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**Efforts of United Nations Human Rights Council in  
Addressing Extrajudicial Killings in Philippines' War on  
Drugs in 2017-2020**

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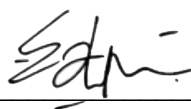
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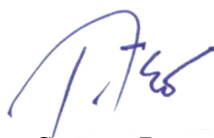
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## ABSTRACT

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As a member of the United Nations Human Rights Council (UNHRC), the Philippines has a responsibility to maintain the highest standards in the protection of human rights. However, the current human rights situation in the Philippines does not reflect this responsibility. Unlawful killings under the conduct of the War on Drugs have claimed thousands of lives since 2016. As an IGO focusing on the field of human rights, UNHRC aims to address extrajudicial killings in the conduct of the War on Drugs in the Philippines. Departing from this issue, the author formulated a research question "What are the efforts of UNHRC in addressing extrajudicial killings present within Philippines' War on Drugs from 2017 to 2020?" In this qualitative research, the author describes the efforts of UNHRC through a descriptive approach and analyzes the efforts of UNHRC through SWOC analysis. The neo-liberal institutionalist approach is used in explaining UNHRC's efforts to emphasize the role of international organizations in dealing with issues that cannot be resolved by states alone. Furthermore, the concepts of IGO function and human rights are also used to determine the role of UNHRC in dealing with human rights issues in the form of extrajudicial killings in the Philippines.

This study describes three UNHRC efforts in dealing with the issue of extrajudicial killings in the War on Drugs in the Philippines from the beginning of its operations until 2020. The first effort of UNHRC was through the UPR program which reviewed the human rights situation in the Philippines and facilitated a communication forum to discuss the results of the review, and produce recommendations for the Philippines government. Second, UNHRC adopted two resolutions that resulted in the report launched by OHCHR on the human rights situation in the Philippines and facilitated the provision of Technical Assistance and Capacity Building for the Philippine government. These efforts aim to prevent unlawful killings and improve the human rights situation in the Philippines.

**Keywords: Philippines, UNHRC, human rights, extrajudicial killings, neoliberal institutionalism, effort**

## ABSTRAK

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Sebagai anggota dari United Nations Human Rights Council (UNHRC), Filipina mempunyai tanggung jawab untuk mempertahankan standar tertinggi dalam perlindungan hak asasi manusia (HAM). Namun, situasi HAM di Filipina tidak mencerminkan tanggung jawabnya tersebut. Pembunuhan di luar hukum dibawah pelaksanaan Perang Narkoba telah merenggut ribuan nyawa sejak 2016. Sebagai IGO yang berfokus pada bidang hak asasi manusia, UNHRC berupaya untuk menangani pembunuhan di luar hukum di dalam pelaksanaan Perang Narkoba di Filipina. Berangkat dari isu ini, penulis merangkai pertanyaan penelitian “Apa saja upaya UNHRC dalam menangani pembunuhan di luar hukum dalam pelaksanaan Perang Narkoba di Filipina pada tahun 2017 hingga 2020?” Dalam penelitian kualitatif ini, penulis akan menyebutkan upaya UNHRC tersebut melalui pendekatan deskriptif dan menganalisa upaya tersebut melalui analisa SWOC. Pendekatan neoliberal institusionalisme akan digunakan dalam menjelaskan upaya UNHRC untuk menekankan peran organisasi internasional dalam menangani isu yang tidak bisa diselesaikan oleh negara sendiri. Selanjutnya konsep fungsi IGO dan HAM juga digunakan untuk menentukan peran UNHRC dalam menangani isu HAM dalam bentuk pembunuhan di luar hukum di Filipina.

Penelitian ini mendeskripsikan tiga upaya UNHRC dalam menangani isu pembunuhan di luar hukum dalam Perang Narkoba di Filipina sejak awal operasinya hingga 2020. Upaya pertama UNHRC adalah melalui program UPR yang meninjau situasi HAM di Filipina dan memfasilitasi forum komunikasi untuk membahas hasil tinjauan tersebut dan memberikan rekomendasi bagi pemerintah Filipina. Kedua, UNHRC mengadopsi dua resolusi yang menghasilkan laporan yang diluncurkan OHCHR mengenai situasi HAM di Filipina serta memfasilitasi diberikannya Bantuan Teknis dan Peningkatan Kapasitas bagi pemerintah Filipina. Upaya-upaya tersebut bertujuan untuk mencegah terjadinya pembunuhan di luar hukum dan memperbaiki situasi HAM di Filipina.

**Kata Kunci: Filipina, UNHRC, hak asasi manusia, pembunuhan di luar hukum, neoliberal institusionalisme, upaya**

## **PREFACE**

Praise to God Almighty, for his divine guidance and blessings that allows this undergraduate thesis to be completed. This undergraduate thesis is made to fulfill the graduation requirement of International Relations study at Parahyangan Catholic University. With the title of “Efforts of United Nations Human Rights Council in Addressing Extrajudicial Killings in Philippines’ War on Drugs in 2017-2020”, this research describes the efforts of UNHRC in addressing human rights violation in the form of extrajudicial killings under Philippines’ Duterte-led anti-drug campaign.

The author would like to express her deepest gratitude to the supervisor of this undergraduate thesis, Yulius Purwadi Hermawan, Drs, M.A., Ph.D. for all his guidance, suggestions, constructive criticism, words of encouragement and most especially his patience in helping the author in the process of writing this undergraduate thesis until its completion.

The author also acknowledges that this research is still far from perfect and therefore the author is open to receive any comments or constructive criticism in the aspects of this undergraduate thesis that require improvements. Lastly, the author hopes that this undergraduate thesis will contribute to the development of the study of International Relations, especially in regards to the role of international organizations in the field of human rights.

