

**Commission on Human Rights of the Philippines**

**Inputs to the Report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the implementation of the UN General Assembly Special Session on Drugs (UNGASS) joint commitment to effectively addressing and countering the world drug problem with regard to human rights**

**21 May 2018**

1. The Commission on Human Rights of the Philippines (herewith the Commission)[[1]](#footnote-1) welcomes the efforts of the Office of the High Commissioner for Human Rights (OHCHR), to highlight the nexus between drug policies and human rights promotion and protection in its report on the implementation of the UNGASS joint commitment to effectively address and counter the world drug problem with regard to human rights. The Philippines voted against HRC Resolution 37/42, *Contribution to the implementation of the joint commitment to effectively addressing and countering the world drug problem with regard to human rights,* at the 37th Session of the Human Rights Council but was a co-sponsor of HRC Resolution 28/28 of 2015 *Contribution of the Human Rights Council to the special session of the General Assembly on the world drug problem* at the 28th Session of the Council in 2016.[[2]](#footnote-2)
2. The inputs from the Commission took into consideration the Commission’s own documentation of independent monitoring activities and statements which were subjected to the internal deliberations of the Commission En Banc. This submission also referred to local and international reports from government, civil society, the media, and international non-government organizations.

**Legal and policy frameworks related to addressing and countering the drug issue in the Philippines[[3]](#footnote-3)**

1. *Republic Act No. 9165, “An Act Instituting the Comprehensive Dangerous Drugs Act of 2002, Repealing Republic Act No. 6425, Otherwise Known as the Dangerous Drugs Act of 1972, as Amended, Providing Funds Therefor, And for Other Purposes,” (known as the Comprehensive Dangerous Drugs Act of 2002) and the subsequent amendment of Section 21 of the said Act through Republic Act No. 10640 of 2014, “An Act to Further Strengthen the Anti-Drug Campaign of The Government, Amending for the Purpose Section 21 of Republic Act No. 9165, Otherwise Known as the “Comprehensive Dangerous Drugs Act Of 2002.”[[4]](#footnote-4)* RA 9165 and RA 10640 mandate the government to “pursue an intensive and unrelenting campaign against the trafficking and use of dangerous drugs and other similar substances through an integrated system of planning, implementation and enforcement of anti-drug abuse policies, programs, and projects. The government shall however aim to achieve a balance in the national drug control program so that people with legitimate medical needs are not prevented from being treated with adequate amounts of appropriate medications, which include the use of dangerous drugs. It is further declared the policy of the State to provide effective mechanisms or measures to re-integrate into society individuals who have fallen victims to drug abuse or dangerous drug dependence through sustainable programs of treatment and rehabilitation.”[[5]](#footnote-5) The amendment to Section 21 of RA 9165 by RA 10640 states that “Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. – The PDEA [Philippine Drug Enforcement Agency] shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition…” RA 10640 also directs PDEA to “implement effectively the provisions of Section 21, the Philippine Drug Enforcement Agency (PDEA) shall issue the necessary guidelines on the IRR for the purpose in consultation with the Department of Justice (DOJ) and relevant sectors to curb increasing drug cases.”[[6]](#footnote-6)
2. The Dangerous Drugs Board (DDB) created by RA 9165 is the policy making and strategy-formulating body in the planning and formulation of policies and programs on drug prevention and control. The DDB, under the Office of the President, develops and adopts comprehensive, integrated, unified and balanced national drug abuse prevention and control strategy.[[7]](#footnote-7) The Board “shall take into accord the obligations and commitments to international treaties, conventions and agreements to which the Philippines is a signatory.”[[8]](#footnote-8)
3. The Philippine Drug Enforcement Agency (PDEA), also created by RA 9165 is the implementing arm of the Dangerous Drugs Board tasked to efficiently enforce all provisions on any dangerous drugs and/or precursors and essential chemicals.[[9]](#footnote-9)
4. The National Bureau of Investigation (NBI) of the Department of Justice (DOJ) and the Philippine National Police (PNP) have respective mandates to enforce laws concerning investigation and curtailing of dangerous drugs, and RA 9165 provides that “Nothing in this Act shall mean a diminution of the investigative powers of the NBI and the PNP on all other crimes as provided for in their respective organic laws: Provided, however, That when the investigation being conducted by the NBI, PNP or any ad hoc anti-drug task force is found to be a violation of any of the provisions of this Act, the PDEA shall be the lead agency. The NBI, PNP or any of the task force shall immediately transfer the same to the PDEA: Provided, further, That the NBI, PNP and the Bureau of Customs shall maintain close coordination with the PDEA on all drug related matters.”[[10]](#footnote-10)
5. “The Dangerous Drugs Board adopts the five-pillar global drug control approach instituted during the UN General Assembly Special Session on Drugs (UNGASS) in July 1998 by the ASEAN and China Cooperative Operations in Response to Dangerous Drugs (ACCORD), in which the Philippines is a member in all of its major programs and projects.”[[11]](#footnote-11)
6. PNP Oplan-Double Barrel / Project Tokhang is the policy ordered by President Duterte in his fight against illegal drugs and other forms of criminality in the country. Oplan Double Barrel popularly known as “Tokhang” was first implemented in Davao City where President Duterte served as Mayor for several years. Upon assumption to the presidency in July 2016, it is being implemented all over the Philippines along with the PNP. “Tokhang” is a Visayan word which means Tok-tok Hangyo, where police personnel knocks at the doors of alleged drug users or pushers, asking them that they should surrender to the police and they will be monitored for further assessment.[[12]](#footnote-12)
7. The Office of the President on March 2017 issued Executive Order No. 15, “Creation of An Inter-Agency Committee on Anti-Illegal Drugs (ICAD) and Anti-Illegal Drug Task Force to Suppress the Drug Problem in the Country.” ICAD shall ensure that each member agency shall implement and comply with all policies, laws and issuances pertaining to the government's anti-illegal drug campaign in an integrated and synchronized manner (Section 2) while the Anti-Illegal Drug Task Force shall undertake sustained anti-illegal drug operations (Section 4).[[13]](#footnote-13)
8. In the implementation of Oplan Tokhang, "suspected drug users and pushers who surrender voluntarily when police pay them a house visit avoid criminal charges if they agree to stop their illegal drug activities."[[14]](#footnote-14) The Department of Health (DOH) strives to support the current administration's anti-drug campaign through its program on dangerous drugs and abuse prevention and treatment. "Under the National Drug Rehabilitation Program, drug surrenderers are provided with Department of Health-led medical and psycho-social treatment before they are referred to other government agencies in the “aftercare” portion of the program for educational assistance, skills training and livelihood opportunities to help in their reintegration into society." [[15]](#footnote-15)
9. The Department of Social Welfare and Development through aims to capacitate former drug dependents into productive community leaders, advocates, and volunteers through the “Yakap Bayan” program, an inter-agency collaborative framework that provides rehabilitation, aftercare, transformation, and reintegration support for recovering drug surrenderers. [[16]](#footnote-16)

