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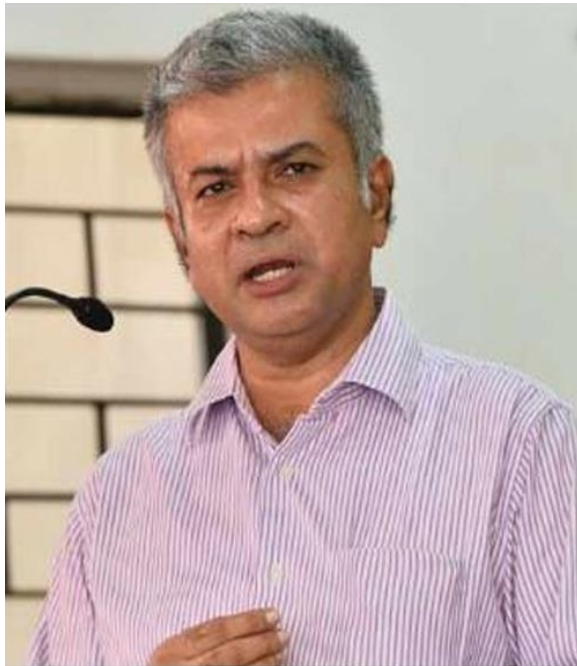
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Dr. Raju Narayana Swamy popularly known as Kerala's Anti Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala . He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University . He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru and a

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Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



Dr. Navtika Singh Nautiyal

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.



Dr. Rinu Saraswat

Associate Professor at School of Law, Apex University, Jaipur,
M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

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Subhrajit Chanda



BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

HUMAN RIGHTS VIOLATION IN **PHILIPPINES**

Authored By-Parth Rastogi & Sachin Singh Shahi

Abstract

Under the government's "war on drugs" mission, an absence of accountability continued to enable extrajudicial executions and other human rights violations. An investigation regarding crimes committed against humanity has been announced by the International Criminal Court (ICC). Political activists, human rights activists, and parliamentarians faced arbitrary arrest and detention, and harassment. Attacks on indigenous peoples were carried out by both authorities and unidentified assailants. As the number of Covid-19 infections increased last year, the lack of access to healthcare got worse. Maria Ressa, a journalist and skeptic of the "war on drugs," was awarded the Nobel Peace Prize but is still facing decades in prison due to open charges, including some initiated by the government.

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Introduction

Philippines' president Rodrigo Duterte has been called many things a misogynist, a macho fascist, an authoritarian, and even he compared himself to Hitler. His so-called war on drugs by many reports amount to slaughter. According to government's own count in less than 2 years, around 4 thousand people have been killed. And an opposition Philippines senator recently said that government's own number actually show more than 20,000 deaths.

The International Criminal Court, recently launched an inquiry into evidence that Rodrigo Duterte is directly responsible for the extra-judicial killings and mass murders in the Philippines. Among his own people Rodrigo Duterte is overwhelmingly popular, he's the most trusted government official in the country according to last year's polls with an approval rating that hover near 80 percent.

Carlos Conde, a former journalist and a researcher of Human Rights Watch described the situation in Philippines as 'dire'. He stated that it is a situation where thousands and thousands of mostly poor Filipinos are being killed, their rights are being violated all across the country but mainly in the urban areas. People who faced this barbarism described that how the police just started going through homes, kicking down the doors arresting people, and how in many instances they would shoot people on-sight and then claim that the victims were fighting back.

Human Rights Watch also found that the police and the authorities are behind many of these killings by an unidentified gunman. Basically the police is paying people to kill other people.

This problem is an economic problem and not merely a law enforcement problem, the government should see it that way and should institute programs to address that through other perspective.

Extrajudicial Killings And Perpetual Impunity

The government's ongoing "war on drugs" has resulted in extrajudicial killings as well as other violations of human rights. President Duterte persisted in inciting violence against those who are suspected to be drug users or dealers. In his July, 2021 State of the Nation Address, he also urged Congress to pass legislation guaranteeing free legal representation for security force members accused of the extrajudicial executions.

The Department of Justice published only a portion of the information from its analysis of 52 of the countless cases involving killings by police during anti-drug operations in October, 2021. Despite being woefully insufficient and falling short of international standards, the review's scant findings refuted police claims that the use of fatal force had been justified and corroborated abuses that local and international human rights organizations had already reported.

The International Criminal Court's pre-trial chamber authorized an inquiry into crimes in September 2021, including the crime against mankind of murder perpetrated in the context of the "war on drugs" nationwide between 2016 and 2019, as well as killings in the Davao region between 2011 and 2016. The government declared that it would not assist with the inquiry. In response to a request by the Philippine government, the ICC declared in November, 2021 that the investigation had been temporarily put on hold.

UN experts and human rights organizations repeatedly urged the UN Human Rights Council (UNHRC) to establish an international investigation into murders and other violations of human rights amid worries that the joint UN Capacity-building and Technical Assistance initiative formed under the UNHRC resolution in 2020 was struggling to provide justice and protect the human rights.