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## ABBREVIATIONS

CODE-NGO	: Coalition of Philippines CSOs
CSO	: Civil Society Organizations
ECOSOC	: UN Economic and social council
IGO	: Intergovernmental Organizations
IO	: International Organizations
NATO	: North Atlantic Treaty Organizations
NGO	: Non-governmental Organization
NHRI	: National Human Rights Institution
OHCHR	: The Office of the High Commissioner for Human Rights
PNP	: Philippines National Police
UDHR	: Universal Declaration of Human Rights
UN	: United Nations
UNHRC	: United Nations Human Rights Council
UPR	: Universal Periodic Review

# CHAPTER 1

## INTRODUCTION

### 1.1 Research Background

In the aftermath of World War II, devastation over its gravely fatalities have pushed world leaders to uphold peace and stability among nations. The concept of human rights in modern society is catalyzed by the result of the Second World War and became the basis of the establishment of the United Nations. In 1948, the United Nations General Assembly introduced the Universal Declaration of Human Rights (UDHR), which declared that human rights is inherent to any person and does not discriminate upon race, gender, or class.<sup>1</sup> Despite it being merely a declaration and lacking legal binding, the UDHR has, since its creation, been adopted into conventions, constitutions and policies addressing human rights and serves as a basis of human rights all around the world.<sup>2</sup> As an effort to ensure the protection of human rights, UN General Assembly established a governmental body that specifically focuses on the preservation of human rights called United Nations Human Right Council (UNHRC) on 15 March 2006 by resolution 60/251.<sup>3</sup> UNHRC's overarching goal is to strengthen the promotion and protection of human rights around the world and to address situations of human rights violations and formulate solutions to solve it.<sup>4</sup> Meetings are held regularly in the Geneva UN Office for at least 10 weeks every year to respond to any human rights violations all around the globe and to discuss country-specific situations that require

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<sup>1</sup> United Nations, "UN Universal Declaration of Human Rights", 1948.

<https://www.un.org/en/universal-declaration-human-rights/>

<sup>2</sup> UNHRC, "Human Rights Council Handbook",

<https://www.ohchr.org/Documents/Publications/HRhandbooken.pdf>, pg. 10.

<sup>3</sup> UNHRC, "Human Rights Council", <https://www.ohchr.org/en/hrbodies/hrc/pages/aboutcouncil.aspx>

<sup>4</sup> UNHRC, "Human Rights Council Handbook",

[https://www.ohchr.org/Documents/HRBodies/HRCouncil/HRC\\_booklet\\_EN.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/HRC_booklet_EN.pdf), pg. 3.

examination.<sup>5</sup> The Council is made up of 47 member States who are elected by the UN General Assembly on a 3 year term based on “the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto.”<sup>6</sup> Members of UNHRC are specifically given the highest duty to “uphold the highest standards in the promotion and protection of human rights.”<sup>7</sup>

One of UNHRC’s scope of concern is the practice of extra-legal, arbitrary and summary killings or extrajudicial killings. Extrajudicial killings is one among many human rights violations that are still frequently executed despite international condemnations. Extrajudicial killing is defined as a deliberate act of killing by government authorities without legal and judicial proceedings.<sup>8</sup> Based on the United Nations Manual on The Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, political assassinations, deaths as a result of forced disappearances, deaths resulting from the misuse of force by law-enforcement entities, act of killing without legal process, and genocide are all classified as extrajudicial killing.<sup>9</sup> Article 3 of the UDHR states: "Everyone has the right to life, liberty and security of person." The practice of extrajudicial killing is a violation on UDHR because victims are deprived of life, liberty and security and was killed unlawfully without legal judicial process.<sup>10</sup> Regulations on extrajudicial killing is further elaborated in article 6 of International Covenant on Civil and Political Rights. Established in 1966, it stated that the inherent right to life, liberty and security shall be protected by the law and prohibits

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<sup>5</sup> UNHRC, “Human Rights Council Handbook”,

[https://www.ohchr.org/Documents/HRBodies/HRCouncil/HRC\\_booklet\\_EN.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/HRC_booklet_EN.pdf), pg. 3.

<sup>6</sup> United Nations General Assembly, “Resolution 60/251: Human Rights Council”, 3 April 2006, A/RES/60/251, <https://undocs.org/en/A/RES/60/251>.

<sup>7</sup> United Nations General Assembly, “Resolution 60/251: Human Rights Council”, 3 April 2006, A/RES/60/251, <https://undocs.org/en/A/RES/60/251>.

<sup>8</sup> William J. Aceves, “When Death Becomes Murder: A Primer On Extrajudicial Killing,” *Columbia Human Rights Law Review*, 50:1 2018, pg. 23.

<sup>9</sup> United Nations, “United Nations Manual on The Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions,” 1991, E/ST/CSDHA/12.

<sup>10</sup> United Nations, “UN Universal Declaration of Human Rights”, 1948. <https://www.un.org/en/universal-declaration-human-rights/>

arbitrary deprivation of life.<sup>11</sup> The Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions reiterated that governments should prevent and prohibit by law any form of extra-legal, arbitrary and summary executions.<sup>12</sup>

Extrajudicial executions in the Philippines, namely under Duterte's War on Drugs, is one among many human rights violations that is lesser-known in the international arena. Duterte has taken control of the Malacañang Palace and Philippine office as the reigning president from June 30, 2016. Ever since his campaign, Duterte has spoken out about his concern regarding illegal drugs trafficking and usage within the region. Before entering into office, he announced a policy that would wipe out drug users & traffickers within six months of operation. His ambition comes with a rather brutal approach, in which he expressed multiple times that he views drug users as less than human and would not hesitate to kill those engaged in illegal drugs activity.<sup>13</sup> Despite facing condemnations from world leaders and international organizations such as the UN, Duterte received massive support from people back home.<sup>14</sup> His anti-drug campaign often referred to as War on Drugs operated immediately after he stepped into power. The War on Drugs is the Duterte administration's anti-drug campaign entrusted to the Philippines National Police (PNP) which includes the killings of suspected drug-related criminals. Not long after the start of Duterte's presidency, news regarding killings of alleged drug abusers surfaced like wildfire. The Philippines' War on Drugs has taken a staggering human toll. Only 7 months after his coronation, a statement by PNP revealed that 7,025 people have died from drug-related killings under the anti-drug

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<sup>11</sup> UN General Assembly, "International Covenant on Civil and Political Rights," 23 March 1976, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

<sup>12</sup> UN Economic and Social Council, "Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions", 24 May 1989, <https://www.un.org/ruleoflaw/blog/document/principles-on-the-effective-prevention-and-investigation-of-extra-legal-arbitrary-and-summary-executions/>.

