

**UNIVERSAL PERIODIC REVIEW – PHILIPPINES – DRUG POLICY - NGO SUBMISSION**

**Submitting organisations:**

	<b>Organisation name and logo</b>	<b>Organisational description</b>
1.	Philippine Alliance of Human Rights Advocates (PAHRA)  Website: <a href="http://www.philippinehumanrights.org">www.philippinehumanrights.org</a>	A non-stock, non-profit alliance duly registered under the laws of the Philippines, with SEC No. ANO92-03505. It was established on August 9, 1986 in a Congress that was participated in by more than a hundred organizations from all over the Philippines. It was formed as an alliance of individuals, institutions and organizations committed to the promotion, protection and realization of human rights in the Philippines.
2.	NoBox Transitions Foundation, Inc.  Website: <a href="http://www.noboxtransitions.org/">http://www.noboxtransitions.org/</a>	A non-profit organization advocating for drug policies and interventions for people who use drugs and their relevant others that are human rights and evidence-based. NoBox Transitions offers its expertise on drug-related issues and provides outpatient services relevant to the needs of each client.
3.	International Drug Policy Consortium (IDPC)  Website: <a href="http://www.idpc.net">http://www.idpc.net</a>	A global network of 154 non-government organisations, established in 2006, advocating for drug policies that are based on evidence and principles of public health, human rights, human security and development.
4.	APCASO  Website: <a href="http://apcaso.org">http://apcaso.org</a>	First established in 1992 as a civil society network of AIDS service organisations in Asia and the Pacific, APCASO has since broaden its work to be a civil society network of community-based (CBOs) and non-governmental organisations (NGOs) on HIV, health, and social development in the region. APCASO partners base their work on the principles of human rights with the aim of just and inclusive societies that respect, fulfil and advance the rights of communities most in need. APCASO is also currently the host of the Asia Pacific Communication and Coordination Platform on Communities, Rights and Gender (APCRG) supported by the Global Fund for AIDS, TB and Malaria.
5.	Asian Network of People who Use Drugs (ANPUD)  Website: <a href="http://anpud.org/">http://anpud.org/</a>	ANPUD was established in 2008 and registered in 2010. It is the only regional network in Asia that ensures the voices of people who use drugs are represented in regional forums and supports the development of country networks in the region. As a community based network, we represent people who use drugs and advocate for issues pertinent to us in Asia. In line with international best practice there is a clear need for community voices and participation at all levels relating to harm reduction, HIV prevention and drug dependence treatment.

## 1) EXECUTIVE SUMMARY

- 1.1 Since the last UPR review of the Philippines in 2012, several concerns have been raised about the human rights violations and policy developments that would place the Philippines in violation of existing human rights obligations, comprising:
- A. Continuing human rights violations under President Simeon Aquino III (2012-June 2016)
  - B. Extrajudicial killings committed by police and unidentified assailants, thereby violating the rights to life and due process including presumption of innocence and fair trial.
  - C. Naming individuals in public lists of people suspected of using or engaged in drug-supply activities, as published by the President and governmental authorities, and requiring such individuals to report themselves to governmental authorities, thereby violating the rights to due process including presumption of innocence and fair trial, and rights to health for people who use drugs
  - D. Detaining people arrested for suspected criminal offences in severely overcrowded prison facilities, thereby violating rights to health and to be protected against torture and cruel, inhuman or degrading treatment or punishment
  - E. Proposal to re-instate the death penalty for drug-related and other criminal offences, thereby violating the Philippines' obligation to take all necessary measures to abolish the death penalty under the *Second Optional Protocol of the International Covenant on Civil and Political Rights*.

