

Forum: Human Rights Commission 1

Issue: The Issue of Human Rights in the Philippines

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Introduction

As of June 30th 2016, President Rodrigo Duterte took office as the 16th President of the Philippines. During the Presidential campaign he promised the nation that when he would take his position, he intends on ending the issues that fall under drugs, criminality and corruption. With the intent of fulfilling this promise, the Philippines has developed a more severe police and protection force which many believe act without proper process. The Philippines has had a substantial increase in police brutality whereby many people were stripped away from their rights and killed on the spot. In fact, the Philippine National Police had investigated 1540 cases of police abuse in 2017 alone.

However this is not the first time and issues like this have arisen, the Philippines has seen the use of public extrajudicial punishment and shootings, showing how necessary it is for the people of the Philippines are able to get a fair trial. In addition to this, victims of such arbitrary arrests must be kept under protection before a fair trial is made.

Prior to this, the Philippines had experienced a similar situation during the presidency of Benigno Aquino III. His promise to the people of the Philippines was to eradicate corruption within the government system. However, one of the major human right violations he had made was preventing the press from utilizing their freedom of speech. There were many reports on missing journalist that were filed and information on these disappearances was never revealed to the public. This lack of transparency behind the government and the public contradicts the idea of demolishing government corruption and furthermore shows how many mercilessly people were taken and prevented from being integrated back into society, a clear violation of their human rights.

Therefore, it is clear to see that the people of the Philippines deserve transparency between the government and also the assurance that their lives are not jeopardized simply by being approached by a police or a government official.

Definition of Key Terms

Human Rights

The common and necessary standards of human behaviour that enable people to live by certain moral principles that are defended as natural and legal rights within national and international law .

Police Brutality

Violent actions taken on victims by the police which is undue. It is one of the several types of police misconduct.

Extrajudicial Punishment

Punishment carried out on people who were arrested or stopped based on an alleged crime or offence. The punishment enforced is not supervised or declared by the court and there is no legal process carried out before the punishment.

Vigilante

A civilian or organization, including a protection or police officer, who takes the law into their own hands, without any legal supervision (some vigilante believe the legal justice system is inadequate and hence go through with their own independent actions).

Summary Execution

A situation where a person is accused of a crime that they allegedly committed and as a result are immediately shot and killed without a fair trial. There is no proper legal system to declare the appropriate punishment, nor any means of knowing if the person is actually guilty of the crime.

Arbitrary Arrests

An arrest that has been made without sufficient evidence. The likelihood that the person in question is actually guilty of the crime is usually negligible. Regardless of that, the arrest had been made without the proper process of the law.

Writ of Habeus Corpus

This is a recourse in the law through which a person report any arbitrary arrests of extrajudicial punishments to which they or a relative were subject to and request a formal trial, where they are brought to court with surveillance to determine if the arrest or detention was lawful.

Writ of Amparo

This is a petition which is a remedy available to anybody whose rights or freedom was compromised by public or government employees.

Narcotics

A substance that is addictive and has an influence on the mood and behavior when consumed. As a result, many are illegal

Drug Addiction

Neuropsychiatric disorder that is diagnosed to people who have the desire for taking a drug regardless of their awareness that the doing so is harmful

Oplan Tokhang

The colloquial name given by Filipinos when discussing Duterte's drug policy or the drug war.

State-sanctioned

It is essentially a form of terrorism that a nation conducts and aims at either another nation or on its own people.

Maritime Security

Protection of the order of the sea. Ensure that there are no threats made while on sea and that governing regulations are followed.

Urban Communities

A community that is a city or a town. they are often crowded and have more than 2500 people living and residing in the area.

Background Information

President Duterte Anti-Drug Policy

The Philippine drug war was initiated as a result of President Rodrigo Duterte's claim to end issues relating to drugs. The problem commenced when he had released his statement on fulfilling his promise where, according to the previous Director General of the Director of the bureau Mr. Ronald Dela Rosa, the policy states the approval of the "neutralization of illegal drug personalities worldwide". Essentially, the policy grants the public to kill suspected criminals or drug addicts. This war is commonly referred to as Oplan Tokhang

We see many issues with this policy. For instance, drug addiction in itself is a condition that requires medical attention and rehabilitation. The simple action of killing an addict prevents them from having the quality of the life each person deserves and doesn't productively overcome the issue of narcotic addiction.

Furthermore, Article 5 of the UDHR prevents Filipinos and any person from the torture and degrading treatment. People need to be kept in protection from crime to do with such

However, the main issue with his statement is the permission he gives his people and the protective forces of the Philippines to take the law into their own hands without giving civilians the benefit of the doubt.

As a result, there have been over 20,000 deaths due to the drug war as of February 2018. Around 4,500 of their victims were killed by the Philippines National Police as they were allegedly fighting back during a raid; while thousands more have been killed by unidentified assailants throughout the country. Amidst this, Duterte released a statement in July 2018 vowing to continue the war saying it will be "a relentless and chilling as it was on the day it began".