<sup>13</sup> BBC News, "Philippines President Rodrigo Duterte in Quotes," 30 September 2016, <https://www.bbc.com/news/world-asia-36251094>. Accessed 8 June 2020.

<sup>14</sup> Reuters, "Filipinos give thumbs up to Duterte's 'excellent' drugs war: poll," 23 September 2019, <https://www.reuters.com/article/us-philippines-drugs-idUSKBN1W803M>. Accessed 2 June 2020.

campaign.<sup>15</sup> Apart from the killings acknowledged by the PNP, there have been more than 20,000 cases of drug-related killings performed by unknown armed persons which were categorized in “cases under investigation” by the PNP.<sup>16</sup> The government has also been inconsistent with the death toll numbers and has stopped publishing the number of deaths by unknown armed persons, which was the one taking up the majority of drug-related killings. Sources from local and international human rights agencies have also presented death toll numbers that are far from official statements. Furthermore, Amnesty International, Human Rights Watch, and local human rights groups and media have traced police interventions in the killings by unknown armed persons.<sup>17</sup>

The UNHRC has addressed the cases of EJK present in Philippines’ War on Drugs since its first year of operation back in 2016. The UNHRC acknowledged the severity of the situation and urged the Philippines, as a member of UNHRC, to prevent the conduct of EJK in respect of the right to life. After various unanswered requests from UNHRC Special Procedures to an investigation, in 2017, the UNHRC reviewed the human rights situation of the Philippines under the third cycle of UPR.<sup>18</sup> The UPR review sought to facilitate discussion and exchange of information in regards to the violations and produce recommendations for the Philippines government in an effort of strengthening the protection of human rights. The years following the UPR, UNHRC adopted two resolutions to address the cases of EJK in the Philippines to further pressure the Philippines in ensuring the protection and promotion of human rights.

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<sup>15</sup> Michael Bueza, “IN NUMBERS: The Philippines’ ‘War on Drugs’,” *Rappler*, 21 January 2017.

<sup>16</sup> Amnesty International, “ ‘They Just Kill’ Ongoing Extrajudicial Executions and Other Violations in The Philippines,” 2019, <https://www.justice.gov/eoir/page/file/1180791/download>, pg. 10.

<sup>17</sup> Human Rights Watch, “License to Kill: Philippine police killings in Duterte’s War on Drugs,” 2 March 2017, [https://www.hrw.org/sites/default/files/report\\_pdf/philippines0317\\_web\\_1.pdf](https://www.hrw.org/sites/default/files/report_pdf/philippines0317_web_1.pdf)

<sup>18</sup> OHCHR, “The Philippines’ human rights record to be reviewed by Universal Periodic Review,” 3 May 2017, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=21574&LangID=C>. Accessed 8 June 2020.

## 1.2 Problem Identification

While the promise of eradicating drug crimes seems harmless, the methods of Drug War, especially the extrajudicial killings that are justified under this operation are what makes it incredibly unethical and inhumane. The anti-drug campaign involves methods of police-instructed killings of drug-related criminals. Alleged drug users are persecuted and killed without prior notice and without legal process.<sup>19</sup> In many cases, the victims accused of drug usage are innocent and have never consumed drugs or in many cases, have rehabilitated and have stopped using illegal substances.<sup>20</sup> The murderous War on Drugs carried out by the Philippines government has resulted in thousands of deaths ever since Duterte assumed presidency in 2016.

President Duterte came into power with promises of eradicating drug-related crimes within the region.<sup>21</sup> With such commitment regarding drug crimes, one might assume an alarming rate of drug-related crimes in the Philippines. The frequently used drug in the region is methamphetamines, or locally referred to as “shabu”. The rate of shabu usage is considered high for the region, however, the overall rate of illegal drug usage in the Philippines is relatively low. Through a 13-month period survey, Philippine Dangerous Drugs Board stated that around 1.8 million Filipinos have used drugs, which makes up 2.3 percent of the whole population. This number is lower than the United Nations Office on Drugs and Crime’s (UNODC) report claiming that the prevalence of drug use is over 5.2 percent all over the world.<sup>22</sup> On the contrary, the Duterte administration seems to view the issue in a gravely

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<sup>19</sup> Amnesty International, “If You Are Poor, You Are Killed: Extrajudicial Executions In The Philippines’ War on Drugs,” 2017.

<sup>20</sup> Amnesty International, “If You Are Poor, You Are Killed: Extrajudicial Executions In The Philippines’ War on Drugs,” 2017.

<sup>21</sup> Alexis Romero, “Rody wants 6 more months for War on Drugs, crime,” *The Philippine Star*, 19 September 2016; Pia Ranada, “Duterte bares details of 3-to-6-month anti-crime plan,” *Rappler*, 14 April 2016.