## 2) SUPPORTIVE EXAMPLES

### A. Continuing Human Rights Violations under President Simeon Aquino III (2012-June 2016)

- 2.1 From 2012 to June 2016, human rights violations continued, as presented in the table below with data sourced from the non-government organisation known as the *Task Force Detainees of the Philippines* (a member of PAHRA). The matrix shows violations nationwide with victims including political activists, human rights defenders (HRDs), indigenous people, and individuals who are perceived to be critical of government policies.
- 2.2 63 cases of human rights violations and abuses were committed against HRDs, mostly perpetrated by non-state actors or private security forces. These cases include 7 victims of extra judicial killings in which two were women (Elisa Tulid from Quezon and Gloria Capitan from Bataan) and the other victims were: Julieto Lauron and Teresito Labastilla from Bukidnon, Menelao Barcia and Arman Padiño from Pampanga, Sixto Bagasala Jr. from Malabon City, and Teodoro Escanilla from Sorsogon. These violations and abuses stem from the advocacy work of HRDs on environment and land rights. <sup>i</sup>
- 2.3 Perpetrators include police, military personnel and other armed groups including private armies. Notable is the increasing violations perpetrated in relation to protecting business companies especially in mining areas including the Capion family massacre in October 2012 in Tampacan, South Cotabato where the Armed Forces of the Philippines killed indigenous people known as Juvy, 27 (a pregnant mother) and her two sons Jordan and John Mark (both minors) and wounded Juvicky, her 6 year old daughter.
- 2.4 Aside from tens of thousands of regular Civilian Armed Forces Geographic Unit (CAFGU), there are also thousands of Special Civilian Armed Auxiliary (SCAA) which are acting as Investment Defence Units. The SCAAs are trained and deployed by the Armed Forces of the Philippines per request of

business companies with corresponding Memorandum of Agreement between the military and business companies. The salaries of SCAAs are financed by business companies which is 4 to 5 times higher than the salaries of regular CAFGUs who only receive honoraria for their services. In addition, Executive Order 546 (EO 546) – which local government officials use to justify the providing of arms to private armies and armed paramilitary groups to address insurgency in rural areas– remains in force.

2.5 Despite the enactment of the Anti-Torture Law, the practice continues. In January 2014, the “Wheel of Torture”<sup>ii</sup> was revealed as being employed by the Philippine National Police (PNP) in Biñan, Laguna province. Alleged maltreatment of up to 41 detainees were documented but only 4 cases were pursued as most of the victims declined to file cases for fear of retaliation by the police. Using the “Wheel of Torture” as a game, detainees—mostly suspected drug traffickers—were punched if the “torture wheel” stopped at “20 seconds Manny Pacman,” referring to a nickname of the popular boxer Manny Pacquiao, or hung upside down if it stopped at a punishment called “30-second bat”.

2.6 In 2012, the *Anti-Enforced Disappearances Law* (R.A. 10053) was enacted but the test case filed of 6 young men who disappeared in 2000 in Agusan del Sur was dismissed by the prosecutor noting the prescriptive period, despite the law explicitly stating that enforced disappearance is a continuing crime. This shows the lack of understanding of prosecutors and courts of law in applying R.A. 10053. It is noteworthy to mention though that the incidence of enforced disappearance has decreased. The *International Convention for the Protection of All Persons Against Enforced Disappearance* has not yet been ratified.

2.7 The Administrative Order *Creating The Inter-Agency Committee On Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations Of The Right To Life, Liberty And Security Of Persons* (AO35) of October 2012, which could be the primary mechanism for redress for these violations has not proven its purpose. Police personnel and prosecutors working on the ground after more than 3 years still do not know that there is such a mechanism. From the more than 500 cases prioritized by AO35 from 2001 to 2015, no substantial results have been accomplished.

**Table of Documented Human Rights Violations from 2012 to June 2016** <sup>iii</sup>

Source: Task Force Detainees of the Philippines

TYPES OF VIOLATIONS	TOTAL		
	Number of Cases	Number of Victims	
Arrest and Detention	260	512	individuals
Torture	82	126	individuals
Massacre	18	22	killed
		6	wounded
Frustrated Massacre	1	7	wounded

<b>Extrajudicial Killing</b>	29	33	killed
<b>Frustrated Extrajudicial Killing</b>	5	5	wounded
<b>Enforced Disappearance</b>	12	18	victims
<b>Harassment</b>		5136	individuals
	136	1260	families
		1	organisation
<b>Illegal Demolition</b>	21	2919	individuals
		2385	families
<b>Violent Dispersal of Protest Action</b>	15	2259	individuals
		280	families
<b>Forced Eviction</b>	8	381	individuals
		517	families
<b>Destruction of properties</b>	8	232	individuals
		62	families
<b>Labor Related</b>	4	175	workers
<b>Torture (Non Political)</b>	10	10	individuals