**The Campaign Against Illegal Drugs[[17]](#footnote-17)**

1. Almost two years ago, the Philippines elected a President who ran a campaign that centered on solving the country’s problem on illegal drugs, seemingly, at all cost. Since then the very essence of human rights – is the subject of constant attack amidst the present administration’s bloody and relentless “war on drugs.” This so-called war has since been the centerpiece policy of the Duterte Administration, and it is being executed at all costs at the expense of the lives of the marginalized, disadvantaged and the vulnerable.
2. There is no debate that the issues of drugs and criminality are genuine issues that must be addressed not only by the government, but by all stakeholders in our society and strategies to address this goes beyond law enforcement. It should adopt a multidisciplinary approach, a human rights based approach that ensures respect for the rule of law.
3. Current reports approximate somewhere between 8,000 - 12,000 or even 20,000 extrajudicial killings of people supposedly involved in drugs, nearly one-third of which were allegedly perpetrated by members of the PNP,[[18]](#footnote-18) who invariably claim that these killings resulted in the course of legitimate police operations and were therefore lawful. Interestingly, the PNP claims that no extrajudicial killing has occurred and if at all, these are isolated cases. Just within the first few months of this administration, the number of casualties already exceeded those of the first years of martial law.[[19]](#footnote-19)
4. Among the victims of this “war on drugs” are children who, unfortunately, have been considered as “collateral damage.” Anecdotal data state that at least 51 children have been affected so far and now being brought to light as among the thousands of faceless victims in this un-winnable war.
5. Impunity has been guaranteed through as the President’s openly pronouncements that police officers responsible for the killing of individuals suspected of involvement in the drug trade will not face prosecution during his tenure, and if ever prosecuted, will be pardoned. The President’s constant blanket protection to the security sector tips the scale further against human rights. This problem is reminiscent of the martial law experience of the Philippines when thousands of lives were lost, only this time, instead of political opponents, the perceived enemies of the State are drug dependents, who should be rehabilitated and reformed instead of being killed.
6. It is important to highlight that long-term solutions to these problems, and many other social problems, will not be achieved if the root causes are not addressed. Shortsightedness and the want for instant solutions are highlighted in this “war on drugs.” Killing a person suspected of being involved in illegal drugs not only reeks of human rights violations, but it also neglects the fact that addiction is a serious health issue. Needless to say, the supply must also be curtailed.
7. The current administration is trying hard to silence oppositors, even to the extent of exploiting and abusing democratic institutions and processes. Staunchest critic Senator Leila de Lima is still detained for alleged illegal drug trading. It must be remembered that Senator De Lima, during her time as the Chairperson of the Commission on Human Rights of the Philippines, initiated an investigation into the so-called Davao Death Squad. This death squad is reported to be behind the thousands of killings of drug suspects in Davao during Duterte’s incumbency as city mayor. As early as 2008, then UN Special Rapporteur on extrajudicial, summary or arbitrary killings Prof. Philip Alston has already reported on the killings perpetrated by the infamous Davao Death Squad.
8. The Commission on Human Rights was not spared. After continuously registering dissents on major policies of the allies of the President in the Lower House moved to effectively abolish the Commission. Towards the end of last year, the supermajority in the House of Representatives proposed a 20 US dollar budget for the Commission. Thanks to public outrage a viral post #GiveMyTaxesToCHR a relatively more sober Senate, the Commission’s budget was restored.

**Places of detention**

1. Besides the alarming statistics of killings, the relentless police operations amid the “war on drugs” also resulted in the arrests and imprisonment of thousands of alleged drug pushers and addicts, further exacerbating the congestion and overcrowding of places of detention and the impact on the right to health, right to humane conditions of detention, and freedom from torture and cruel or inhumane punishment.[[20]](#footnote-20) The secret places of detention[[21]](#footnote-21) and the reported 595% congestion rate of detention places[[22]](#footnote-22) contravene and violate the 1987 Philippine Constitution[[23]](#footnote-23), the International Covenant on Civil and Political Rights, Convention Against Torture and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules”) among other laws and international human rights treaties.

**Drugs and the death penalty**

1. The Duterte Administration also pushed for the reinstatement of death penalty in the Philippines. Death penalty was abolished by law in the country in 2006 and in the 1987 Constitution. The Philippines also ratified the Second Optional Protocol of the International Covenant on Civil and Political Rights. In March 2017, the House of Representatives (lower chamber of Congress) passed, a Bill re-imposing death penalty.[[24]](#footnote-24) Despite opposition from civil society and the Commission, an overwhelming 216 of 291 members voted in favor of the bill. The reinstatement of death penalty was being pushed as the solution to the rising criminality. Somehow, the opposition to this legislative measure was felt. To seemingly satisfy the President, the super majority in the House passed a watered down version of the death penalty bill. And as expected, the only offenses that were left in the final version of the bill were drug-related offenses.
2. The Commission strongly opposes the re-imposition of the death penalty. At the height of its campaign to oppose the reinstatement of death penalty in the Philippines, the Commission and Dr. Christopher Ward of the Australian National University undertook a study to examine the effect of reinstating death penalty on the country’s international human rights obligations.[[25]](#footnote-25) The study posits that the Philippines will violate its international legal obligations if it re-imposes the death penalty and may be forward to commit as internationally wrong act in accordance to the State responsibility articles. The ratification of the Second Optional Protocol by the Philippines in 2007, twenty years after the passage of the Constitution, is a valid sovereign act of the Philippines as a matter of international law. The Philippines may not withdraw from the Second Optional Protocol as this treaty unambiguously prohibits, permanently, the imposition of the death penalty in the Philippines for all crimes.
3. Fortunately, the Senate did not pass its counterpart bill; thus, the death penalty bill has not become a law. And despite President Duterte still pushing for the reinstatement of death penalty in his 2017 State of the Nation Address, the same was dropped from the list of priority bills in the second regular session of the 17th Congress. However, there are still moves in the Senate to revive the proposed bills on the death penalty.[[26]](#footnote-26)