<sup>22</sup> UNODC, “World Report on Drugs 2016”, [https://www.unodc.org/doc/wdr2016/WORLD\\_DRUG\\_REPORT\\_2016\\_web.pdf](https://www.unodc.org/doc/wdr2016/WORLD_DRUG_REPORT_2016_web.pdf).

condition. The portrayal of the drug issue is an exaggeration of threat, which is used to justify the extreme solution of arbitrary killings and detention of drug suspects.<sup>23</sup>

Considering Philippines' membership in the UNHRC, Philippines' records and actions regarding human rights have not been in compliance with UNHRC's values. Philippines previously placed a seat in the council three times, and was re-elected for its fourth term in 2018 to serve membership starting in January 2019. As a member of the council, the Philippines has a responsibility to uphold the highest standard in the protection of human rights. However, the Philippines does not reflect this responsibility in its actions. Extrajudicial killings of journalists, and human rights defenders as well as mass killings carried out under the heinous War on Drugs have been persistent throughout the years of Rodrigo Duterte's presidency.<sup>24</sup> Number of deaths under the War on Drugs varies among sources, with official statements reporting 7,000 cases and up to 28,000 reported by the Philippines Commission on Human Rights, as it includes killings executed by unknown vigilantes endorsed by Duterte's administration.<sup>25</sup> However, an official statement by PNP reported that since 2016, there are 29,000 cases of killings that fall under the category of deaths under inquiry (DUI), which may provide a clue regarding the disparity between the numbers.<sup>26</sup>

Philippines authorities have openly expressed its responsibilities over the thousand deaths in the Drug War. The Philippines also denied allegations of the existence of EJKs, as deaths in the anti-drug campaign resulted from legitimate law-enforcement procedures. Duterte is convinced that the anti-drug campaign is important to "save lives, preserve

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<sup>23</sup> Adrian Gallagher, Euan Raffle & Zain Maulana, "Failing to fulfil the responsibility to protect: the War on Drugs as crimes against humanity in the Philippines," *The Pacific Review*, 2019, <https://doi.org/10.1080/09512748.2019.1567575>, pg. 11.

<sup>24</sup> Human Rights Watch, "License to Kill: Philippine Police Killings in Duterte's War on Drugs," March 2017, [https://www.hrw.org/sites/default/files/report\\_pdf/philippines0317\\_web\\_1.pdf](https://www.hrw.org/sites/default/files/report_pdf/philippines0317_web_1.pdf)

<sup>25</sup> Human Rights Watch, "License to Kill: Philippine Police Killings in Duterte's War on Drugs," March 2017, [https://www.hrw.org/sites/default/files/report\\_pdf/philippines0317\\_web\\_1.pdf](https://www.hrw.org/sites/default/files/report_pdf/philippines0317_web_1.pdf)

<sup>26</sup> Human Rights Watch, "License to Kill: Philippine Police Killings in Duterte's War on Drugs," March 2017, [https://www.hrw.org/sites/default/files/report\\_pdf/philippines0317\\_web\\_1.pdf](https://www.hrw.org/sites/default/files/report_pdf/philippines0317_web_1.pdf)



families, protect communities and stop the country from sliding into a *narcostate*.”<sup>27</sup> Philippines government granted impunity to PNP for the human rights violations within the practice of War on Drugs. Responding to calls for justice by punishing police officers, Duterte made statements that he will not allow the imprisonment of police officers for ‘performing their duty’ in the operation.<sup>28</sup> Research done by Amnesty International has indicated that many police officers are given rewards for being responsible for the killings, such as promoting them to a higher position and locating them in other cities of the country, resulting in an increase of killings of the said areas.<sup>29</sup> President Duterte has also publicly encouraged civilians to kill drug suspects. The practice of War on Drugs greatly infringes on the right to life and will further normalize a culture of impunity within the region.

Backlash and complaints regarding the Philippines' War on Drugs have arisen from both international and local communities. Local human rights entities have pursued ways to address extrajudicial killing under Duterte’s War on Drugs. Local Human Rights organizations in the Philippines has sent requests to the UNHRC to address the cases of EJK and launch an impartial investigation into the problem. A number of human rights organizations such as Ecuvoice, representatives from the Philippine UPR Watch, Karapatan, Rise Up for Life and for Rights, Ecumenical Bishops Forum, Promotion of Church Peoples Response, the International Coalition for Human Rights in the Philippines, the Iglesia Filipina Independiente and the Ramento Project for Rights Defenders, have been included in the sessions of UNHRC to contribute its voices regarding human rights violations in the

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<sup>27</sup> The Manila Times, “Duterte drug war necessary to protect rights of Filipinos -Cayetano,” 24 September 2017, <http://www.manilatimes.net/duterte-drug-war-necessary-protect-rights-filipinos-cayetano/352534/>. Accessed 12 June 2020.

<sup>28</sup> Christine O. Avendaño, “Duterte tells drug suspects to stay in jail if they want to live longer,” Philippine Daily Inquirer, 24 May 2018 <https://newsinfo.inquirer.net/993827/duterte-tells-drug-suspects-to-stay-in-jail-if-they-want-to-live-longer>. Accessed 12 June 2020.

<sup>29</sup> Rappler, “Rise in Central Luzon drug kills? Commanders were 'hardworking' – PNP”, 27 February 2019, <https://www.rappler.com/nation/224501-rise-drug-killings-central-luzon-pnp-says-commanders-hardworking>. Accessed 8 June 2020.

Philippines.<sup>30</sup> Philippine Alliance of Human Rights Advocates (PAHRA) and Campaign for Human Rights in the Philippines (CHRP), also collaborated with Caucus of Development NGO Networks (CODE- NGO) to call on the Philippines government to uphold human rights in the practice of its anti-drug campaign.<sup>31</sup> Other NGOs and alternative human rights groups have also been active in the programs of UNHRC, namely in submitting report to the review of the Philippines in UPR. However, mobilization of human rights groups have been blocked by the Duterte administration and even responded with threats of violence and murder.<sup>32</sup> Therefore, human rights groups have pushed international institutions such as United Nations Office on Drugs and Crime (UNODC), International Narcotics Control Board (INCB), ICC as well as UNHRC to intervene in the name of human rights protection.<sup>33</sup>

Ideally, the state is responsible to ensure the protection of human rights of its people, but in the case of extrajudicial killing, the state becomes the instructor of such violence. Acknowledging this, International Organizations have played an increasingly influential and vital role in tackling human rights violations done by states or other actors.<sup>34</sup> The UNHRC is the UN General Assembly's subsidiary body responsible for strengthening the promotion and protection of human rights all around the world. The UNHRC has various programs and mechanisms that respond to and address cases of human rights violation. Through the view of neoliberal institutionalism, International Organizations play a significant role in solving or

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<sup>30</sup> Patricia Lourdes Viray, "Philippine NGOs to raise drug war at UN rights council," *The Philippine Star*, 13 September 2019, <https://www.philstar.com/headlines/2019/09/13/1951495/philippine-ngos-raise-drug-war-un-rights-council>. Accessed 2 August 2020.