**B. Extrajudicial killings committed by police and unidentified assailants, and inhumane and degrading treatment against people suspected of committing drug-related offences, thereby violating the rights to dignity, life and due process including presumption of innocence and fair trial.**

**Human rights violations under the administration of President Rodrigo Roa-Duterte**

2.8 Extra Judicial Killings (EJK) reached an unprecedented rate for the Philippines since the new administration under President Rodrigo Roa-Duterte, as outlined in the three sources of data tabled below:

Testimony given by the Philippines National Police (PNP) Chief Ronald dela Rosa during the Senate hearing on extrajudicial killings, September 15, 2016:

<b>Total number of people killed since 1 July 2016:</b>	<b><u>3,140</u></b>
<b>Police operations</b>	<b>- 1,105</b>
<b>Deaths Under Investigation (Unidentified perpetrators)</b>	<b>- 2,035</b>
<b>Total number of arrested individuals since 1 July 2016:</b>	<b><u>27,526</u></b>
<b>People who engage in drug dealing</b>	<b>- 16,891</b>
<b>People who use drugs</b>	<b>- 10,635</b>

*Philippine Daily Inquirer* – The Kill List  
<http://newsinfo.inquirer.net/794598/kill-list-drugs-duterte>

Number of people killed as of 12:00 p.m., Sept. 19, 2016:

<b>Since June 30:</b>	<b><u>1,027</u></b>
<b>Since May 10:</b>	<b><u>1,074</u></b>

*ABS-CBN Network: MAP, CHARTS: The Death Toll of the War on Drugs*  
<http://news.abs-cbn.com/specials/map-charts-the-death-toll-of-the-war-on-drugs>

For the period May 10 - September 21, 2016:

<b>Total Killed</b>	<b><u>1,674</u></b>
<b>Police operations</b>	<b>986</b>
<b>Unidentified killers</b>	<b>559</b>
<b>Found bodies</b>	<b>129</b>

2.9 During the campaign period, then Presidential nominee Rodrigo Duterte promised to eradicate the drug menace of the country in 6 months. His speeches during the campaign already included incitements to kill people suspected of engaging in drug supply activities and people who use drugs. For example, he said in June 2016: “If you know of any addicts, go ahead and kill them yourself as getting their parents to do it would be too painful.”<sup>iv</sup> One of his most famous speeches was when he promised to kill 100,000 criminals and drug pushers and dump them in Manila Bay.<sup>v</sup>

2.10 **Police Operations resulting to killings:** The President’s orders to law enforcement agents and local government officials to kill those involved in the illicit drug trade, especially if they do not surrender, have emboldened the law enforcement agencies and local government officials in the war against drugs. It has been conveniently used as a license to kill with impunity by the PNP and local government officials. Furthermore, the President’s statements ensuring protection of the

PNP from prosecution and promising impunity for killings has created an environment which has thrived on threat, harassment and violence.<sup>vi</sup>