**International Criminal Court**

1. Philippine President submitted its written notification on 19 March 2018 to the United Nations, stating his intention to withdraw the Philippines as a State Party from the Rome Statute of the International Criminal Court (ICC).[[27]](#footnote-27) The notification of withdrawal from the ICC by the Philippine President stemmed from, among other conflated rationale,[[28]](#footnote-28) the 8 February 2018 announcement of the ICC that it will conduct a preliminary examination of crimes against humanity[[29]](#footnote-29) allegedly committed in this State Party since at least 1 July 2016, in the context of the “war on drugs” launched by the Philippine Government.[[30]](#footnote-30)
2. The Commission considers the move to withdraw from the ICC as a step back in addressing impunity in the country and elsewhere in the world. We believe that if the Philippine government can ably demonstrate genuine respect for human rights, as well as working mechanisms that ensure that perpetrators are brought to justice and there is recourse for victims under our justice system, then international human rights bodies will find no reason to assume jurisdiction over what should otherwise be purely domestic affairs.

**Further references on the war on drugs: Statements of the Commission on Human Rights of the Philippines**

1. [Statement on the Suspension of the Anti-Drug Campaign](file:///C:/Users/Marizen%20Santos/Documents/Work/2018%20-%20CHR/UN%20Mechanisms/HRC/,%20http:/chr.gov.ph/chr-statement-on-the-suspension-of-the-anti-drug-campaign/). The Commission welcomed the pronouncement of Chief PNP Ronald Dela Rosa that all anti-drug operations shall stop nationwide while the PNP focuses on internal cleansing. [[31]](#footnote-31)
2. [Statement on the Court of Appeals’ Issuance of Permanent Protection to](http://chr.gov.ph/6933-2/)

[‘Oplan Tokhang’ Victims](http://chr.gov.ph/6933-2/). The issuance of a permanent protection order in relation to the Writ of Amparo filed in behalf of victims of Extra Judicial Killings in Payatas, Quezon City. [[32]](#footnote-32)