<sup>31</sup> Stanati Netipatalachoochote, Aurelia Colombi Ciacchi, Ronald Holzacker, "Human Rights Norm Diffusion in Southeast Asia: Roles of Civil Society Organizations (CSOs) in Ending Extrajudicial Killings in the Philippines," *Journal of Southeast Asian Human Rights*, Vol. 2 No. 1 June 2018.

<sup>32</sup> Stanati Netipatalachoochote, Aurelia Colombi Ciacchi, Ronald Holzacker, "Human Rights Norm Diffusion in Southeast Asia: Roles of Civil Society Organizations (CSOs) in Ending Extrajudicial Killings in the Philippines," *Journal of Southeast Asian Human Rights*, Vol. 2 No. 1 June 2018.

<sup>33</sup> Stanati Netipatalachoochote, Aurelia Colombi Ciacchi, Ronald Holzacker, "Human Rights Norm Diffusion in Southeast Asia: Roles of Civil Society Organizations (CSOs) in Ending Extrajudicial Killings in the Philippines," *Journal of Southeast Asian Human Rights*, Vol. 2 No. 1 June 2018

<sup>34</sup> J Samuel Barkin, "International Organization: Theories and Institutions," 2006, pg. 82.

assisting states in problems that otherwise cannot be solved unilaterally.<sup>35</sup> External assistance by the UNHRC is urgently needed to address the cases of EJK in the Philippines to uphold the protection of human rights. As a re-elected member of UNHRC, Philippines violations of human rights may also threaten the accountability of UNHRC regarding its commitment in ensuring states to uphold human rights.

A research question that is formulated from the problem identified above is **“What are the efforts of UNHRC in addressing extrajudicial killings present within Philippines’ War on Drugs from 2017 to 2020?”**

### **1.2.1 Research Focus**

This undergraduate thesis is focused on the UNHRC as an organization responsible for the protection and promotion of human rights. The UNHRC may respond to and address human rights violations such as extrajudicial killings. The focused area of this research is the efforts of UNHRC in addressing the cases of Extrajudicial Killings in Philippines’ War on Drugs from 2017 to 2020. The time period chosen marks the first effort of UNHRC through UPR in 2017 until the present.

## **1.3 Purpose and Contribution of the Research**

### **1.3.1 Purpose of Research**

The purpose of this research is to describe the efforts of UNHRC in addressing human rights violations in the form of extrajudicial killing within the practice of Philippines’ War on Drugs in 2017-2020 and evaluate the efforts through a SWOC analysis.

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<sup>35</sup> Margaret P. Karns, Karen A. Mingst, Kendall W. Stiles, “International Organizations the Politics and Processes of global governance,” *USA: Lynne Rienner Publisher Inc.*, 2015.

### **1.3.2 Research Contribution**

This research could inform readers of the extrajudicial killing in War on Drugs as well as UNHRC's role to address the situation. This research could also function as a reference for other students researching the same topic. Lastly, this research could contribute to raising awareness regarding the human rights violations under the Philippines' War on Drugs.

### **1.4 Literature Review**

The issue of Extrajudicial Killings in Philippines' War on Drugs has attracted many scholars in international relations, this literature review found 3 literatures which are relevant with this research. The author reviewed 3 journal articles written by Adrian Gallagher, Euan Raffle and Zain Maulana, titled "Failing to fulfill the responsibility to protect: the War on Drugs as crimes against humanity in the Philippines;" Danilo Andres Reyes, titled "The Spectacle of Violence in Duterte's "War on Drugs;" and Ronald A. Pernia, titled "Human Rights in a Time of Populism: Philippines under Rodrigo Duterte."

The first journal article is titled "Failing to fulfill the responsibility to protect: the War on Drugs as crimes against humanity in the Philippines", written by Adrian Gallagher, Euan Raffle and Zain Maulana. In the first part of this article, it argues that the anti-drug campaign constitutes crimes against humanity through the analysis of extrajudicial killings and vigilante justice, dehumanization and the exaggeration of threat. Firstly, this research classified the violations in the forms of extrajudicial killings and vigilante justice under the campaign as crimes against humanity as it falls into four preconditions as stated in the Rome Statute, such as conducting the crime as a "widespread or systematic attack"; targeted towards civilian population; with knowledge and planning of the attack; and includes a "a course of conduct involving the multiple commission of acts ... against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such

attack.”<sup>36</sup> This article also highlights the process of dehumanization within the War on Drugs, through creating a rhetoric that views victims, in this case drug suspects, as less than human or sub-human. In many opportunities, Duterte has mentioned that the War on Drugs cannot be classified as crimes against humanity as drug pushers “are not human.” Duterte also made statements that further dehumanize drug users, stating that drugs cause the user’s brain to not work efficiently, stripping them off their cognitive functions and talents. Duterte portrays drug users as ‘walking dead’ with no use to society. This process of dehumanization justifies and helps legitimize the violent acts and killings of drug suspects, as they are considered unequal beings or sub-human and become a threat to the rest of the functioning society. The framing of threat posed by drug users brings to the next analysis which is the exaggeration of threat. The Duterte administration does this through dehumanization of drug users as well as manipulation of data and statistics regarding the drug issue in order to exaggerate and frame the issue according to the government’s intention. Duterte and his administration often inflate the number of actual drug users in the Philippines, labeling them as ‘addicts’ despite the existence of one-time users or rehabilitated users. In conclusion, the authors also concluded that the methods of War on Drugs are classified as crimes against humanity.<sup>37</sup>

A Journal article written by Danilo Andres Reyes discusses how the Duterte administration’s approach in War on Drugs serves as a spectacle of violence, in which state power is utilized through the exhibition of the alleged criminals’ bodies through humiliation and violence. The author draws concepts from the work of Foucault (1979) on how spectacle of torture and violence to the body holds a political value and acts as a manifestation of power of the state. The work of Feldman (1991) also illustrated the utilization and objectification of the body and how mistreatment against it may send political messages of

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<sup>36</sup> Rome Statute of the International Criminal Court, (last amended 2010), 17 July 1998.