- 2.11 The veracity of police claims that victims tried to fight back by grabbing guns from arresting officers and were therefore killed, despite in some cases already being handcuffed, are suspicious and must be investigated. Several complaints have been received by the Philippines' Commission on Human Rights and PAHRA member organisations, clearly stating cases of abuse and excessive use of force or non-compliance with police operations procedures and rules of engagement. There are several reports that during police operations conducted in houses or "drug dens", the victims are actually surrendering but were nevertheless shot at and killed. There are also reports of torture of victims and witnesses.
- 2.12 International law strictly prohibits the use of lethal force unless strictly unavoidable in order to protect life, as stated under Article 6 of the *ICCPR* and Principle 9 of the *UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*. The use of any firearms is prohibited except in self-defense or defense of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. Where there are allegations of a violation of the right to life, there must be an independent and impartial investigation and those responsible must be brought to justice."<sup>vii</sup> Although cases have been filed, a PNP's Directorate for Investigative and Detective Management (DIDM) official has admitted that none of these have been solved.<sup>viii</sup>
- 2.13 **Vigilante and "Cardboard Justice" killings:** The incitement of the President to kill people suspected of using drugs or engaged in drug supply, has extended to armed groups, citizens and even family members of people suspected of drug-related activities. This has resulted in killings by vigilantes and unidentified perpetrators, amounting in number that are now higher than the numbers killed by police officers. More than 2000 have been killed since 1 July 2016, as reported by the PNP, with bodies wrapped in trash bags or with packaging tapes, hog-tied, dumped in gutters, open roads with cardboard or paper next to them written with words accusing them of being "drug pushers / robbers / criminals". The perpetrators are often people riding a motorcycle, shooting dead "suspected" drug offenders even in public and broad daylight.
- 2.14 **Children as fatalities of war on drugs:** at least four children have been killed to date:<sup>ix</sup>
- 2.13.1 Alfea Barbon of Dumaguete City was a 4-year old girl who was killed after she was supposedly used as a human shield by her father when the latter was shot by the police during a buy-bust operation last August 30, 2016;
- 2.13.2 Angelika Bonita of Samar, 15-year old was riding in a car with her relative lawyer last August 24, 2016, when they were ambushed. Multiple bullet wounds in the head caused their deaths. The lawyer was the counsel of the Mayor in Samar accused as drug coddler;
- 2.13.3 Joe Amadeo of Pasig City, Manila, 16 years old was allegedly tortured and murdered last August 24, 2016. He was allegedly a drug pusher and user;
- 2.13.4 Danica May of Pangasinan, 5 years old, was shot to death last August 23, 2016 along with her grandfather while they were eating lunch inside their house. The target was the grandfather, but Danica was not spared;

2.15 In addition, a two year-old girl had been allegedly abused by the police in search of prohibited drugs in her anus during a police operation in her family's home on July 13, 2016. The father and grandfather of this child, Renato and Jaypee Bertes, were later killed by police personnel inside Pasay City Jail, in highly suspicious circumstances as heard by the Commission on Human Rights.<sup>x</sup>

2.16 **Young people and students believed to be innocent as fatalities of the war on drugs:**

2.15.1 On July 19, 2016, the body of 22-year-old Rowena Vergara Tiamson<sup>xi</sup> was found dumped by the roadside, hogtied and with a bullet wound to the head in Barangay Parian in Manaoag, Pangasinan. Found beside her was a cardboard with the words: "Huwag tularan. Pusher" [Don't follow (her). Pusher]. According to the victim's relatives, Tiamson was an honor college student and an active choir member of a local church who often joined amateur singing contests. It was almost impossible to believe that she was involved in any drug-related activities, they said.

2.15.2 Roman Clifford Manaois,<sup>xii</sup> 20 yrs old, a maritime studies course student was shot in the temple while alighting from a motorcycle to purchase snacks on July 19, 2016. Found on Roman's body is a white bond paper with the written words: "Don't emulate me. I am a pusher. I am a killer and you're next—DDS."

2.15.3 Twenty-year-old Jefferson Bunuan<sup>xiii</sup> was taking up criminology course studies as he wanted to become a policeman but the very same men in uniform he wanted to emulate were the ones who ended his life. Police operatives entered the house where he was sleeping and shot him together with 2 other people. Jefferson is a long-time scholar of the Kaibigan Ermita Outreach Foundation (KEOF) Inc.

2.17 **Extrajudicial killing of Human Rights Defenders (HRD):**

2.16.1 Orlando Abangan,<sup>xiv</sup> 37 years old and a community leader of Partido Manggagawa (Workers Party) since 2001, was shot at close range by a lone gunman on September 17, 2016, while he was on his way home in Sitio Lawis, Barangay Maghaway in Talisay City, Cebu. During the election period in May 2016, he organized Persons with Disabilities (PWDs) in Talisay to campaign for social protection and social services for their sector. Abangan was vocal in his critique against EJK in his social media page.

2.16.2 Ms. Gloria Capitan,<sup>xv</sup> 57 years old was shot and killed on July 1, 2016, at around 7:30 p.m., by two unidentified men riding a motorcycle. The two assailants had been waiting near the entrance to the family's business establishment in Purok 2, Barangay Lucanin, Mariveles municipality, Bataan province. Ms Capitan is an active community leader opposing the construction and presence of the open coal storage facility located inside the Seafont Shipyard and Port Terminal Services Corporation in Bataan.