1. [Statement on the Resumption of Oplan Tokhang.](http://chr.gov.ph/chr-statement-on-the-resumption-of-oplan-tokhang/) The Commission denouncing the resumption of Operation Tokhang by the Philippine National Police. [[33]](#footnote-33)
2. [CHR urges PHL gov’t: address human rights situation on the ground.](http://chr.gov.ph/elementor-6967/) The Commission urged the current administration to address the recommendations of the 95 United Nations (UN) Member States on the human rights situations during the 3rd cycle Universal Periodic Review (UPR) session in Geneva, Switzerland, which included the cases of extrajudicial execution related to the government’s campaign against illegal drugs. [[34]](#footnote-34)
3. [Statement of the Commission on the government’s measures in pursuing personalities involved in illegal drugs.](http://chr.gov.ph/statement-of-the-commission-on-human-rights-on-the-governments-measures-in-pursuing-personalities-involved-in-illegal-drugs-2/) the Commission supports the government’s campaign in combating the possible dangers brought about by the use, sale, production, and distribution of illegal drugs in the country. But the Commission expresses concern over the use of “drug boxes” to collect names of suspected drug users and/or pushers. Some local government units now also resort to posting “drug-free home” stickers through peace and order councils at the barangay level. [[35]](#footnote-35)
4. [CHR expresses alarm over high number of deaths, commences motu proprio investigations](http://chr.gov.ph/chr-expresses-alarm-over-high-number-of-deaths-commences-motu-proprio-investigations/). The Commission expressed alarm over the unprecedented surge in the number of deaths in less than a week, with counts reaching 80, in the towns of Bulacan, Laguna, Cavite, and areas in Metro Manila, including the killing of 17-year old boy Kian delos Santos in Caloocan City. CHR has started its investigations on these new cases of extra-judicial killings (EJKs). [[36]](#footnote-36)
5. [CHR calls for review of house-to-house drug testing policy](http://chr.gov.ph/chr-calls-for-review-of-house-to-house-drug-testing-policy-stresses-need-to-protect-rights-of-all/), stresses need to protect rights of all. The Commission expressed concern over the house-to-house drug testing reportedly conducted by police forces in Payatas and nearby barangays in Quezon City, Metro Manila, citing possible human rights violations during its implementation. [[37]](#footnote-37)
6. [CHR Concerned Over President Duterte’s Remarks Against UN Special Rapporteur, Human Rights Defenders](http://chr.gov.ph/chr-concerned-over-president-dutertes-remarks-against-un-special-rapporteur-human-rights-defenders/). The Commission is concerned over President Rodrigo Roa Duterte’s expletives against UN Special Rapporteur on Extra-Judicial, Summary, or Arbitrary Executions, Agnes Callamard, and other human rights defenders. The recent statement from the highest official of the land sends a chilling effect not only to Callamard, but also to human rights defenders who are just expressing their concerns over human rights violations related to the government’s campaign against illegal drugs.[[38]](#footnote-38)
7. [Statement of the Commission on Human Rights on the SWS survey on people’s perception of the extrajudicial killing situation in the country](http://chr.gov.ph/statement-of-the-commission-on-human-rights-on-the-sws-survey-on-peoples-perception-of-the-extrajudicial-killing-situation-in-the-country/). The Commission echoes the sentiments of the people in the SWS survey showing that majority of Filipinos express fear that they themselves may become victims of extrajudicial killings (EJKs); believe that poor suspects are killed, while rich and powerful ones are spared; and want drug suspects to be arrested alive during police operations. [[39]](#footnote-39)