Extrajudicial Killings and Summary Executions

The countless murders of alleged criminals and drug offenders are encouraged by the authorities. Presently, the number of killing per day in an anti-drug operation has reached a new height of 32 lives. The list of people aren't verified but are still used and we see how they're action without cause is compromised when data and accounts don't match up. In particular, when taking into account the murder of three teenagers sparked controversy as the witness testimony had contradicted with the police's recollection of killing one of the boys. When forensic analysis of 17 year old boy named Kian delos Santos was completed, it was confirmed that he was indeed extra judicially executed.

Protection forces' transparency of information

A recent Transparency International Survey found that 69% of Filipinos believe that the police force is corrupt. Many people do believe the police force targets people from the working class in particular and set a discriminatory tone to the war. Through all of this the issue remains that the inner workings of the police force are not disclosed to the public. The Human Rights Watch recently discovered the planting of evidence onto crime scenes by police officials. Their report examines 24 incidents which result to a total of 32 deaths involving the PNP (Philippines National Police). All of the reports of the incidents that were filed by the police had cited that the deaths were as a result of self-defense, however, these are usually contradicted by eye-witness testimonies which consider these deaths as murderous and cold-blooded and have accounted that many of the victims were unarmed drug suspects in custody. As a result, many police officials were found to be planting guns, spent ammunition

and drug packets routinely next to such victims. Legally, police officers murdering innocent victims must be prosecuted and charged for the death, however this issue is rarely touched on or investigated.

The Impact on the Urban Population

Duterte has always deemed himself a “man of the poor”, however many believe his administration policies have affect many urban communities negatively as there have been numerous cases of eviction and demolition of houses.

An example of this is seen in the community of Sitio San Roque. The land’s purpose is mixed with commercial industries and residential areas. However, in recent years many of the sub villagers are being forcefully evicted by means of demolition or relocation. Such people are given two options: they can either accept 100,000 Philippines Pesos in exchange for demolishing their own homes and leave, or they will be located to a new accommodation via the government in which case they will be charged 400,000 Philippines Pesos for amortization.

Not only does this highlight a forceful act of injustice to the poor, but this also affects many of these individuals economically if they relocate. Some of the residents have been in the area since the 1980s and have arrived there in search of jobs during a period where work options were scarce in many other regions.

Furthermore the land has also been affected by Oplan Takhang with many people find the area very dangerous during the night as a result of the war and also find that victims are from lower-income families. With every summary execution that takes place within such communities we see another family left behind that is financially unsupported.

Major Countries and Organizations Involved

United States of America

The United States of America have their ties with the Philippine affected as a result of the drug war. According to, US House Committee on Armed Services, Admiral Harry Harris Jr the nation is not against Duterte’s keen mind to tackle the issue relation to drugs; however, the issue is with the way in which Duterte has actively tackled the issue in his policy. The United States has mentioned that they are willing to support the Philippines’ campaign to combat the illegal drug trade as long as all the actions taken fall under the rules of the law.

It is also noted that last year Washington had shifted assisting the Philippines in security to specifically focusing on maritime trade.

Human Rights Watch

The Human Rights Watch is an independent international organization that is working to help uncover the information hidden behind the situation in the Philippines. Essentially, they look in and reopen quickly closed cases of murder by the police and recheck the facts with the hope of exposing the lie behind them and addressing the reality of the situation in the Philippines to the world. In addition to this they also pressurize the government bodies that could potentially positively impact the issue and improve the situation. Their means of addressing this issue to the world at the efforts of several other organizations and the Philippines had caused the International Court of Justice to launch preliminary examinations against the killing linked to the Duterte's drug war.

Philippines

The people of the Philippines actively tackled the problem and have initiated several campaigns to combat the issue at hand. An example of this is the organization Karapatan which stands as the Alliance for the advancement of people's rights. One of the ways they had decided to tackle the problem was not only through raising awareness which they do engaging with the youth and also setting up awareness booth in areas in the Philippines, but they also use their people they find to state a joint alliance of opposition against Duterte's policy. This is done by providing people who are interested and providing them with the list of preliminary actions that must be enforced by the government to decrease the social torture that is present. One of the concerns they hope the government will consider is the immediate restoration of the writ of habeas corpus. In their attempts to persuade the government for such a change, they request all people who show interest to contact, through call, fax and email, this concern to display how this is something wanted by the entire nation.

Timeline of Events

The timeline below shows the events that had happened within the first few days and months that President Duterte has suspended the privilege of the Writ of Habeas Corpus.