2.16.3 These killings have created a chilling effect to all HRD, as they have become far less secure in an environment where they can be easily accused of being a suspected drug offender and therefore killed with impunity. In addition, the President's continuous public expression of contempt of human rights community members and advocates can further embolden his supporters and vigilantes to kill them as their contribution to eradicate perceived "enemies" of the President.

2.18 **Investigations of extrajudicial killings:**

2.17.1 Doubts can be cast on the investigations of vigilante killings and those committed by police personnel as they are being conducted by the PNP themselves. The Senate has questioned their integrity and independence as the head of the Internal Affairs Agency of the Police Force is an active police official instead of a civilian as prescribed in their own internal guidelines.

2.17.2 The Senate investigation on extrajudicial killings initiated by former Chair of the Commission on Human Rights and former Secretary of the Department of Justice Leila de Lima was compromised after only 3 hearing days. Senator De Lima was removed as Chair of the Senate Committee on Human Rights and Justice by supporters of the President in the Senate and replaced by Senator Dick Gordon who only a few weeks beforehand had proposed the expansion of power of the President under Proclamation No. 55 to include the suspension of the writ of habeas corpus, thereby permitting arrests without warrant.

2.19 **Shame Campaign of people suspected of using drugs or engaging in drug supply:** On many occasions, people arrested for suspected drug supply or use, before having their day in court are paraded in public places in ceremoniously “flores de mayo” style with the aim of deterring members of the public from engaging in drug-related activities. For example, the “Flores de Pusher” is being done in Tanauan, Batangas. This amounts to cruel, inhuman and degrading treatment.

**C. Naming individuals in published lists of people suspected of using or engaged in drug-supply activities, as published by the President and governmental authorities, and requiring such individuals to report themselves to governmental authorities, thereby violating the rights to due process including presumption of innocence and fair trial, and rights to health for people who use drugs**

3.1 From July 1 to September 19, 715,393 surrenderees, comprising 53,091 people who have engaged in drug supply and 662,302 people who use drugs have turned themselves in to the authorities, either because of the government-initiated Oplan Tokhang or the fear of being killed extrajudicially. PNP aims to reach its target of close to 2 million surrenderers<sup>xvi</sup> based on the Dangerous Drugs Board’s data that there are 1.8 million drug-dependent Filipinos nationwide.<sup>xvii</sup> People who admit to using drugs are to be sent to rehabilitation centers, however there are currently not enough facilities to accommodate them leaving local authorities to just send them back home and monitored regularly. Monitoring varies depending on the local government unit handling the people who’ve surrendered. In some communities, they are asked to report weekly to the *barangay* hall and participate in activities like jogging, community service, or dancing Zumba, to name a few. In a Senate Hearing led by the Committee on Public Order and Dangerous Drugs, the Department of Justice reported that cases have been filed against more than 46,000 of those who’ve surrendered for selling drugs.<sup>xviii</sup>

3.2 Local town/village officials and law enforcers draw up drug watch list based on questionable sources. There are reports of individuals complaining that they are neither drug peddlers nor users and surprised that they are in the list. Those who are in the list are called to Municipal or Barangay (Village) Halls where they have to confess to only 2 options, as Drug User or Drug Pusher. Several incidences of killings were reported that of “surrenderees” with justifications that they have returned to their habit.

- 3.3 While the fulfilment of the right to health is subject to progressive realisation and resource constraints, some obligations must be implemented immediately including non-discrimination and other core obligations. The Philippines has a core obligation to adopt a national public health strategy, which addresses the health of the entire population, with particular attention to marginalised groups, including people who use drugs (International Covenant on Economic, Social and Cultural Rights (ICESCR), General Comment 14, para. 43(f)). The absence of harm reduction and community-based, voluntary drug treatment services indicates the Philippines is currently not in compliance with their obligations under the ICESCR. The highly punitive means to address drug use, including through compulsory treatment or the current climate of violence and coercion indicates an urgent need to reform and revise existing drug policy. Many of these measures are retrogressive and reform must ensure compliance with obligations under the Covenant.<sup>xix</sup>
- 3.4 In addition, Duterte has also publicly named over 150 government officials and public servants allegedly involved in the illegal drug trade and ordered police officials contained on the list to be relieved from office. Officials that were named were expected to turn themselves in to clear their names despite the lack of evidence presented, violating their right to due process including presumption of innocence. The first list was released on August 7, 2016.<sup>1</sup> Since then, the list has been proven to be marred with errors, as admitted to by the current Chief of the Philippine National Police, from officials that were already long dead to incomplete names that put officials with similar names at risk.<sup>2</sup> The source of the names were also put into question when the Philippine Drug Enforcement Agency, National Bureau of Investigation, and the Philippine National Police admitted that some of the names on the list did not come from their agencies.<sup>3</sup>
- 3.5 A second similar list is set to be declared soon, containing the names of around 1,000 government officials.<sup>4</sup>