<sup>37</sup> Adrian Gallagher, Euan Raffle & Zain Maulana, “Failing to fulfil the responsibility to protect: the War on Drugs as crimes against humanity in the Philippines,” *The Pacific Review*, 2019, <https://doi.org/10.1080/09512748.2019.1567575>

fear or even safety. Lastly the author draws on the work of Agamben (1995) in which discusses how killing is justified when the life of a person is devoid of value, in War on Drugs, it is done so through the dehumanization of drug users and offenders. Drawing from these ideas, Reyes concludes that criminals are humiliated and assassinated in a spectacle of violence that politicizes their lives. It is also meant to deliver a political message of safety to law-abiding citizens and fear to the rest unlike. Author also stated the brutal impact of War on Drugs, beyond affected families and communities. He argues that Duterte's endorsement of violence normalizes the act of killing towards people stripped of value and rights. During his time as a mayor in Davao, crime rates from 1999-2008 experienced an uptrend. Normalization of the killing also made it a successful strategy for leaders to obtain supporters.<sup>38</sup>

In a journal article written by Ronald A. Pernia, connection between authoritarianism that specifically portrayed the toll of Duterte authoritarian populism characteristics on human rights. Populism as defined by Weyland (2001) is a political strategy in which a "personalistic leader" derives its power from "direct, unmediated, un-institutionalized support from large numbers of mostly unorganized followers."<sup>39</sup> Populism leaders typically see a dichotomy between two homogeneous and antagonistic groups, 'the pure people' versus 'the corrupt elite.'<sup>40</sup> Pernia argues that the populist traits in Duterte's behavior is a product of authoritarian values depicted by his mistrust of liberal and democratic values, and concept of human rights. Such behavior became tenable due to the familiarity of an authoritarian leadership among the public, as previously possessed by Philippines' leaders especially Ferdinand Marcos, and the lack of social awareness especially regarding human rights. Pernia also elaborated on four

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<sup>38</sup> Danilo Andro Reyes, "The Spectacle of Violence in Duterte's "War on Drugs", *Journal of Current Southeast Asian Affairs*, 35, 3, 111–137. 2016.

<sup>39</sup> Weyland, K. "Clarifying a contested concept: Populism in the study of Latin American politics." *Comparative Politics*, 34(1), <https://doi.org/10.2307/422412>, 2011, Pg 1-22.

<sup>40</sup> Mudde, C. and Kaltwasser, C. R., "Populism: A very short introduction." *New York: Oxford University Press*, 2017.

main behaviors that characterizes authoritarian populism such as portraying themselves as “insurgents” with a goal of revolutionizing the mainstream and bored mediocre of politics; tries to disrupt the trust on legitimate authority of elected individuals in liberal democracies as well as despise towards democratic values; claiming that executive power is a unified and true voice of the ordinary mass; managing control and authority through hindering individual rights and limiting oppositions from press or any other actors. This action is typically followed by creating extra and heightened authority towards the military and police. All of these traits are present within the leadership of Duterte. The first trait is often mirrored through Duterte’s speeches that emphasize on his role of being ‘ordinary’ himself, often followed with hateful comments about previous leaderships and giving promises of changing the previous nature of politics to be more people-centric. This trait leads to the next one. Taking into account the War on Drugs, despite having both internal and external opposition towards the operation, he denies it using his ‘people representative’ role as a cover. He has also wiped out his opposition in despicable ways. Duterte has imprisoned Senator Leila de Lima, one of the political figures that shows strong objection towards the War on Drugs, on alleged drug possession. She is the former justice secretary and former chair of the Philippines Commission on Human Rights in 2008-2010. Discrimination, killings and imprisonment on journalists and local human rights defenders have also been prominent under his presidency. This behavior is also portrayed in his treatment towards the UNHRC Special Rapporteur on the Drug War, as well as UNHRC’s intervention on the conflict. In his Drug War, special and dominant authority have also been given to the Philippine National Police, as the one responsible for the Drug War.<sup>41</sup>

From the literature mentioned, it can be concluded that EJK in Philippines War on Drugs can be classified as a crime against humanity and uses dehumanization and

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<sup>41</sup> Robert A. Pernia, “Human Rights in a Time of Populism: Philippines under Rodrigo Duterte” *Asia-Pacific Social Science Review* 19(3), 2019, Pg 59.

exaggeration of threat to justify the act of summary killings. The practice of EJK is also used by the Duterte administration as a spectacle of violence, in which a state exhibits its power through violence towards drug-related suspects that fall victim to the War on Drugs. Lastly, the authoritarian and populist values of the administration allows EJK to flourish in the Philippines. This research is distinguishable from the existing literature due to a few reasons. Firstly, this research focuses on the efforts of UNHRC in addressing EJK in the Philippines. Secondly, this research utilizes the theory of neoliberal institutionalism and concepts of IO Function and human rights. This research provides a different approach and focus of discussion compared to the existing literature.

### **1.5 Theoretical Framework**

This research will utilize the theory of neoliberal institutionalism and the concept of human rights, extrajudicial killing and the role and function of international organization to aid the writer in formulating the answer to the research question, namely in illustrating the efforts of UNHRC in addressing EJK under Philippines' War on Drugs.

The study of liberalism emphasizes the positive and cooperative qualities of human nature. Cooperation is highlighted because of its capabilities in contributing to societal progress and fulfillment of collective peace.<sup>42</sup> Liberals believe in the notion that injustices, war, and conflicts can be prevented and eradicated through cooperation under an institutional reform.<sup>43</sup> Democracy becomes the foundation of these actions as it may greatly improve human freedom and collective peace. The creation of the League of Nations was rooted in liberalist ideology, in a goal of international peace. When the League of Nations failed, the Liberalist thinking then evolved into Neo-liberalism Institutionalism to identify the important

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<sup>42</sup> Karen A. Mingst & Ivan M. Arreguín-toft, "Essentials of International Relations", W. W. Norton & Company, (1999-2017), pg 83.

