

THE KILLING STATE

# DUTERTE'S LEGACY OF VIOLENCE



PhilRights



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# INTRO DUCTION

President Rodrigo Roa Duterte was elected in 2016 under a campaign platform that promised a no-nonsense approach to crushing crime, corruption and the illegal drugs problem. His campaign team packaged him as both tough and compassionate, with “Tapang at Malasakit” and the battlecry “Change is coming.”

This messaging resonated with a populace who felt that the promise of better lives post-EDSA 1986 had never materialized and believed that the ‘progress’ and orderliness in Davao City should be replicated throughout the country. Rodrigo Duterte would go on to win by a **very comfortable margin**, getting 16.6 million of some 44 million votes, one of the highest voter turnouts in history.

Now, in 2021, the Philippines is hurtling through a human rights crisis made worse by a global pandemic.

Change did come, after all, albeit in terms of high kill counts and immense suffering. Change, it turns out, means living in a country besieged by extreme violence and widespread human rights violations at a rate and intensity not seen since Martial Law’s darkest days.

This human rights crisis, made possible by the violent so-called war on drugs, the widespread attacks against human rights defenders, activists, and the media, and the willful disregard for social and economic justice, has caused untold suffering and will have manifold impacts for years to come.

Our task with this paper is two-fold: trace this human rights crisis from 2016 to present by highlighting its key dimensions and describe the impacts of this crisis on Filipinos and the country’s democracy.



**STATE-  
SPONSORED  
VIOLENCE**

During his campaign, Duterte made it known that his presidency would be **marked by violence**: he promised to turn Manila Bay red with blood, to kill tens of thousands, implement a “shoot to kill” policy and to ignore human rights in his drive to stamp out illegal drugs and crime.

In different speeches, Duterte would urge the police and even ordinary citizens to engage in arrests of suspected criminals and kill them should they resist. He even **guaranteed protection for police** for when they have to kill during operations.

Mere days after Duterte was sworn into office, media reports flooded in, documenting the deaths of dozens of alleged drug suspects. A **July 2016 report from Al Jazeera**, for example, tallied at least 45 deaths during the president’s first four days in office alone. The death toll quickly skyrocketed, both from police operations and the sudden increase of vigilante-style killings.

This killing spree reveals the lie that is Duterte’s pro-poor posturing. **PhilRights’ documentation** of victims of extrajudicial killings has revealed that most of those killed are male adults who were often the primary breadwinners of their families, were low and irregular wage earners, of low educational attainment, and are residents of urban poor communities. In other words, the so-called war on drugs is a war on the poor.

Children have not been spared from the killings; in 2016, the president described children killed in the campaign as **“collateral damage.”** The truth is that children have become easy targets. The Children’s Legal Rights and Development Center (CLRDC) has documented **at least 122 children killed** due to the so-called war on drugs from 2016 to 2019 alone.



The pandemic and ensuing lockdown did not dampen the violence. In fact, **Human Rights Watch reported** in 2020 that deaths from the so-called war on drugs increased by more than 50% from April through July 2020, citing the Philippine Drug Enforcement Agency's (PDEA) own numbers.



Naturally, linking the government's violent approach to illegal drugs with its response to the pandemic starts with President Duterte himself. In the early days of the pandemic, during a televised public address, the president **uttered these words:**

"I will not hesitate. My orders are to the police and military, also the barangay, that if there is trouble or the situation arises that people fight and your lives are on the line, shoot them dead. Do you understand? Dead. Instead of causing trouble, I'll send you to the grave."

In Mindanao, meanwhile, the Martial Law declaration put in place after the Marawi siege in 2017 and concluded only in 2019, has also triggered extrajudicial killings, with rights group KARAPATAN **having documented** at least 49 victims in the island and an average of at least one unsolved killing per week between 2017 and 2018 alone. These killings primarily targeted indigenous peoples and activists.

Instead of holding State agents accountable for human rights violations perpetrated in the context of the so-called wars on drugs and terrorism, the president himself has **assured them protection and freedom from prosecution** for their actions.

The president has also been relentless in his push for the restoration of the death penalty, premised both as deterrent and hardline punishment for heinous crimes. The insistence to bring back the death penalty not only contravenes the Constitution but also goes against a worldwide shift away from capital punishment and deliberately ignores the country's obligations to international human rights law as a State party to the Second Optional Protocol of the International Covenant on Civil and Political Rights (ICCPR).