#### **D. Detaining people arrested for suspected criminal offences in severely overcrowded prison facilities, thereby violating the rights to health**

- 4.1 In terms of national statistics, the Bureau of Jail Management and registered a total population of more than 96,120 inmates as of the end of 2015 and continues to grow, but the ideal cell capacity of all BJMP jail facilities combined is only good for 19,000 inmates, thus registering a congestion rate of 408%. Of the 96,120 inmates, 50.49% (48,532 inmates) are charged for offenses under the Philippines' Republic Act 9165 or the Comprehensive Dangerous Drugs Act of 2002.<sup>5</sup>
- 4.2 The most overcrowded jail managed by the BJMP is the Malolos City Jail, which has an ideal capacity of 6 inmates, but currently holds 146 inmates, recording a congestion rate of 2,441%. Most inmates under trial in the National Capital Region have an average stay in jail of 1 year and

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<sup>1</sup> Ayop, E. (2016). DUTERTE'S LIST: 'Narco' politicians, lawmen, judges. *ABS-CBN News*. Retrieved from <http://news.abs-cbn.com/news/08/07/16/dutertes-list-narco-politicos-lawmen-judges>

<sup>2</sup> Gamil, J.T. (2016). Bato admits errors on President's list. *Philippine Daily Inquirer*. Retrieved from <http://newsinfo.inquirer.net/804332/bato-admits-errors-on-presidents-list>

<sup>3</sup> Cupin, B. (2016). PDEA, NBI, PNP quizzed: Where did Duterte get drug list info?. *Rappler*. <http://www.rappler.com/nation/144943-pdea-nbi-pnp-quizzed-duterte-list>

<sup>4</sup> Romero, A. & Lazo, R. (2016). 1,000 execs, judges in new narco list. *The Philippine Star*. Retrieved from <http://www.philstar.com/headlines/2016/09/16/1624294/1000-execs-judges-new-narco-list>

<sup>5</sup> Bureau of Jail Management and Penology. (2015). *2015 Annual report*.

5 months.<sup>6</sup> The population of the BJMP is projected to grow as more inmates charged with drug offenses come in, despite the slow criminal trial process.

### **E. Legislative proposal to re-instate the death penalty for drug-related and other criminal offences**

5.1 The Philippines abolished the death penalty in 2006. However, reinstatement of the death penalty was listed as one of the priorities of the Duterte administration.<sup>7</sup>

5.2 Reinstating the death penalty will contravene the Philippines' obligation under the Second Optional Protocol to take all necessary measures to abolish the death penalty. In addition, drug offences do not meet the threshold of "most serious crimes" for which the death penalty may apply under Article 6 of the *International Covenant of Civil and Political Rights*, according to the UN Human Rights Committee.<sup>8</sup>

### **3) RECOMMENDATIONS**

6.1 We recommend the following for implementation by the Philippines government:

- a. Call for an immediate end to the extrajudicial killings of drug suspects and investigate violations effectively, promptly thoroughly and impartially and where appropriate, take action against those allegedly responsible in accordance with international law, empowering the national human rights commission to lead on local proceedings.
- b. Undertake a comprehensive review and reform of drug policy that is human rights based, informed by scientific evidence and explicitly incorporates a harm reduction approach with a view to harmonising efforts across the law enforcement and health ministries and an objective to strengthen the capacity of the national health care infrastructure
- c. Comprehensive drug law reform must include the decriminalisation of drug use and drug possession for personal use, as well as the decriminalisation for possession of safe injecting equipment
- d. Close all compulsory drug detention facilities and remove compulsory drug treatment from the criminal code
- e. Adopt comprehensive anti-discrimination legislation that firmly protects individuals vulnerable to discrimination based on health status, including people who use drugs
- f. Re-launch and scale up harm reduction pilot programmes including needle and syringe programmes
- g. Rapidly develop and expand community based drug dependence treatment options
- h. develop and implement measures in response to drug use that are evidence-based and consistent with principles of public health and human rights, as outlined in a joint statement by UN human rights mechanisms including the Special Rapporteurs released in April 2016.<sup>9</sup>

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<sup>6</sup> Narag, R.E. (2016). *A baseline study on the Current State of Corrections Introducing the Principles of Effective Correctional Management*.

