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The Philippines: *War on Drugs* and Human Rights Concerns

Since he was elected in July 2016, Philippine President Rodrigo Duterte has waged a domestic “War on Drugs.” Reports linking Duterte’s counterdrug policies with possibly thousands of extrajudicial killings have caused widespread international concern. At the same time, the Philippines is a U.S. treaty ally with which the United States shares many regional security interests, and is one of the largest recipients of U.S. assistance in Southeast Asia. A key issue for Congress is how to address human rights issues in the Philippines while taking into consideration ongoing shared interests in regional security and other areas. Duterte remains popular in Philippine public opinion polls, further complicating efforts to address human rights concerns. (For more information, see CRS In Focus IF10250, *The Philippines*.)

Numbers of Extrajudicial Killings

Estimates of the number of alleged drug offenders killed in the drug war have varied:

- In February 2017, the Philippine National Police (PNP) reported that some 7,000 drug-related killings had occurred between July 2016 and February 2017, including approximately 2,500 as a result of shootouts between alleged drug offenders and police and another 4,500 by unknown assailants or vigilantes.
- In July 2017, the Philippine government revised its numbers. This has led various sources to report that between July 2016 and July 2017, approximately 3,500 people were killed in “presumed legitimate law enforcement operations” and another 2,000 possibly were killed by unknown assailants or vigilantes. The government has ruled another several thousand deaths, possibly connected to the drug war, as homicides “under investigation.”
- Human rights groups estimate that 9,000-14,000 alleged drug offenders were killed extra-judicially between July 2016 and August 2017.

Background

An estimated 1.8 million people use illegal drugs in the Philippines, mostly methamphetamine (known as *shabu*) sourced from China, according to government statistics. The U.S. Department of State’s 2017 *International Narcotics Control Strategy Report* states that widespread poverty, corruption, and porous borders contribute to an ongoing and lucrative drug trafficking environment.

As mayor of the southern Philippine city of Davao (from 1988-1998 and from 2001-2010), Duterte was known for his harsh anti-crime policies. He publicly named alleged drug dealers and reportedly hired unofficial groups to monitor and sometimes kill drug suspects. Vigilantes known as the *Davao Death Squad* reportedly killed 1,400 criminal suspects during his tenure as mayor.

In July 2016, when Duterte began his term as President, the PNP launched *Operation Double Barrel*, aimed at eliminating and arresting suspected drug syndicates and traffickers and small-scale sellers and users of illegal drugs. A key component of the campaign involves the police visiting the homes of drug suspects and urging them to surrender to law enforcement authorities (*Oplan Tokhang* or “Operation Knock and Plead.”)

War on Drugs: At a Glance

Estimated Deaths of Alleged Drug Offenders (July 2016-August 2017): 3,800-14,000

Number of Police Officers Killed in Anti-Drug Operations (July 2016-August 2017) : 76

Number of Accredited Drug Rehabilitation Centers: 46

U.S. Counternarcotics Assistance, FY2016: \$4.82 million

Sources: Philippine government and independent reports.

In January 2017, the Duterte Administration temporarily suspended the drug war in response to the abduction and killing of a South Korean businessman in a counternarcotics operation. The government resumed anti-drug operations in late March 2017, promising that the next phase of the campaign, named *Operation Double Barrel: Reloaded*, would involve greater vetting of law enforcement personnel and be “less bloody.”

Human Rights Allegations

Human rights groups have identified widespread characteristics and patterns of the drug war that allegedly have violated human rights and international norms, including:

- Payment by the PNP to vigilantes for killing drug offenders. In some cases, assailants were suspected of being PNP officers in disguise.
- Entry by police into the homes of alleged drug sellers and users without search warrants, as well as beatings and coerced confessions.
- Killings in the homes of victims, while they were in police custody, and at off-site locations, many of them execution-style.
- Claims by PNP officials that police shot and killed suspected drug offenders in self-defense, while human rights groups argue that few of the victims had been charged with a crime and that most of them did not possess weapons. In some cases, victims who agreed to surrender to authorities reportedly were shot anyway.
- Police planting of evidence at the scenes of some killings, fabricating reports, holding detainees for ransom, and stealing property from victims.