3

**DISTOR  
TION OF  
HUMAN RIGHTS  
AND SHRINKING  
OF CIVIC  
SPACES**

President Duterte and his allies within and outside of government have been tremendously successful in controlling the narrative on human rights. Their virulent anti-human rights rhetoric was already in place during the election campaign, and it only worsened when Duterte took office.

Their biggest victory, arguably, is in successfully distorting human rights as being a hindrance to national development. In rhetoric and in action, President Duterte and his supporters have led many Filipinos to believe that national development is possible only through a violent, rule of law-defying, human rights-violating campaign against illegal drugs and the poor and marginalized who are most associated with drug use.

By dehumanizing people who use drugs under a blanket *adik* tag and blaming them for violent crimes, he convinced people that bringing peace and order to communities require bypassing established law enforcement procedures and due process. By portray-

ing critics and activists as enemies of the State who are out to destabilize and prevent the country from progressing, he is able to decimate legitimate opposition.

Indeed, the distortion of human rights and vilification of human rights defenders (HRDs) has been so constant that unfounded accusations and personal attacks against HRDs are routinely propagated. This has led to increasingly difficult working conditions for HRDs, who now routinely have to contend with harassment and disparagement from the president's supporters.

At work is a wide-ranging application of Pres. Duterte's core principle of governance: violence. The playbook is straightforward and chillingly effective—normalize violence, frame civic participation as a destabilizing force which must be subdued, and weaponize the legal apparatus against key civic society and media figures in order to demoralize and quell resistance.

Those who voiced opposition were targeted and suppressed, notably the still-imprisoned Senator Leila de Lima and ousted Supreme Court Justice Ma. Lourdes Sereno. Vice President Leni Robredo has been sidelined and constantly mocked by the President and his allies. These are outsized reactions to legitimate opposition by any measure but the fact that these leaders also happen to be women reveal a still-virulent strain of misogyny in Philippine society that Duterte has gleefully participated in and exploited.

Equally alarming are the wide-ranging attacks and discrediting of media organizations engaged in critical reporting of the administration's policies. The **barrage of cases** filed against social news site Rappler and its co-founder and CEO Maria Ressa are blatant attacks against freedom of the press and has disrupted the media's important role as the fourth estate.

Duterte's years-long threat to block the franchise renewal of broadcasting

company ABS-CBN came to fruition in 2020, when his allies in Congress toed the line and **refused the company's franchise application**. That ABS-CBN's closure happened in the midst of a pandemic—a crucial time when the public needed unfettered access to information and the company's employees needed to keep their jobs—seemed to matter less compared to the need to satisfy Duterte's whims.

Another crucial blow to democracy occurred in 2020 with the enactment of Republic Act 11479, or the **Anti-Terrorism Act**. Presidential spokesperson Harry Roque **touted** the law as demonstrating the government's "serious commitment to stamp out terrorism." And yet, the law's provisions were widely panned by legal luminaries, human rights defenders, and ordinary citizens for their dangerous ambiguities and for bypassing of many of the safeguards that would protect citizens from government abuse.



A joint motion for a temporary restraining order against the law was filed in February 2021 by 37 petitioners. The motion did not mince words and **declared** that the anti-terror law “infringes upon at least 15 of the people’s fundamental rights as set forth in the Constitution including free speech, freedom of religion, freedom of assembly, freedom of association, freedom of the press, due process of law, freedom from unreasonable searches and seizures, right to privacy, right to travel, right to bail, presumption of innocence, freedom of information, right against ex post facto laws, right against torture and incommunicado detention and academic freedom.”

These are not simply legal arguments; their consequences hold concrete power over how active citizens can and would be treated by Philippine security authorities, whose records are far from spotless.

As the In Defense of Human Rights and Dignity Movement (iDEFEND) **put it**: “Far from addressing terrorism, [the Anti-Terrorism Law] is meant to punish the people for their activism, their boundless search for better lives.”

More chillingly, iDEFEND’s statement also issued this stark reminder: “Whichever way we move, we risk death.”

For HRDs and activists, these words ring frighteningly true. Between 2015 and 2020, 251 human rights defenders, legal workers, journalists, unionists and family members **were killed in the Philippines**, according to the United Nations Office of the High Commissioner for Human Rights (UN OHCHR).

