

Summary

Thousands of people in the Philippines have been killed since President Rodrigo Duterte launched his “war on drugs” on June 30, 2016, the day he took office. Among those who died have been dozens of children under age 18 who were either specifically targeted or were inadvertently shot during anti-drug raids, what authorities have called “collateral damage.” Philippine children’s rights nongovernmental organizations (NGOs) put the total number of child fatalities at 101 from July 2016 through December 2018, both targeted and killed as bystanders. More deaths of children have been reported in the media in 2019 and 2020.

More broadly, official figures from the Philippine National Police and the Philippine Drug Enforcement Agency put the number of “drug war” casualties at 5,601 deaths as of January 31, 2020. In virtually every case, police claimed they killed a drug seller or user during a raid after the suspect resisted arrest and fought back. The national Commission on Human Rights and domestic human rights groups believe many thousands more – estimated at more than 27,000 – have been killed by the police, agents of the police, or unidentified assailants.

The overwhelming majority of these killings have not been properly investigated. According to the Philippine Department of Justice in January 2019, just 76 deaths have led to investigations. Even then, only 33 resulted in court cases and 5 were pending before the Office of the Prosecutor, while the prosecutor dismissed half – 38 cases. At time of writing, only one case – the killing of 17-year-old Kian delos Santos by three police officers in August 2017, which happened to be captured on video – has resulted in a trial and conviction.

Human Rights Watch also investigated the killings of adults in which police showed little to no regard for the safety and welfare of children, often conducting raids in the middle of the night while the entire family was at home. In many raids, children witnessed the killing of a parent, or were present while their parent was dragged away and shot.

The harmful consequences for children of Duterte’s anti-drug campaign go beyond the immediate violence of the raids. Many suffer psychological distress after witnessing the

killing of a loved one. Some children have had to leave their homes and community, either going into hiding or relocating because they and their family members feared for their lives.

At school and in their own communities, some experienced bullying because of the stigma of alleged drug use by a now deceased parent. Human Rights Watch met one 5-year-old boy who developed aggressive and violent behavior after his father's gruesome killing. A number of children have stopped going to school because they no longer had enough money for transportation, food, and school supplies.

The loss of a parent who is the main breadwinner can plunge an already impoverished family into even more extreme poverty. Many children are left with no choice but to work, and some end up homeless and living in the streets, further exposing themselves to danger, violence, and criminal activity.

The Philippine government, apart from its refusal to effectively and impartially investigate the killings and its policy of detaining children in conflict with the law, has done little to address the needs of children directly affected by the anti-drug campaign. The Department of Social Welfare and Development, the main government agency responsible for the welfare of children, does not have a specific program directly aimed at addressing the needs of children affected by the "drug war." Whatever assistance the department gives children and families is derived from existing programs, such as cash assistance for burial expenses or its conditional cash transfer program.

Families have been wary about approaching the government for help because they consider the police and other government officials to be responsible for the loss they have suffered. This leaves the children and their families left with only programs supported by civic and nongovernmental groups, particularly those from the Roman Catholic Church and a few Protestant and ecumenical groups. In some communities where violence is frequent, parish priests and lay workers have been leading the effort to help by providing psycho-social (mental health) support, economic assistance, support for children to attend school, and help in finding and supporting livelihoods for affected families. But as the killings continue, such voluntary efforts have been overwhelmed and are insufficient to address the needs of affected children.

Human Rights Watch believes governments should ensure respect for human rights in their policies and practices on the use, possession, production, and distribution of drugs. We oppose the criminalization of the personal use of drugs and the possession of drugs for personal use. To deter, prevent, and remedy the harmful use of drugs, governments should rely on non-penal regulatory and public health approaches that do not violate human rights.

Human Rights Watch calls on the Philippine government to end its abusive anti-drug campaign and investigate and prosecute those responsible for killings and other human rights violations. The UN Human Rights Council should establish an independent international investigative mechanism into extrajudicial killings and other violations committed in the context of the “war on drugs” since June 2016. The families of victims of unlawful killings by government officials and their agents should be promptly and fairly compensated for their loss. Government agencies should address the dire needs of children whose breadwinner has been killed, especially those living in impoverished communities across the Philippines where the killings typically take place, and ensure the government adopts measures to protect affected children from abuse.