<sup>43</sup> Karen A. Mingst & Ivan M. Arreguín-toft, "Essentials of International Relations", W. W. Norton & Company, (1999-2017), pg 83.



determinants in cooperativeness of state, sovereignty and national interest. Contrary to the thinking of classical liberals, neoliberal institutionalists believe that cooperative behavior towards international institutions is the state's manifestation of pursuing its national interest, not merely out of the good and positive human nature. Neo-liberal institutionalism highlights the rationality of the players that shapes the national-interest-centered strategy of cooperating with an international institution.<sup>44</sup> Similar to realists, neoliberal institutionalist possess a world view which views the international system as anarchic, which implies the non-existence of a higher governing authority responsible to encourage and regulate cooperation between states.

In an anarchic world, distrust leads to the unwillingness to cooperate with another state. Therefore, in order to cooperate, neoliberal institutionalists argue that states might feel inclined to cooperate through continuous interactions with other states in a process of trust building. This is where the importance of international organization comes in, where it can provide and facilitate information to states and encourage cooperation. In the rise of globalization and the emergence of global issues that surpasses borders, international organizations become increasingly important in assisting the state in solving issues that otherwise cannot be solved independently.<sup>45</sup> The neoliberalist thinking describes UNHRC's imperative role in encouraging the state to cooperate and address the lack of accountability and effort of the Philippines government in ending the practice of EJK under War on Drugs.

State is responsible to protect and uphold human rights within its territory, however, state can also be the abuser of human rights itself, as reflected by Philippines' violations in the War on Drugs. This underlines the imperative role of the International Organization in preserving human rights. Based on Karen A. Mingst, taking measures to promote human

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<sup>44</sup> Karen A. Mingst & Ivan M. Arreguín-toft, "Essentials of International Relations", W. W. Norton & Company, (1999-2017), pg. 8.

<sup>45</sup> Margaret P. Kanst, Karen A. Mingst, Kendall W. Stiles, "International Organizations the Politics and Processes of Global Governance," *USA: Lynne Rienner Publisher Inc.*, 2015.

rights is part of the role that IO has to implement.<sup>46</sup> International organizations are classified based on its members or its affiliation to governments, such as Non-governmental Organizations and Intergovernmental Organizations. UNHRC is classified as an Intergovernmental Organization or IGO. Based on the UN Economic and Social Council, ‘Every international organization which is not created by means of inter-governmental agreements shall be considered as a non-governmental international organization.’ This highlights the main distinction between NGO and IGO. Intergovernmental organization (IGO) refers to an entity created by a treaty, involving two or more nations, to work in good faith, on issues of common interest. IGO members represent the state and are made up of heads of state or governmental representatives.<sup>47</sup>

Based on the book titled *International Organizations* by Clive Archer, international organization has its roles and functions in the international system. Three major roles of IO are as an instrument, arena and actor. The role of IO as an instrument implies that IO, especially IGO, is not an establishment above state, rather an instrument for policies of governments and as means of diplomacy between different sovereign states. IGO is established through the agreement of member states with the interest of conducting multilateral activities. In other words, IO is imperative in fulfilling the interest of state in building multilateral cooperation and engagement. The second role of IO in international relations is as an arena or forum of communication for states. IO provides a venue and opportunity for member states to communicate, build cooperation, discuss particular matters and express their agreement or disagreement. In this forum, IO remains neutral. Third role of IO is as an independent actor, which signifies the capability of IO in making decisions by itself, without relying on external forces. The capacity of an actor depends on resolutions,

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<sup>46</sup> Karen A. Mingst & Ivan M. Arreguín-toft, “Essentials of International Relations”, *W. W. Norton & Company*, (1999-2017), pg 373.

<sup>47</sup> Clive Archer, “International Organizations,” *Routledge*, 2001. pg. 35

recommendations or orders from the body which compels member states to act differently than how they would generally act.<sup>48</sup>

Archer noted that the international system, as any other systems, requires an input to produce an output. Input in the context of international relations may be in the form of requests from states for, *inter alia*, peace, security or prosperity. This input is later aggregated by international organizations through its mechanisms to produce an output. This understanding of the international system becomes a foundation of the functions of international organization. Functions of IO's based on Archer are, as follows: Articulation and aggregation, Norms, Recruitment, Socialization, Rule making, Rule application, Rule adjudication, Information and Operations. Functions of IO that is relevant with this research are socialization, rule application and information. IO functions as an instrument for states to articulate and aggregate their interests, often done through conferences and forum discussions. IO also functions to establish norms in the realm of international relations. The UN Charter and the Universal Declaration of Human Rights is an example of the norm-establishing function of IO, as it reinforced an international standard for the protection of human rights. Socialization is the process to acquire individual loyalty of each member and socialize them to comply and cooperate with international and organizational values and mechanisms. IO also functions to establish rules. The rules written may be based on accepted past practices in the form of agreements or resolutions. Rule application refers to IO's function to monitor and ensure that states are applying and implementing the accepted international rules. The establishment of the UN and its counterparts has become an alternative source of information, previously dominated by states. Not only providing a venue for states to share information, IO also become the provider of information through its independent findings and often with less susceptibility towards censorship or data

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<sup>48</sup> Clive Archer, "International Organizations," *Routledge*, 2001.

manipulation by state or other actors.<sup>49</sup> The concept of Function of IO is used to classify the efforts of UNHRC in addressing EJK in the Philippines.

