

HUMAN RIGHTS, DEMOCRACY AND RULE OF LAW IN THE PHILIPPINES: MAKING THE CASE
*BY THE DEMOCRACY & HUMAN RIGHTS WORKING GROUP**

The Philippines and the United States share a long, deep, and broad relationship which began in the late 1800's, but grew with the U.S. recognition of the Philippines as an independent state in 1946. The two countries have strong military ties, with the Philippines -- and its population of more than 100 million people -- in a formal military alliance with the U.S. since 1952 and the recipient of hundreds of millions of dollars in U.S. military aid and equipment. The U.S. military has long had access to bases in the Philippines, even after its pull out from Subic Bay in 1992. A recent agreement was reached on proposition of equipment and rotational deployments of the U.S. military at Philippine bases, including near the contested South China Sea. The two countries have an extensive economic relationship, with over \$25 billion in goods and services traded each year. The United States is the Philippines' third largest trading partner, as well as one of its largest investors. In terms of people-to-people ties, an estimated four million U.S. citizens of Philippine ancestry live in the United States, and over 220,000 U.S. citizens live in the Philippines. The two countries share a range of interests, from stemming China's influence in the region to collaborating on anti-terrorism operations. Maintaining a continuing commitment to democracy and human rights should also feature prominently on the agenda.

Like any developing country, however, the Philippines has its share of challenges, including corruption and impunity, disappearances and arbitrary detention, extrajudicial killings, an inefficient court system, a media culture that is vibrant but which sometimes self-censors and is prone to corporate and political interests, and open, competitive elections that are tainted by intimidation and political violence. While there has been some progress in bringing peace to Mindanao, which has been rocked by violence from Muslim rebel groups for years, other smaller groups of militants, as well as a 48-year-old Communist insurgency, remain a problem.

However, with the election of President Rodrigo Duterte in May 2016 and his call for a "war on drugs," the stunning increase in the number of people killed by the Philippines National Police and unidentified gunmen has raised serious questions about the country's commitment to human rights and the rule of law. According to a March 1, 2017 report by Human Rights Watch (HRW) entitled "[License to Kill](#)," over 7,000 people have been killed as part of this anti-drug campaign. While Duterte has indicated his campaign is targeted at "drug lords" and "drug users," HRW found that many of those killed are the urban poor living in impoverished areas, and that in some cases evidence is being planted after the suspects are killed. During the presidential campaign, Duterte declared, "If by chance that God will place me there, watch out because the 1,000 [people reportedly executed while Duterte was mayor of Davao City] will become 100,000. You will see the fish in Manila Bay getting fat. That is where I will dump you." On June 30, 2016, he stated, "If you know of any addicts, go ahead and kill them yourself as getting their parents to do it would be too painful." These words and the actions that are resulting from them are of grave concern and have caused serious harm to many families of victims and to the country's image. The Millennium Challenge Corporation (MCC) decided in

December 2016 not to re-select the Philippines as eligible for a second MCC compact, citing “concerns around rule of law and civil liberties.”

Further, opponents of Duterte’s campaign are being harassed and intimidated. As chair of the Senate Committee on Justice and Human Rights, Senator Leila de Lima conducted an investigation into the killings related to the “war on drugs” in August 2016. Previously when she served as chair of the Commission on Human Rights, de Lima investigated the Davao Death Squad, when Duterte was mayor of Davao City. In September 2016, Duterte’s allies in the House of Representatives held a hearing where criminals and accused drug lords were offered immunity in exchange for testifying that de Lima was bribed with drug money, and she was stripped of her chairmanship. On February 24, 2017, Senator de Lima was arrested and detained on the same charges. Other critics of the president’s policies have received threats as well.

The relationship between the United States and the Philippines is strong, and it is important for both countries that it remain so. Recommendations for the U.S. administration on working with the Philippines on democracy, rule of law, and human rights include:

- Calling for an end to extrajudicial killings and a full and independent review of President Duterte’s policy for dealing with the war on drugs.
- Cutting U.S. assistance and training to the Philippines police given evidence of their complicity in extrajudicial killings, and prohibiting licenses for sales or transfers of US manufactured weapons to the police, or buyers known to supply them.
- Encouraging MCC not to reinstate the Philippines’ compact eligibility until concerns surrounding human rights and the rule of law are addressed.
- Withholding any invitation to President Duterte for a bilateral visit to the United States amid serious questions related to the killings surrounding his anti-drug campaign.
- Meeting at senior U.S. government levels with Philippine human rights defenders, opposition leaders, and civil society activists.
- Maintaining current levels of U.S. assistance for programs that focus on transparency, independent accountability, health, rule of law, and support for human rights defenders, civil society, and independent media outlets.
- Increasing legislative exchanges between the United States and the Philippines as a means of supporting and strengthening the independence of the Philippines’ legislative bodies and rule of law.
- Encouraging Philippines government officials to redirect attention toward health-oriented counter-narcotics programming and promoting such programming by refocusing existing U.S. counter-narcotics funding for the Philippines, for instance the State Department’s Bureau of International Narcotics and Law Enforcement Affairs funds, away from law enforcement and instead toward health-oriented and civilian-run drug treatment and prevention programs until police complicity in extrajudicial killings is addressed. However, it is important to maintain U.S. support for drug interdiction efforts, as large quantities of ingredients are shipped from other countries, including China.

- Urging the military to uphold respect for the rule of law and human rights, while warning that arms sales, military cooperation, and financial assistance could be affected if the military's commitment to these principles weakens.
- Emphasizing that the Philippines' overtures to China and Russia should not come at the expense of the country's strong relationship with the United States.

** The Democracy & Human Rights Working Group is a nonpartisan initiative bringing together academic and think tank experts and practitioners from NGOs and previous Democratic and Republican administrations, seeking to elevate the importance of democracy and human rights issues in U.S. foreign policy. It is convened by Arizona State University's McCain Institute for International Leadership. The views expressed here do not necessarily represent the positions of individual members of the group or of their organizations.*