VIII. Recommendations

To the Government of the Philippines

- Issue a presidential proclamation officially ending the “war on drugs.”
- Investigate and prosecute alleged perpetrators, including law enforcement personnel, credibly implicated in extrajudicial killings and other abuses committed during the Duterte government’s “war on drugs.”
- Promptly and fairly compensate the families of victims of unlawful killings by government officials and their agents.
- Fully cooperate with the Commission on Human Rights’ investigation of such killings, including by providing requested information on the anti-drug campaign generally and specific cases.
- Fully cooperate with the Office of the UN High Commissioner for Human Rights, which was directed by the UN Human Rights Council in a July 2019 resolution to prepare a report on the human rights situation in the Philippines.

- Order the Department of Social Welfare and Development to:
 - Provide material assistance and targeted financial support programs to parents, appointed relatives, or legal guardians and any relevant agency responsible for the welfare of a child adversely affected by the anti-drug campaign to ensure children remain in school.
 - Protect adversely affected children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral, or social development.
 - Gather information and data about the children and families affected by the anti-drug campaign, ensuring confidentiality and protection against retaliation.
 - Form and provide resources for a multi-agency initiative (government, civil society, academe, faith-based organizations, and NGOs) to develop, plan, and implement programs for assistance specifically to children of “drug war” victims.

- Ensure that the department’s conditional cash transfers (4Ps benefits) reach the families of victims, and actively monitor implementation of the program to prevent any discrimination against those families.
- Order the Department of Education to:
 - Ensure that all children, including those adversely affected by the anti-drug campaign, enjoy their right to free and compulsory primary education as guaranteed under the Philippines Constitution and international human rights law. Take immediate measures to ensure that no child is ever denied their right to education, including secondary education, due to school fees or related costs of education.
 - Enforce anti-bullying and anti-discrimination policies, notably with respect to children adversely affected by the anti-drug campaign, inform students how they can confidentially report incidents of bullying, and specify measures to hold accountable students found responsible for bullying.
 - Ensure school officials and teachers are trained and equipped to handle cases of bullying among students, and ensure school administrators ensure all staff and students abide by the government’s anti-bullying policy, and recognize that all children should be protected from bullying and harassment based on their economic circumstances or on the basis of the status or activities of the child's parents, legal guardians, or family members.
- Order the Department of Health to:
 - Assist the Department of Social Welfare and Development in providing mental and psycho-social health services to children of families affected by the anti-drug campaign.
 - Create a partnership and coordinate with private mental health professionals and academics to ensure that adversely affected children and their families are provided adequate mental health care and support.

To the Philippine Commission on Human Rights

- Investigate the deaths of all children killed in the “war on drugs.” Publicize the results of those investigations and make specific recommendations for

accountability in all cases where there is sufficient evidence for such a determination.

- Urge relevant government agencies, such as the Department of Social Welfare and Development and the Department of Education, to enforce existing laws and policies for the protection of children.

To the United Nations Country Team and UN Bodies

- Strongly advocate with the Philippines government to end government policies supporting the “war on drugs.” Call on the government to hold perpetrators of violence against children and their families accountable for rights abuses.
- The UN Human Rights Council should establish an independent international investigative mechanism into extrajudicial killings and other violations committed in the context of the “war on drugs” since June 2016.
- The UN Country Team in the Philippines should speak out publicly about the plight of adversely affected children and their families.
- UNICEF should make the children of “drug war” victims a priority in their programs and interventions, particularly on the issues of psychological distress and livelihoods. It should support a multi-agency initiative, to be led by the Department of Social Welfare and Development, to provide such intervention.
- Provide political, technical, and financial support for the Commission on Human Rights to investigate human rights violations in the “drug war.”

To Bilateral and Multilateral Donors

- Strongly advocate with the Philippines government to end government policies supporting the “war on drugs.” Call on the government to hold perpetrators of violence against children and their families accountable for rights abuses.
- Support the creation of a multi-agency initiative that will provide specific assistance to the children affected by the anti-drug campaign.
- Consult with Philippines government agencies and independent civil society and community groups on the design of timely and effective assistance programs to benefit children adversely affected by the anti-drug campaign.
- Provide technical and financial support for assistance programs designed to support adversely affected children.

- Publicly and privately urge the government ensure support for adversely affected children and families, such as through disbursement of conditional cash transfers.
- Provide political, technical, and financial support for the Commission on Human Rights to investigate human rights violations in the “drug war.”