SWOT or SWOC analysis is an analysis tool utilized in identifying the Strength, Weakness, Opportunities and Threats or Challenges of an organization or its programs.<sup>50</sup> Strengths and weaknesses are sourced internally while opportunities and threats/challenges are external to the organization.<sup>51</sup> Strength refers to the internal condition and resources of the organization or program which leads to positive change and improves the organization in achieving its objectives.<sup>52</sup> Weakness is defined as the internal elements and deficiencies of resources or capabilities of an organization which may hinder the fulfillment of objectives. Opportunities refers to external factors that may contribute to the success of the organization in the achievement of its goals. Challenges are external factors which may threaten the organization in conducting its activities effectively and successfully. In this research, the SWOC analysis is used to evaluate the efforts of UNHRC in addressing EJK in Philippines' War on Drugs and identifying the strengths, weaknesses, opportunities and challenges of their efforts.

The concept of human rights has existed for as long as humans did, it lies in the nature of humanity and has been written in a plethora of religious and philosophical chronicles.<sup>53</sup> However, the concept of human rights did not have universality and legitimacy for states to abide. The outbreak of World War II pushed world leaders to establish the United Nations in an effort of ensuring world peace and protecting the rights of individuals. UN recognizes that human rights are rights inherent to all human beings, and does not discriminate upon race,

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<sup>49</sup> Clive Archer, "International Organizations," *Routledge*, 2001.

<sup>50</sup> Fred R David, "Strategic Management," 4th Ed. *New York, NY: Macmillan Publishing Company*, 1993.

<sup>51</sup> University of Missouri, "SWOT/SWOC Analyses,"

<https://irqi.missouri.edu/planning-and-improvement/tools-and-techniques/swot-swoc-analysis/>

<sup>52</sup> Fred R David, "Strategic Management," 4th Ed. *New York, NY: Macmillan Publishing Company*, 1993.

<sup>53</sup> Frans Viljoen, "International Human Rights Law: A Short History," *United Nations*,  
<https://www.un.org/en/chronicle/article/international-human-rights-law-short-history>

sex, nationality, ethnicity, language, religion, or other status.<sup>54</sup> Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. UN encourages states to protect human rights as written in UN Charter. As an extension to the UN Charter and the effort of upholding human rights, in 1948, UN established the Universal Declaration on Human Rights which becomes a milestone document in the universal protection of fundamental human rights.<sup>55</sup>

The OHCHR defines extrajudicial executions as the “deprivation of life without full judicial and legal process, and with the involvement, complicity, tolerance or acquiescence of the Government or its agents.”<sup>56</sup> According to the UN Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (1991), extrajudicial killings include: political assassinations, deaths resulting from torture or ill-treatment in prison or detention, deaths resulting from enforced disappearances, deaths resulting from the excessive use of force by law-enforcement personnel, executions without due process, and acts of genocide.<sup>57</sup> In the Philippines, victims are killed without having to go through a legal process by use of force from law-enforcement personnels. UNHRC, ever since 2016 have been committed in its efforts to address the extrajudicial killings under the conduct of Drug War in the Philippines to promote the protection of human rights.

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<sup>54</sup> United Nations, “Human Rights,” <https://www.un.org/en/sections/issues-depth/human-rights/#:~:text=Human%20rights%20are%20rights%20inherent.and%20education%2C%20and%20many%20more>.

<sup>55</sup> United Nations, “Human Rights,” <https://www.un.org/en/sections/issues-depth/human-rights/#:~:text=Human%20rights%20are%20rights%20inherent.and%20education%2C%20and%20many%20more>.

<sup>56</sup> Ateneo Human Rights Center, “Summary & Extrajudicial Killings in The Philippines,” <https://www.ateneo.edu/sites/default/files/attached-files/Summary%20and%20Extrajudicial%20Killings%20in%20the%20Philippines%20%28AHR%29%20-%20UPR%203rd%20Cycle.pdf>

<sup>57</sup> United Nations, “United Nations Manual on The Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions”, E/ST/CSDHA/.12 (1991).

## **1.6 Research Methods**

The research method that used by the writer is a qualitative research method. Qualitative research methods refer to the collection of data and analysis strategies that use non-numeric data.<sup>58</sup> Qualitative methods focus on the values of datas and its correlations, and as such require us to focus on meanings and processes that make up international politics.<sup>59</sup> Qualitative research is suitable to describe the efforts of UNHRC in addressing extrajudicial killings in Philippines' War on Drugs.

### **1.6.1 Research Type**

The research is done in a descriptive approach. Descriptive research is used to answer questions of who, what, when, where, and how associated with a particular research question or problem.<sup>60</sup>

### **1.6.2 Data Collection Technique**

According to Creswell, there are four kinds of data that can be used for qualitative research, such as interviews, observation, documents and audiovisual materials.<sup>61</sup> The data used to support this research is focused on primary and secondary documents. Documents such as journal articles, publications, books and reports is utilized in the analysis of this research.

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<sup>58</sup> Christopher K. Lamont, "Research Methods in International Relations," *SAGE Publications*, 2015.

<sup>59</sup> John W. Creswell, "Qualitative Inquiry and Research Design: Choosing among five approaches", *SAGE Publications*, 2013.

<sup>60</sup> Center for Innovation in Research and Teaching, "Overview of Descriptive Research", Grand Canyon University, 1949, [https://cirt.gcu.edu/research/developmentresources/research\\_ready/descriptive/overview](https://cirt.gcu.edu/research/developmentresources/research_ready/descriptive/overview).

<sup>61</sup> John W. Creswell, "Qualitative Inquiry and Research Design: Choosing among five approaches", *SAGE Publications*, 2013.

## **1.7 Undergraduate Thesis Structure**

This research consists of **5** chapters including the introduction. The remaining **4** chapters are as follows:

**Chapter 2** describes UNHRC as an organization and its roles in the protection of human rights issues.

**Chapter 3** describe the issue of Extrajudicial Killings under Duterte's anti-drug campaign the War on Drugs

**Chapter 4** describes the efforts of UNHRC in addressing human rights violations in the form of extrajudicial killing under the operation of Philippines' War on Drugs and evaluates them through a SWOC analysis.

**Chapter 5** concludes the answer and summary of the research. List of the sources will be present in this chapter.