that allows warrantless arrests and longer

detentions without charging detainees (Regencia). Flagrantly flaunting the presumption of innocence and limitations on the police force, this policy violates fundamental human rights. Further, legal experts warn this policy will be directed at those who criticize Duterte under the guise of the war on drugs. Lastly, the Department of Education was forced to close down 50 schools serving Lumad children (Indigenous) by Duterte as he alleged they were teaching the children to rebel against him and stated he would bomb them. (Amnesty International (a))

Finally, children's rights are also at risk in the Philippines. The House of Representatives passed the final bill for the minimum age of criminal responsibility to be lowered from 15 to 12 years old, including drug-related offenses (Human Rights Watch (c)). Nevertheless, the bill remains pending in the Senate (Human Rights Watch (c)). As the law would endanger children rather than reduce crime, human rights organizations and the international public is applying pressure to reject the bill. And, under the drugs policy, children would be particularly susceptible to being murdered unlawfully.

IV. Conclusion

Duterte's presidential term is set to end in 2022, but there is no guarantee the crisis will go with him. Even then, justice may never be served to the thousands of victims affected by the human rights violations conducted under his authority, especially as he only expands his regime. In one speech, he said "if you go into drugs... I will kill you." He added: "Even with the United Nations listening, I will kill you, period" (Human Rights Watch (c)). And they are. We all are. But together, we can contribute by using our voices to highlight the crisis and request for pressure to be put on Duterte, to bring equality and justice to the Philippines. A president should be directly responsible for the protection of his citizens, not the deaths.

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