8. [CHR hopeful with PDEA’s lead in the drug campaign](http://chr.gov.ph/chr-hopeful-with-pdeas-lead-in-the-drug-campaign/). The Commission welcomed the decision of the administration to designate the Philippine Drug Enforcement Agency (PDEA) as the lead agency that will carry out the government’s campaign against illegal drugs. [[40]](#footnote-40)
9. [Statement of the Commission on the directive to submit a list of drug personalities at the barangay level.](http://chr.gov.ph/statement-of-the-commission-on-human-rights-on-the-directive-to-submit-a-list-of-drug-personalities-at-the-barangay-level/) The Commission welcomes community-based programs directed to strengthen the government’s effort to curb the issue of illegal drugs and criminality. However, we urge the Department of the Interior and Local Government (DILG), as well as barangay officials, to be more discerning in carrying out the directive to submit a list of suspected drug pushers and criminals in their communities. [[41]](#footnote-41)
10. [Statement of the Commission on the Supreme Court decision ordering PNP to submit data on anti-illegal drugs campaign](http://chr.gov.ph/statement-of-the-chr-on-sc-decision-ordering-pnp-to-submit-data-on-anti-illegal-drugs-campaign/). The Commission welcomes and supports the decision of the Supreme Court (SC) ordering the Philippine National Police (PNP) to submit data on the administration’s campaign against illegal drugs. It is a step forward in ensuring that the rule of law still prevails in our country. But, equally important, is on how the decision brings us closer to knowing the truth and pursuing justice for the victims and their families. [[42]](#footnote-42)
11. [Statement of the Commission on Human Rights on the plan of PDEA](http://chr.gov.ph/statement-of-the-chr-on-the-plan-of-pdea-to-release-the-names-of-barangay-officials-who-are-allegedly-involved-in-the-illegal-drug-trade/) to release the names of barangay officials who are allegedly involved in the illegal drug trade. [[43]](#footnote-43)

**Advisories from the Commission relevant to the anti-drug campaign**

1. [In Defense on the Right to Life: International Law and Death Penalty in the Philippines](http://regnet.anu.edu.au/sites/default/files/uploads/2017-03/In-Defense-of-the-Right-to-Life-IL-and-Death-Penalty-in-the-Philippines.pdf). The study highlights among others, that “apart from international law instruments prohibiting the application of the death penalty to narcotics crimes, the Philippines is also a party to two treaties dealing specifically with these crimes: 1961 Single Convention on Narcotic Drugs and the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Proper interpretation of these treaties in a manner consistent with the Vienna Convention on the Law of Treaties makes it clear that the Philippines has agreed that narcotics crimes should not subject to the death penalty.”[[44]](#footnote-44)
2. [Denunciation of and Withdrawal from International Treaties to Reimpose the Death Penalty (CHR A2017-002)](http://chr.gov.ph/wp-content/uploads/2018/03/Denunciation-of-and-Withdrawal-from-International-Treatise-to-Reimpose-the-Death-Penalty.pdf). Having ratified the ICCPR and its Second Optional Protocol, under which the Philippines expressly undertook to abolish the death penalty, the Philippines must adhere to its commitment or invite unwelcome consequences in the long run if it reimposes the death penalty. Considering that the Second Optional Protocol and its very nature does not allow for withdrawal, to denounce or withdraw from the treaty is not and should not be an option for the government. [[45]](#footnote-45)
3. [DILG Proposal to Use Stickers to Identify Drug Free Homes (CHR A2017-005)](http://chr.gov.ph/dilg-proposal-to-use-stickers-to-identify-drug-free-homes-chr-a2017-005/). The Commission expressed serious concern over DILG’s plan of identifying drug-free homes in as much as it could amount to a violation of an individual’s human rights to due process of law and right to privacy enshrined under the Constitution and international human rights instruments.[[46]](#footnote-46)