<sup>7</sup> Ranada, P. (2016). LIST: Priority bills of the Duterte administration. *Rappler*.  
<http://www.rappler.com/nation/146324-list-priority-bills-duterte-administration>

<sup>8</sup> UN High Commissioner for Human Rights, *Study on the impact of the world drug problem on the enjoyment of human rights: Report of the UN High Commissioner for Human Rights*, 4 September 2015, at para. 38, [www.ohchr.org/EN/HRBodies/.../Session30/Documents/A\\_HRC\\_30\\_65\\_E.docx](http://www.ohchr.org/EN/HRBodies/.../Session30/Documents/A_HRC_30_65_E.docx)

<sup>9</sup> 15 April 2016, *Joint Open Letter by the UN Working Group on Arbitrary Detention; the Special Rapporteurs on extrajudicial, summary or arbitrary executions; torture and other cruel, inhuman or degrading treatment or punishment*;

- Policy responses to other drug supply-related activities must also be aligned with the joint statement, including not re-imposing use of the death penalty and arbitrary detention
- i. ensure the safety, health well-being of all detainees, and expedite trial and sentencing of cases to release people who are not charged or convicted of any offence as soon as possible
  - j. uphold the Philippines' commitment to abolition of the death penalty and refrain from its reinstatement, in compliance with the ICCPR Second Optional Protocol
  - k. PNP and other law-enforcement and justice agencies involved in this campaign, as well as, to investigate with extraordinary due diligence into the operations and reports, including the origins and bases of the local drug-lists, as well as, intelligence reports of persons in such lists.
  - l. Revive, refine, strengthen and make into law the long-pending bill against Extrajudicial Killings;
  - m. Spearhead the formation of a Technical Working Group to develop the Implementing Rules and Regulations (IRR) for Command Responsibility covering both security and government officials and personnel;
  - n. Strengthen the investigative and forensic capacities of our law enforcement agencies by taking into consideration and incorporate relevant provisions in The Minnesota Protocol on the Investigation of Potentially Unlawful Deaths(2016) – The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;
  - o. Urge law enforcement agencies on drug concerns to follow the provisions of the International Drug Control Conventions; and
  - p. Invite the UN Special Rapporteurs on Summary Executions, Right to Health, and the International Drug Policy Coalition (IDPC) to investigate the state of human rights in the country.
  - q. to implement serious rapid and radical criminal justice system reforms, including making human rights and the respect for due process and the rule of law the cornerstones of PNP professionalization and modernization. We also stress the need to immediately address the extreme overcrowding and conditions and outright violations in jails and government drug rehabilitation centers as well as the enactment of a legal framework protecting Filipinos against state perpetrated, sponsored and sanctioned killings.
  - r. to halt all other activities connected to the war against crime and drugs which jeopardize the Philippine social fabric and human dignity such as the vilification of the CHR, the openly perpetrated torture & ill-treatment in the forms of public shaming such as placement on billboards of photos, listings, serenades, katok bahay and parading of drug suspects, as well as all initiatives toward the restoration of the death penalty and the lowering of the age of criminal responsibility.

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i Data gathered under the project “Use of Evidence Based Approach to Human Rights Documentation and Monitoring for the Protection of Human Rights Defenders and their Families, and in the Fight Against Impunity” (EIDHR 2013/325-656 Action), Medical Action Group and Task Force Detainees of the Philippines. See: <http://www.tfdp.net/resources/statistics>

ii <http://newsinfo.inquirer.net/570457/filipino-cops-accused-of-using-wheel-of-torture#ixzz4KnEdVFMb>

iii Documented Human Rights Violations from 2012 to June 2016 by the *Task Force Detainees of the Philippines*, at: <http://www.tfdp.net/resources/statistics>

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