Indeed, **CIVICUS Monitor**, a global research effort that tracks the situation of 196 countries regarding States’ respect for fundamental freedoms, has downgraded the Philippines’ rating from **‘obstructed’ to ‘repressed’ in 2020**.

The group expressed that it is “extremely concerned about attacks on human rights defenders and journalists, the vilification and criminalization of activists, the assault on press freedom and a new draconian anti-terror law.”

This reflects the overall dark picture for civic freedoms in the Philippines and for human rights defenders and activists who seek to protect and advocate for these freedoms. The pandemic notwithstanding, the Duterte government’s antagonism towards human rights and their defenders were palpably stronger this past year.



4

**DEROGATION  
OF ECONOMIC,  
SOCIAL AND CULTURAL  
RIGHTS**



In the face of all these attacks against civil and political rights and democracy, the Duterte administration has not made any concrete progress in upholding and in the progressive realization of economic, social and cultural rights. For one, it has not made any coherent policy on poverty eradication, which remains high at about **17% of Filipinos**, or a solution to the hunger and malnutrition problem.

With national development equated with increased global competitiveness, capital investment, revenues and profits, the Duterte government has implemented policies that have instead caused a deterioration in incomes and quality of life of ordinary Filipinos, foremost of which is the Tax Reform for Acceleration and Inclusion (TRAIN) law.

Meant as the primary means to raise funds for the administration's ambitious infrastructure spending via the "Build! Build! Build!" project, the first TRAIN law was sold to the public as a means to dissolve income taxes for many workers, thereby gaining public

support. But it also very transparently moves the bulk of the tax burden to value-added taxes on basic commodities.

This was essentially a tax increase put on those who do not earn from wages or salaries such as those in the informal sector, farmers, fisherfolk, and small business owners. Additionally, for the first six months of 2018, research group **IBON has estimated** that runaway inflation has eroded the incomes of the "poorest 60 million Filipinos" leading to "losses of anywhere from Php 993 to as much as Php 2,715" for each Filipino household.

For most workers, the twin effects of TRAIN and inflation have led to an erosion of purchasing power and continued stagnation of wages. Meanwhile, Duterte's campaign promise to put an end to "endo" (the contractualization of the labor force) and to give job security by 'regularizing' workers has not materialized.

The passage of the Rice Tarrification Law in 2019 has allowed for **runaway importation of rice**. As a consequence, the crop's farmgate prices dropped drastically, hurting the livelihood of local rice farmers. **Reports in 2019** revealed that farmers sold their produce for as low as Php 17 per kilo, as compared to 2018's Php 22 per kilo. In provinces like Nueva Ecija, farmgate prices are as low as Php 7 to Php 8 per kilo despite production costs being around Php 12 per kilo. Moreover, the drastic drop in farmgate prices does not translate to lower market prices for consumers.

Two days before the presidential elections in 2016, candidate Rodrigo Duterte issued **one last campaign promise** before his supporters: A comfortable life for Filipinos.

DuterteNomics, the administration's centerpiece socioeconomic plan, reveals a security-focused approach to development. **Said Executive Secretary Salvador Medialdea:**



"[DuterteNomics] started out with a simple yet pragmatic economic strategy: Rid the streets our country [sic] of criminals, free our people from the menace of drug abuse, bring lasting peace to our southern islands, and neutralize extremist and terrorist groups."

By arguing for security as the primary impetus for economic development, the Duterte administration's economic agenda is inextricably linked to the ongoing bloody campaign against illegal drugs which has caused tens of thousands of deaths and **immeasurable psychosocial and socio-economic suffering to the families left behind**: deteriorating physical and psychological conditions; children were forced to quit school; and livelihoods were affected, aggravating the food insecurity the families were already experiencing.



5

CON  
FRONTING  
DUTERTE'S  
LEGACY  
OF VIOLENCE

In the final year of Duterte's presidency, we find ourselves ruled by a strongman who, in five short years, has normalized bloodshed and impunity, and whose governance of violence will have harmful consequences for years to come.

With the normalization of extrajudicial killings and the institutionalization of impunity, rule of law has weakened exponentially. The relentless persecution of critics and silencing of dissent has caused a drastic shrinking of spaces for human rights defense. The damage, not only on the meltdown of democratic institutions but also on civic behavior, will be long-term: long after the present administration is replaced, the rest of us shall still be mired in rebuilding the foundations of a culture of human rights.