**Drug Issues, Different Perspectives: A Policy Forum[[47]](#footnote-47)**

1. On 5-6 May 2017, Free Legal Assistance Group (FLAG) Anti-Death Penalty Task Force[[48]](#footnote-48) and the Office of the Chancellor, University of the Philippines and the Institute of Human Rights, University of the Philippines Law Center gathered eminent speakers and experts from all over the world to convene in an academic forum in Manila that discussed the role of science, law enforcement, economics, human rights and harm reduction in understanding and developing drug policy. The forum highlighted the following:

* prohibition and policing interventions in drug markets are actually self-defeating as they have negative effects such as violence, expensive, and do not eradicate the market;
* killings continue unabated, and the war on drugs waged by State forces is done at the expense of the most basic human rights without a single law enforcer being held accountable; and
* scientific, evidenced-based and human rights-based policy to drug use is most sought-after given the failure of the war on drugs in countries such as Mexico and Thailand, which failures also gave rise to the assessment that harm reduction and shift to a public health approach rather than a punitive and prohibitionist approach must be advocated.

1. An infographic of the forum summary can be found on the webpage of NoBox Transitions Foundation Inc (NoBox Philippines) : <https://nobox.ph/post/policy-forum-summary>

1. As the National Human Rights Institution (NHRI) of the Philippines, the Commission on Human Rights of has the mandate vested by the 1987 Philippine Constitution and the Paris Principles to promote and protect the full range of human rights including civil and political rights, and economic, social and cultural rights. It has the responsibility to regularly report and monitor human rights situations and violations, and recommend steps in advancing the realization of human rights and dignity of all. The Commission has “A”-status accreditation from the Sub-Committee for Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI). [↑](#footnote-ref-1)
2. Refer to: <https://www.right-docs.org/doc/a-hrc-res-28-28/> (Last accessed: 17 May 2018). [↑](#footnote-ref-2)
3. Please note that this is not an exhaustive list but an enumeration of existing and current primary legal and policy frameworks of the Philippine government in responding to drug issues in the country. [↑](#footnote-ref-3)
4. Refer to the full texts of RA 9165 and RA 10640 here: <http://pdea.gov.ph/images/Laws/RA9165.pdf> and <http://www.officialgazette.gov.ph/downloads/2014/07jul/20140715-RA-10640-BSA.pdf> [↑](#footnote-ref-4)
5. Section 2, R.A. No. 9165 of 2002 [↑](#footnote-ref-5)
6. Refer to the full text of the Implementing Rules and Regulations (IRR) of Section 21 of RA 9165 as amended by 10640 here: <http://pdea.gov.ph/images/Laws/IRR_Sec_21_RA9165.pdf> and <http://pdea.gov.ph/laws-and-regulations/amendment-to-the-guidelines-on-the-irr-of-sec-21-of-ra-9165-as-amended-by-ra-10640> [↑](#footnote-ref-6)
7. Article IX, Section 77 of RA 9165 of 2002. [↑](#footnote-ref-7)
8. Article XI, Section 93 of RA 9165 of 2002. [↑](#footnote-ref-8)
9. Article IX Sections 82-86 RA 9165 of 2002. [↑](#footnote-ref-9)
10. Article IX, Section 86 of RA 9165 of 2002. [↑](#footnote-ref-10)
11. Refer to: <https://www.ddb.gov.ph/major-programs-and-projects> (Last accessed: 7 May 2018). [↑](#footnote-ref-11)
12. Definition from the Municipality of Calamba, Province of Misamis Occidental, <http://www.calambamisocc.gov.ph/index.php/60-capital-outlay/411-pnp-oplan-tokhang> (Last accessed: 19 March 2018). [↑](#footnote-ref-12)
13. Refer to the full text of the Executive Order here: <http://pdea.gov.ph/images/Laws/EO_No.15series2017.pdf> [↑](#footnote-ref-13)
14. SunStar Cebu, “Special Report: After Tokhang, more than 40,000 drug users still not in rehab (First of four parts),” 24 April 2018, <http://www.sunstar.com.ph/article/1613688/Cebu/Feature/Special-Report-After-Tokhang-more-than-40000-drug-users-still-not-in-rehab-(First-of-four-parts)> (Last accessed: 14 May 2018). [↑](#footnote-ref-14)
15. Idem. Also refer to “DOH Program to Support the Duterte Anti-Drug Campaign,” presented by at the