Few cases of police misconduct have been investigated, and there have been no known prosecutions or convictions for extrajudicial killings, according to human rights groups.

In addition, experts say that Duterte's counternarcotics efforts have focused upon eradication and placed little emphasis on economic causes or the treatment and rehabilitation of dealers and users. The vast majority of the over 1 million drug dealers and users who have surrendered to authorities or been arrested reportedly have ended up in the country's overcrowded prisons.

Death of a Student. Over four dozen children (ages 18 years old or younger) have been killed in crossfire or as drug targets of police or vigilantes, according to the Children's Legal Rights and Development Center. In August 2017, a 17-year-old boy, Kian Loyd Delos Santos, was among 96 killed in one of the bloodiest weeks of the drug war. Although police claimed that they shot Delos Santos in self-defense, surveillance footage and witnesses revealed that PNP officers dragged him to a community basketball court, gave him a gun and told him to run, and then shot him with the gun in his hand. Following a public outcry, Duterte promised an investigation, although not an end to the anti-drug campaign, and he met with the boy's parents. The Philippine Office of the Ombudsman has begun an investigation into the incident, as has the Department of Justice and the Senate Committee on Public Order and Dangerous Drugs.

Domestic Reactions

Although Duterte has faced some criticism at home from human rights organizations, the Catholic Church of the Philippines, and some opposition leaders, he so far has maintained the backing of a majority of both houses of the Philippine Congress as well as broad public approval. Although popular support for the drug war has declined somewhat, according to public opinion polls, Duterte's overall approval rating has remained high, at 78% in a June 2017 survey. In September 2016, Duterte's allies in the Philippine Senate voted to replace Leila De Lima as chairwoman of the Senate Justice Committee after she launched an investigation into the anti-drug campaign. In July and August 2017, Duterte and his supporters in the House threatened to abolish or defund the government-mandated, independent Commission on Human Rights.

External Responses

U.S. and international officials and reports have publicly criticized Duterte's anti-drug campaign and related human rights violations. These include the State Department's *Country Reports on Human Rights Practices for 2016*, the U.N. High Commissioner for Human Rights, U.N. Special Rapporteur on extrajudicial, summary or arbitrary executions, the U.N. Office on Drugs and Crime, and the International Narcotics Control Board. In July 2017, the

Tom Lantos Human Rights Commission held a hearing, "The Human Rights Consequences of the War on Drugs in the Philippines."

U.S. Foreign Assistance

The U.S. government has placed restrictions on some foreign assistance to the Philippines due to human rights concerns. In addition, the so-called *Leahy Laws* prohibit U.S. security assistance to foreign security forces units when there is credible information that a recipient unit has committed "a gross violation of human rights." In FY2016, the Philippines received approximately \$4.82 million in U.S. counternarcotics assistance. In late 2016, following reports of extrajudicial killings linked to Duterte's drug war, the U.S. government suspended support for counternarcotics training programs with PNP regular units.

- The State Department announced that counternarcotics funding would be redirected to the Philippine Coast Guard for drug interdiction efforts and also focus on human rights training, rule of law programs, and drug demand reduction, treatment and rehabilitation efforts.
- The Department of Defense suspended all lethal training with Philippine law enforcement units actively involved in counternarcotics efforts, but continues to support PNP maritime units.
- The Millennium Challenge Corporation announced that it would defer funding for a second economic assistance compact with the Philippines worth about \$430 million.

Proposed Legislation: Selected Provisions

S. 1055, the Philippines Human Rights Accountability and Counternarcotics Act of 2017, would restrict the exportation of some defense articles to the PNP and support U.S. foreign assistance programs that promote human rights, democracy, and public health in the Philippines, among other purposes.

H.R. 3362, the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018, would require the Secretary of State to submit a report to the Committees on Appropriations assessing the extent to which the Philippine government is investigating and prosecuting extrajudicial executions related to its anti-drug campaign, among other conditions on foreign assistance.

S. 1780, the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018, would require that International Narcotics Control and Law Enforcement programs be made available only if the Philippines is implementing a counternarcotics strategy that is in accordance with international norms of due process, and is investigating and prosecuting individuals who are credibly alleged to have ordered or committed extrajudicial killings related to the anti-drug campaign.

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