Admittedly, the present administration has skillfully utilized the public's alienation with human rights ideals as a shield against accountability. While

there are efforts towards justice for the individuals and families victimized by Duterte's anti-human rights policies, these are met with an overloaded, inefficient justice system and a lack of transparency and cooperation by both police and military.

Further, the work of helping those seeking justice to access remedies, to utilize redress mechanisms and in general to defend and claim their rights are made even more challenging by security concerns and fear of reprisal.

All that said, there are glimmers of hope. The **Iceland-led resolution in 2019** before the United Nations Human Rights Council (UNHRC) compelled the UN's Office of High Commissioner for Human Rights to monitor and present a report on the Philippines' human rights situation in 2020.

This report, delivered by High Commissioner Michelle Bachelet before the 44th session of the UNHRC, **acknowledged** widespread human rights violations and persistent impunity in the country:

“[T]he underpinning focus on national security threats – real and inflated – has led to serious human rights violations, reinforced by harmful rhetoric from high-level officials...This focus has permeated the implementation of existing laws and policies and the adoption of new measures – often at the expense of human rights, due process rights, the rule of law, and accountability.”

The Office of the Prosecutor of the International Criminal Court (ICC), which began conducting a **preliminary examination** on the Philippine situation in 2018, has **formally requested authorization** to conduct a full-blown investigation into the Philippines after finding “reasonable basis to believe that the crime against humanity of murder has been committed on the territory of the Philippines between 1 July 2016 and 16 March 2019 in the context of the Government of Philippines “war on drugs” campaign.”

What these developments demonstrate is that exacting accountability against those who violate human rights has taken a more global character, and is perhaps more effective for it, given how many of these perpetrators have personal and financial interests in foreign territories.



It is also notable that despite the risks, the ranks of human rights defenders continue to grow. Despite operational and financial pressures, human rights organizations are beefing up; formations in local communities are gaining numbers, and ordinary Filipinos are choosing to speak up online and on-the-ground.

Among human rights organizations, there is also an ongoing harmonization of initiatives in documenting and reporting human rights violations, in educating grassroots communities on basic human rights concepts, and in capacitating vulnerable sectors including victims of human rights violations and their families with knowledge and information on the claiming and defense of their rights.

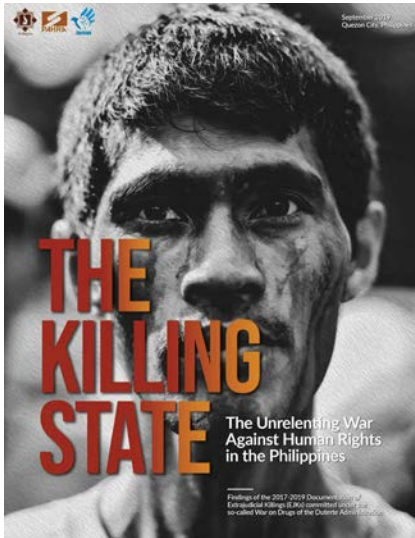
These efforts, guided by a renewed sense of grounding human rights discourse within the day-to-day realities of the people, are slowly but surely bearing fruit. With national elections less than a year away, the importance of foregrounding human rights and dignity as the basis for leadership and governance cannot be understated.

In the final months of Duterte's presidency, his legacy of violence threatens to endure. While acknowledging the immense work of rebuilding a human rights culture, we also need to be reminded that our fight is animated by an abiding sense that no legacy can endure in the face of hope and righteous action.■



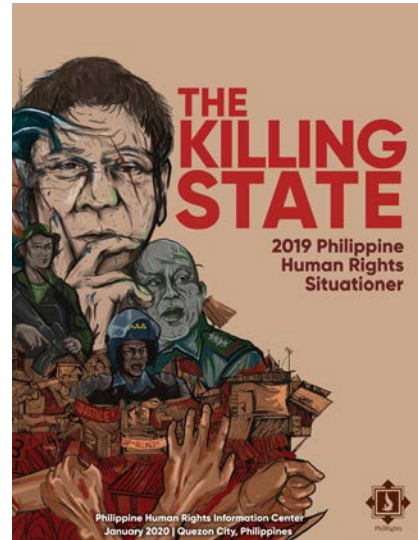


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