Repression Of Dissent

Human rights activists, political activists, and others have been killed or harassed as a result of the authorities "red-tagging" of groups and individuals as belonging to communist organizations. On March 7, security forces launched simultaneous raids against "red-tagged" groups in Southern Tagalog, where they executed nine individuals and arrested six more. Those who were arrested and killed included urban poor community leaders and environmental activists. The parties involved rejected claims made by the security forces that weapons and explosives were found during the raids and that those killed were attempting to resist arrest. Two days prior to the raids in the country, President Duterte stated in a speech that he had instructed the military and police to "kill" the communist rebels. The Department of Justice recommended that 17 law enforcement officers be charged with murder for the killing of labor leader Emmanuel Asuncion during the raids in December.

The Anti-Terrorism Act (ATA), that gave the government broad authority to detain those it deemed to be state enemies, was still being opposed. Acting on petitions contesting the constitutionality of the ATA, the Supreme Court struck down two provisions of the law, including some parts of Section 4 that the Court considered to be "violating and overbroad to the freedom of expression." The law, however, continued to be flawed and abuseable. In July, a court in the Central Luzon city of Olongapo dropped accusations against two members of the Native Aeta Community on the grounds of mistaken identity. Since the ATA's introduction in July 2020, this case is thought to be the very first to be filed under its provisions.

Prisoner of conscience, one of the very first political opponents targeted by Rodrigo Duterte's administration was Senator Leila de Lima, who spent her sixth year behind bars. One of three politically motivated charges against her—conspiracy to engage in illicit drug trade—was rejected by a judge in February this year.

Rights Of Indigenous People

Indigenous peoples and campaigners for their rights continued to be attacked by Duterte's administration. Windel Bolinget, a well-known activist for Indigenous rights, received a directive from the Cordillera chief of police in January to "shoot-to-kill" him if he resisted to an arrest warrant. In July, Windel Bolinget's politically motivated murder accusation was dismissed.

Julie Catamin, the head of Roosevelt town in Tapaz municipality, Capiz province, was brutally murdered on February 28 by an unidentified gunman. She had testified in a case involving a police raid in December 2020 that resulted in the arrest and killing of community leaders of the Tumandok Indigenous people. The lawyer for the Tumandok community leaders, Angelo Karlo Guillen, was attacked by unidentified assailants on March 3 in Iloilo City, gravely injuring him.

A school in Cebu City was raided by Security forces in February that was housing Indigenous children who had been orphaned by armed conflict. Seven persons were arrested without warrants and were accused with abduction and human trafficking, they included students, teachers, and a village elder. Before the allegations against them were dismissed, they were detained for 3 months.

Unfair Trials And Arbitrary Detention

The Dangerous Drugs Act of 2002 was amended by a bill that was passed by the House of Representatives in March. The bill included clauses that would encourage arbitrary detentions and undermine the right to a fair trial, including the presumption of innocence for those accused of drug use or distribution. At year's end, the Senate was still debating the bill.

Right to Health

A sudden rise in Covid-19 cases and deaths in April, prompted criticism of the government's handling of the pandemic. To treat Covid-19 victims, the already subpar healthcare system lacked enough hospitals and medical experts. The Covid-19 vaccination campaign was launched by the government in March, however there were

issues with implementation speed, geographical dispersion, and availability of vaccines.

Inadequacies in the Department of Health's management of money allotted to the Covid-19 crisis, including inconsistencies in the transfer of funds among government agencies, were uncovered in an investigation by the independent statutory authority, the Commission on Audit, released in August. The discoveries led a Senate Intelligence committee investigation, which proposed that senior executives of Pharmally Pharmaceutical Corporation, an organization that had received PPE procurement contracts, and a number of former government employees to be charged with perjury.

Freedom Of Expression, Association And Peaceful Assembly

Journalist Maria Ressa and Russian journalist Dmitry Muratov were awarded the Nobel Peace Prize in October in honor of their fight for freedom of press in the Philippines. She was found not guilty on two cyber libel accusations in June and August, but she continued to face more accusations for which she could spend up to 60 years in prison.

Authorities "red-tagged" people and organizations running "community pantries" that distributed food to those in need due to unemployment during the Covid-19 pandemic in April.

Employee Rights

A report released in August revealed violations of workers' rights in the Dinagat Island nickel mining industry, involving employment without contracts, delayed wage payments and non-payment of mandatory incentives.

Death Sentence

The Comprehensive Dangerous Drugs Act of 2002 was amended on March 2nd by House Bill 7814, which would reinstate the punishment of death penalty for drug-related offences. The Senate was considering the bill till the end of year. Several more death penalty-reintroduction bills remained pending in both the House of Representatives and the Senate

LGBTI Individuals' Rights

Eight LGBTI individuals died on September 18 when an IED detonated during a volleyball match in the province of Maguindanao. The event was considered a hate crime by the Bangsamoro parliament, which ordered the authorities to look into it.