    National Health Summit 15 September 2016, PICC, Pasay City

    <https://www.doh.gov.ph/sites/default/files/basic-page/3.%20Anti-Drug%20Campaign.pdf> (Last accessed: 7 May 2018). [↑](#footnote-ref-15)
16. June 2017 updates on the program from the DSWD, <https://www.dswd.gov.ph/yakap-bayan-turns-more-drug-surrenderers-to-community-volunteers-leaders-in-quezon-province/> (Last accessed 7 May 2018) [↑](#footnote-ref-16)
17. Inputs from this section are based on the speeches of Commissioner Karen Gomez-Dumpit of the Commission on Human Rights of the Philippines, delivered at several forums on the possible reintroduction of the death penalty in the Philippines, the most recent speech delivered at the University of New South Wales, Sydney, Australia, 9 April 2018. [↑](#footnote-ref-17)
18. Rappler, “In the Numbers: The Philippines’ ‘war on drugs,” <http://www.rappler.com/newsbreak/iq/145814-numbers-statistics-philippines-war-drugs> (Last accessed: 14 May 2018); Also refer to PDEA’s #REALNUMBERSPH: <http://pdea.gov.ph/2-uncategorised/279-realnumbersph> [↑](#footnote-ref-18)
19. When the campaign against illegal drugs was launched during the Duterte administration, from July 1, 2016 to October 7, 2016 alone, the Philippine National Police (PNP) recorded 2,222 deaths under investigation (committed by alleged unknown assailants or vigilantes) and 1,523 people killed during police operations.) See: Inquirer.net, “Story in numbers war on drugs,” 16 October 2016, <http://newsinfo.inquirer.net/825678/story-in-numbers-war-on-drugs> (Last accessed: 14 March 2018). [↑](#footnote-ref-19)
20. Emmanuel Tupas, The Philippine Star, “YearEnder: Jail congestion rate up by 595% amid drug war,” 1 January 2018, <https://www.philstar.com/metro/2018/01/01/1773514/yearender-jail-congestion-rate-595-amid-drug-war> (Last accessed: 17 May 2018). [↑](#footnote-ref-20)
21. Eloisa Lopez, Rappler, “CHR team finds detainees in 'secret' police cell,” 27 April 2017, <https://www.rappler.com/nation/168172-chr-free-detainees-secret-cell-tondo-police-station> (Last accessed: 17 May 2018). See also 19 May 2017 Press Statement of the Commission: <http://chr.gov.ph/wp-content/uploads/2018/01/19-May-2017-Statement-of-CHR-Commissioner-Karen-Gomez-Dumpit-on-the-Fact-Finding-Report-of-the-Regional-Internal-Affairs-Service-%E2%80%93-National-Capital-Region-concerning-Manila-Police-District.pdf> [↑](#footnote-ref-21)
22. Op. cit. [↑](#footnote-ref-22)
23. Section 12 of the Bill of Rights under the 1987 Philippine Constitution states that "secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited." [↑](#footnote-ref-23)
24. House Bill No. 4727 proposes the re-introduction of the death penalty in the Philippines for drug-related offenses particularly importation of dangerous drugs, the sale, trading, administration, dispensation, delivery, distribution or transportation of dangerous drugs, maintenance of a drug “den, dive or resort,” manufacture of dangerous drugs, cultivation or culture of plants classified as dangerous drugs, criminal liability of a public officer or employee for misappropriation, misapplication, or failure to account for the confiscated, seized and/or surrendered dangerous drugs, and criminal liability for planting evidence concerning illegal drugs. [↑](#footnote-ref-24)
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