Date	Description of event
September 25 th 2007	Chief Justice PUNO signed the Writ of Amparo
June 30 th 2016	President Duterte commences Presidency
May 23 2017	President Duterte suspended the privilege of the Writ of Habeas Corpus

May 25 th 2017	Series of Bombings fired at the communities of Moro, an urban community targeted for alleged drug crimes
May 25 th 2017	Female protestors addressing gender and ecological Justice are arrested and are held for an hour and a half at a checkpoint battalion
May 25 th 2017	260 people from Barangays in Davao City, were brought to the police station to undergo a “verification process”
May 26 th 2017	Daniel Lasid, a council member, was shot by 5 gunmen
May 27 th 2017	2 farmers were violently arrested and held at prison without visitation from their families
May 29 th 2017	A peasant couple was illegally arrested

Relevant UN Treaties and Events

- United Nation Declaration of Human Rights
- The International Covenant on Civil and Political Rights ([A/RES/21/2200](#))
- International convention for the Suppression of Financing of Terrorism
- Strategic guidance for Police Peacekeeping ([S/RES/2382\(2017\)](#))
- Elimination of Violence against Women ([E/CN.4/RES/2005/41](#))
- Security Council resolution on women, peace and security([S/RES/1325 \(2000\)](#))
- Draft United Nations Declaration on the Rights of Indigenous peoples ([E/CN.4/Sub.2/1994](#))
- Security Council Resolution on the situation in Burundi ([S/RES/2303](#))
- Contributions of the Human Rights Council to the Specific Session of the General Assembly on the World Drug Problem of 2016 ([A/HRC/RES/2/8/28](#))

Previous Attempts to solve the Issue

Previously, the legal system to deal with arbitrary arrest in the Philippines followed the Writ of Habeas Corpus in which citizens can report the unlawful punishment to the court and the court can request a custodian to accompany the person of interest to court to determine if the charges are lawful. Although this was useful to bring the law’s attention to victims of the police force’s unlawful actions, it didn’t necessarily provide the protection needed to ensure no unjust harm was used. In addition to this, on May 23rd 2017 Duterte had suspended this privilege to this Writ.

Therefore, the adoption of Puno’s released Writ of Amparo was able to provide such people arrested without the benefit of the doubt, protection against any harm of punishment until a court hearing is in session. However, this solution is useful only for arbitrary arrest and doesn’t address the extrajudicial

killings that take place on the spot. The adoption of this Writ on December 3rd 2007 proved to be useful in providing justice for 3 victims and had shown to reduce the number of extrajudicial arrests.

Another issue in which this Writ was useful was in presenting the families of the killed victims with the information of the victim's case relating to this drug war. This would not have been possible had it not been for the Center for International Law, who had filed a petition to the Supreme Court of the Philippines. Had not an organization stepped in for legal aid, such families would've been left clueless on the logistics behind their victim's death.

The International Criminal Court has also taken action of this situation. In fact the International Court of Justice has recently called for partnership with other NGOs to help the UN combat the issue at hand. This global effort was proven to be very useful mainly in grasping the attention of the Filipino government. President Duterte had apparently released many statements denying the allegations made and also stated that he would like to withdraw the Philippines from the ICC. However, this action takes a year of processing. Such global efforts can be made to ensure that the Filipino government is made aware of their positions stakes. Furthermore, the ICC now has a complete year or more to focus its attention solely on the statements of crime being released from the Philippines which allow them to essentially monitor the situation and note down any crime that could take place.

Possible Solutions

Serious partnership must be made with Non-governmental organizations such as the Human Rights Watch to aid with actually training and recruiting the police and protection forces of the Philippines. This should hopefully improve the discipline of the protective forces on the Philippines.

Furthermore, an extension of the efforts of the Karapatan organization, where they encourage the public to contact the government to express the majority favoring change, could be made with international prompts brought forward as this could potentially have an effect on the nation's social benefits. For example, we see how the relationship between allies US and the Philippines has grown apart as the USA is not for Duterte's policy to overcome drug distribution. Although they haven't had any dispute, the USA opposing their actions allows the widen media and public questions the integrity of this drug war. However, it is important to consider the effect this will have on the government. It is arguable that though this safer than common protest, this could also trigger more severe repercussions from the government.

In addition to this, the fact that the International Court of Justice had requested insight on Duterte's action has allegedly struck fear to Duterte's party. Chief Prosecutor of the International Criminal Court, Fatou Bensouda, had stated that the government seemed to have "seem to encourage State forces and civilians alike to continue targeting these individuals with lethal force." From this many people actually

became aware of the situation at hand, which leads to believe that a large population of the world are completely unaware of the situation regarding such human right violations in the Philippines. Therefore, a proper means of raising awareness of this situation must be made to help the people who have lost loved ones as a result of the war. With this being said, global awareness is seen to be a minute issue to the people of the Philippines in comparison to simply getting some sort of justice system in place.

The need to provide legal aid is also necessary, many victims' families haven't received proper reports and police statement actually justifying the murder of their loved ones. This is also crucial in order for such families to have a pillar to lean on for economic support.

Lastly, a proper structure must be founded to systematically relocate evicted individuals to an area where they might be granted a job placement. In addition to this, necessary financial issues such as housing costs must also be improved as the current structure that has been instilled by the Filipino government has left many sub villagers poorer than what they were prior.

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